

**REPUBLIC OF KENYA**



**BOMET COUNTY ASSEMBLY**

**ASSEMBLY DEBATES**

**(OFFICIAL REPORT)**

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**DAILY HANSARD**

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**Tuesday, March 15, 2016**

**PLENARY**

**COUNTY ASSEMBLY**

March 15, 2016 (Afternoon Sitting)

## OFFICIAL REPORT

**Tuesday, March 15, 2015**

**The House met at 4.00 p.m.**

**[The Speaker (Hon. G. K. Kipng'etich) in the Chair]**

### PRAYERS

### PAPER

#### **Waited To Be Tabled By the Budget and Appropriations Committee**

**Hon. Speaker:** Chair, Budget Committee. Any member of the Committee? Yes, Honourable Serbai.

**Hon. R. Serbai:** The Chair is coming in a minute with the document.

**Hon. Speaker:** We can proceed as we wait for him to come and table it; but if he doesn't have the document he can inform the House.

### NOTICES OF MOTION

- a) **That The County Assembly Urges The CEC Member To Urgently Complete And Launch All The Milk Cooling Plants Across The County**
- b) **That The County Assembly Urges The County Executive To Define Routes For The *Boda-Boda* Operators And Issue Them With Unique Identification Numbers For The Purpose Of Collecting Levies And Ensuring Safety Of The *Boda-Boda* Users**
- c) **That The House Adopts the County Fiscal Strategy Paper, 2016.**

**Hon. P. Siele:** Thank you. Let me table a notice of motion

**Hon. Speaker:** When was it signed? Has the Speaker signed; let me have a look at it.

**Hon. P. Siele:** It was signed in the morning.

**Hon. Speaker:** You can proceed.

**Hon. P. Siele:** That aware that agriculture including crop and animal husbandry is a one of the functions devolved to the County Government under part 2 of the fourth schedule of the constitution of Kenya 2010; also aware that County Government have the function of construction of milk cooling plants across the county; further aware that there were several milk cooling plants whose constructions were not completed; deeply concerned that farmers have not benefited from construction of the said milk cooling plants despite the fact that money was appropriated for the construction of the said milk plants; this County Assembly urges The CEC Member of to urgently complete and launch all the milk cooling plants across the county; thank you.

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**Hon. Speaker:** Thank you. The House Business will allocate date and time for debate. Hon. Keter.

**Hon. W. Keter:** Thank you. Let me request Honourable Joyce to move it on my behalf.

**Hon. Joyce Korir:** Thank you. Let me move a notice of motion; that aware that one of the functions devolved under part under part 2 of the fourth schedule of the constitution of Kenya 2010 is that of regulation of public transport; also aware that the main means of transport in our various Urban Centres and Towns is motorbikes popularly known as *boda-bodas*; further aware that the said motorbikes have no fixed routes and that it is hard for the county to collect levies from the said *boda-boda* operators; this County Assembly urges the County Executive to define routes for the *boda-boda* operators and issue them with unique identification numbers for the purpose of collecting levies and ensuring safety of the *boda-boda* users. Thank you.

**Hon. Speaker:** Thank you. The House Business will allocate date and time for debate. Hon. Ngeno; give the notice of motion.

**Hon. B. Ngeno:** Thank you. THAT, this House adopts the Report of the Select Committee on Budget and Appropriation on its consideration of the Bomet County Medium Term County Fiscal Strategy Paper, 2016 laid on the table of the House on 15<sup>th</sup> March, 2016 and pursuant to Section 117(6) of the Public Finance Management Act, 2012 Adopts the County Fiscal Strategy Paper, 2016.

**Hon. Speaker:** Thank you. The notice is duly given. We were seeking for status on tabling of the report.

**Hon. B. Ngeno:** As we race against time the report on the fiscal strategy paper is almost ready and with leave of the Chair, allow me 10 minutes and the report will be ready in the House.

Hon. Speaker: Alert me as soon as it is ready so that you can table as we go on with other proceedings.

## STATEMENTS

a) **The Current Status Of County Officers Who Have Been Charged With Criminal Offences Committed To The Committee On Labour And Public Service**

b) **Statement Sought By Hon. Chang'morik On 17<sup>th</sup> Feb 2016 From The Committee On Agriculture, Fisheries And Livestock**

**Hon. Speaker:** We have pending statements. There is a statement that was sought by Honourable Serbai on 11<sup>th</sup> Feb 2016 on the current status of County Officers who have been charged with criminal offences and whether the said officers have stepped aside pending the determination of the cases. If not why are they still in office? It was committed to the committee on Labour and Public Service. Hon. Langat.

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**Hon. R. Langat:** Thank you. I was to bring the statement today; however due to budget issues which have taken a lot of time; I will do that on Thursday.

**Hon. Speaker:** You have until Thursday at 2.30 p.m. The next statement was sought by Hon. Chang'morik on 17<sup>th</sup> Feb 2016 from the Committee on Agriculture, Fisheries and livestock on how many cattle dips were to be funded during the 2015/2016 financial year and how may have been funded so far. It was committed to the Committee. The Chair.

**Hon. S. Kirui:** Thank you. Let me respond to the said statement. It was presented to our Committee on 9<sup>th</sup> March and it took a month for the CEC to respond the statement. He responded as follows;

*I wish to respond to the Ministerial Statement sought by a member on the Plenary and erroneously dated 17th March 2016, to the Committee, requiring a comprehensive report on the following issues. There were a number of things to be funded in the financial year 2015-2016 and the costs. The financial budget for the year 2015/2016 does not show the specifics to be funded but it reads; various agricultural supplies and materials. The vote is shared by AI services as support to dips. The support to dips depends on community requests and the final evaluations by the Dept.*

Therefore the table below was drawn by the CEC to show the following;

Ward	Dips Supported	To be supported
<b>Sotik Sub County</b>		
Ndanai/Abosi	0	9
Rongena/Manaret	1	6
Chemagel	7	2
Kipsonoi	6	0
Kapletundo	3	0
<b>Bomet Central Sub County</b>		
Chesoen	0	2
Ndaraweta	0	2

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Mutarakwa	5	0
Township	2	0
Singorwet	1	1
<b>Bomet East Sub County</b>		
Chemamer	0	4
Kembu	0	5
Merigi	0	5
Kipreres	0	6
Longisa	6	0
<b>Chepalungu Sub County</b>		
Sigor	11	0
Nyangores	1	7
Kongasis	0	8
Chebunyo	7	0
Siongiroi	0	10
<b>Konoin Sub County</b>		
Embomos	1	1
Totals		

**Hon. Joyce Korir:** I have a point of order. The Chair is reading a statement and yet we don't have copies of the same.

**Hon. S. Kirui:** There are several copies on the desks; please look for a table with them.

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**Hon. Joyce Korir:** I have a point of order. The Chair cannot direct me to sit where there are copies. This is an Honourable House and I cannot keep on moving looking for Chairs with papers. He should bring enough copies.

**Hon. S. Kirui:** It is not my blame as the Chair of the Committee. It is clerical work to supply the copies.

**Hon. Speaker:** Let me find out the number of copies which are there.

**Hon. R. Bett:** There are copies here. Please have them.

**Hon. S. Kirui:** These statements had enough copies produced. I think the members picked them and used them to wrap meat.

*Laughter*

*Hon. W. Keter on a point of order*

**Hon. W. Keter:** Is it in order for Honourable Kirui to answer such a question and yet we have the table clerks? Is it his business?

**Hon. Speaker:** Hon. Nancy

**Hon. N. Chepkirui:** Is it in order for the Chair agriculture to be blamed and yet the Serjeant at arms issued the copies to us outside.

**Hon. A. Chepkirui:** Is it in order for the Chair agriculture to insinuate that the Honourable members are butchers?

*Laughter*

**Hon. Speaker:** Hon. Serbai and then Hon. Joyce

**Hon. R. Serbai:** It is not in order for members to accuse the Chair and yet he is from the *Gatundu* of Bomet. The Chair might have faced many problems as he represents the *Gatundu* Man of Bomet. He could be working under pressure.

**Hon. Joyce Korir:** Hon. Speaker, I think there are several members taking us for a ride. Like Hon. Nancy who is saying we have to run up and down looking for the Serjeant at arms. Is this in order and yet we all know our responsibilities? Is it in order for the Chair to say all the Honourable members are beef eaters and also we have pigeon holes and he could have put the papers.

**Hon. Speaker:** Hon. Ngeno

**Hon. B. Ngeno:** Let me come to the rescue of the Chair, Agriculture. I think he only understands vocabulary to do with meat and livestock and every other time he is giving a statement he is thinking of meat and so let me not say we don't have copies and we need them to be supplied. Thank you.

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**Hon. Speaker:** We are going round and round in circles. Before I give a ruling whether the member is in order, Hon. Kirui.

**Hon. L. Kirui:** Thank you. Most of the members are complaining about copies and especially Hon. Joyce who has accused the Chair of not availing copies yet the copies were issued out last week. I have clarified it is not my work and as for Honourable Ngeno who is accusing me of knowing only about meat and yet today at lunch hour he was telling me to go and buy him meat and next time let me tell the members not to bring social issues when we have many other big issues. That is my plea as the Chair and maybe today we are trying to show off because the public gallery is full.

*Laughter*

**Hon. Speaker:** I think several members have raised several point of orders on the same thing. Let me say this; one; it is the work of the clerks to distribute the copies; two; the Chair is right to say that copies were issued last week and I think everybody is supposed to have a copy so I don't want to issues directions when we are saying that members are using the papers to wrap meat. This should not be the issue here. Because once we give the members the copies here we don't have control on how they use them.

Hon. Ngeno since the Chair took you out for lunch please appreciates that meat too is very good. That rests the matter. Let's us proceed. Honourable Joyce if you don't have a copy I will ensure that you have one. The Chair proceed.

**Hon. S. Kirui:** Thank you. I was summarizing and everything is in the document. The dips funded are 50 and those to be funded are 58. I think the statement is well answered; not unless someone feels it is not and well answered then i can still look for other answers. As a committee too we need to visit these dips so that we can see for ourselves in our oversight role. We need to visit at least two per Sub County to confirm if they were funded or are just on paper. As a committee we will do that and if there is more the members can raise it.

**Hon. Speaker:** Hon. Joyce

**Hon. Joyce Korir:** Thank you. I don't know the document the member is using as it doesn't have the names of dips funded per ward. I equally have interest on the same.

**Hon. S. Kirui:** If the member is insisting on dips funded there are names here...Ngongotek and Koisomui...are they in your ward...

**Hon. J. Kirui:** Is it in order for the member to seek clarification from Hon. Joyce and yet he is the Chair, Agriculture? He is supposed to have all the names. With due respect to the Hon. Member from Sigor despite connotations that he is coming from the Gatundu of Bomet. The Chair should have asked for more time to clarify instead of running us in circles.

*Point of order.*

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**Hon. Speaker:** Hon. Kirui.

**Hon. S. Kirui:** Procedurally, I will have gone through the whole statement as it has all the answers but...

**Hon. Speaker:** Are you saying you will have gone through the statement?

**Hon. S. Kirui:** We have gone through it; we interrogated the CEC and he has given us the answers and procedurally I should have gone through the answers but if Hon. Chang'morik who was seeking the statement says he concurs with the answers then we move forward from here but the other members who had no interest in the initial stage are coming up and asking questions and yet it was only Hon. Chang'morik who had specifically said Longisa and I should have given the names only in his ward and if Hon. Kirui wants the names in Ndaraweta I can also read them and...

**Hon. Speaker:** Hon. Joyce

**Hon. Joyce Korir:** Hon. Speaker, this is an Honourable House and the reasons why we have Chairs is to serve specific sector and since the issues raised in the House are cross cutting among the 25 wards and the entire county and the Chair represents the entire county, then it is my right to know the answers unless the Chair can prove that he gave an answer to Longisa only but if he is giving an answer touching on a number of wards I have total rights to requests for the same.

**Hon. Speaker:** Hon. members so that we don't go round in circles, anybody with a point of order on any point is, let Hon. Kirui go on answering it and since the copies were given last week if you don't have them please discuss with the Serjeant at arms.

**Hon. S. Kirui:** I was just summarising and for the sake of members without copies the statement was; how many cattle dips were to be funded during the 2015/2016 financial year and how many have already been funded so far; we have gone far and we have included the ward level; I would simply have said there are 50 dips funded and 58 to be funded but since the issue is important we narrowed down to the ward level so that if there was any member with issues of equity we discuss from there; otherwise the answers given were furnished by the CEC and we interrogated and we raised that we also need to go to the field so that we ascertain the same.

Otherwise we might also say we are not satisfied as well; can we say are there no dips in Konoin sub county since it is only one funded and one to be funded. So those are the questions we were asking ourselves in the Committee and we said for oversight purposes we need to visit and the programme is scheduled for next week so that we ascertain if indeed this is the case. Those are the answers we will next break.

**Hon. Speaker:** Hon. Chang'morik who had sought the statement.

**Hon. S. Chang'morik:** Thank you. I have received the answers but I am not satisfied with them. The criteria used in selecting the dips to be funded is not clear and also the amounts of funds used and I am



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wondering if it is true the dips are working or are just on paper. But the Chair has clarified that he is going to the ground on site visit to confirm if it's true and not just on paper.

Also Hon. Speaker, we find some other wards have not achieved any support; so that's the main challenge as you see even in Bomet East, you find that there are six from one ward the rest of the wards have not yet done anything; so I think according to me I am not satisfied and we need more information on these and have the specific support if it is for maintenance of which support is this; so I think Hon. Speaker, you can give the Chair more time as he has stated that he is going round to visit, so that he can give us comprehensive statement for the satisfaction of this Hon. House; thank you Hon. Speaker.

**Hon. Speaker:** Hon. Molel.

**Hon. J. Molel:** Thank you; I want to let my colleagues know that as members, we are all interested in these kinds of statements and not only Hon. Chang'morik. Hon. Speaker, if all these dips are going to be funded, I think I will be with most benefits; because I don't think any member has more than 11 dips as mine. I want to thank the Chair though the way he responded was so rude, I want to thank him for trying to bring a comprehensive statement; for the tips he said they are going to be supported this financial year, mine are included; and I want to raise an alarm on how this exercise is going to be done without me.

Initially they had said that the acaricides will be bought and repair walls will be done on all these dips Hon. Speaker, but as we speak now, and i want the Chair to note this that there is only an occasion for acaricides and Hon. Speaker, if i try to imagine the condition of these dips is that they are in pathetic condition, and in my opinion, they need repairs before the acaricides are brought; because it will be a waste of funds if at all the acaricides will be put in the dips which have cracks because it will last for a week, so I am appealing for the repair before the acaricides are put; thank you.

**Hon. Speaker:** Hon. Joyce.

**Hon. Joyce Korir:** Thank you giving me this chance to contribute on this statement that was raised by Hon. Chang'morik on the issue pertaining to the cattle dips that we have across the county; I want to congratulate the Chair of the committee for the good report that they have brought to this House. This shows how the funds are being distributed in this county.

I was raising an alarm the other day when we had the committee on water giving their report where Sigor was taking the largest share, I have also seen in the issue of cattle dips where also Sigor is getting the largest share; that is 11 dips; and even going further to suggesting imaginary names in the ward where I represent.

Hon. Speaker; this not only proves that nothing is going to take place there but it is also to placate the representative of that area who happens to be me in a way to that he can appraise the committee or rather

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CEC for the work they have done. The report is giving us those that have been done, those yet to be done and I wonder why some wards are given zero.

Konoin is given one; Singorwet given zero, yet we have a number of dips existing and the members of the public have been funding them; I want to say that I am shocked and I said from the word go that the relevant CEC and the one for agriculture doesn't and will never understand the work of agriculture in this county until this assembly is dissolved; this is shocking

I said this and I will still say that that this is an incompetent CEC, you cannot just give some resources to some particular wards or sub counties; we are equal and we deserve equal treatment in this county; so Hon Speaker, though they believe the CEO is supposed to be budgeted more than others just because of the names or the position, I want to say that I am not contended with the report but I thank God because it will be in the public domain on the way the county is implementing its work. Thank you.

**Hon. Speaker:** Hon. Serbai, Hon. Kirui then Hon. Siele and finally Hon. Maritim.

**Hon. R. Serbai:** Thank you Hon. Speaker for giving me this chance to contribute on this statement raised by my great friend who also happens to be a great friend to the *baba*. One, I want to talk about the CEC; I plead am on records as having said will not participate In approving this CEC though I know It will going to pass; now these are the results of those who approved are facing; though It is shocking that Konoin has only one dip whereas Sigor is having 11.

**Hon. R. Ngeno:** Point of order, Hon. Speaker.

**Hon. Speaker:** What is your point of order?

**Hon. R. Ngeno:** Hon. Speaker I want to know whether in the standing orders it is allowed for an Hon. member to mix the languages because I have heard several times where Hon. Serbai is talking of *baba* and I have not understood it.

**Hon. Speaker:** Hon. Serbai you are out of order, if you want to speak In English, speak in English.

**Hon. R. Serbai:** Hon. Speaker, Hon. Ngeno must also understand the word *baba* is in quotes. As I continue, I also want to support what the statement says; to me, this statement is shallow and I suggest the Chair be given more time to come up with good answers because I don't want to believe in what the Chair says that certain dips were supported; but with how much? Because initially we were being told that each dip was supposed to be given 833,000 shillings and here we are just given answers that a certain dip was supported but to a cost of how much? Because, this point is where the county executive are using it as an opportunity to siphon public money; why can't we be told how much was used on each dip? So that we can see if we actually spent the 13 million given by the Chair.

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I want to say that the answers are shallow and we need the Chair to come up with these issues; though we are saying the CEC is the one to give out the answers it is actually the governor giving the answers and that's why we are finding answers to be shallow because the information has already been tampered with; and I want also to say that as the Chair is going to look for more answers, I think the person who sought this statement is a very great friend of the governor to an extent that he has changed his name to being called the prime minister of Bomet county. I want to ask him to talk to the governor to get us the real answers pertaining to this statement.

**Hon. R. Ngetich:** Point of order.

**Hon. Speaker:** What is your point of order?

**Hon. R. Serbai:** I think Hon. Speaker; I understand this county very well..

**Hon. R. Ngetich:** Thank you Hon. Speaker; as the committee on agriculture, I want to inform this House that we are not going to fine-tune the report from the CEC we are taking the report the way it is after that we are going to question the CEC on the question asked by the members.

**Hon. R. Ngetich:** Point of order Hon. Speaker.

**Hon. Speaker:** What is your point of order Hon. Ngeno.

**Hon. R. Ngetich:** It was last week where in the absence of the governor there was a function in the stadium; Hon. Chang'morik read a speech on behalf of the governor.

**Hon. Speaker:** What is Hon. Chang'morik?

**Hon. S. Chang'morik:** Hon. Speaker is it in order for the Hon. Members who are saying prime minister which is not in the constitution and some saying governor, but Hon. Speaker, I know I am the member of Longisa and I see no point in members moving around saying the prime minister,

*Point of order.*

**Hon. Speaker:** What is your point of order Hon. Big Five?

**Hon. D. Rotich Big Five:** I think the way other members are giving Hon. Chang'morik names; it is a blessing. Hon. Chang'morik, when members are praying for you just be patient, may be one day their prayers will be answered; I think they are saying that one day one of the members will be deputy governor and they are proposing Hon. Chang'morik.

*Point of order*

**Hon. Speaker:** Hon. Majority Leader?

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**Hon. J. Kirui:** Hon. Speaker, I would like to inform to this House that one, Hon. Chang'morik is a pastor two, Hon. Chang'morik is married to the same family as Hon. Serbai but Hon. Serbai is not coming forthright on the issue so I want to rise to the members that these Hon. Members are bringing family issues to the House.

**Hon. Speaker:** Hon. Serbai.

**Hon. R. Serbai:** Thank you Hon. Speaker; I think the majority of this House is imputing improper motive. One, my wife is related to Leader of Majority; the same case to Hon. Chang'morik; and therefore we are not actually bringing issues of families. What I said is that, Hon. Chang'morik is so close to the governor that he has earned the name prime minister. My point of order is whether the chief whip of this House is in order to say that we are praying for Chang'morik to be the deputy governor in future.

**Hon. Speaker:** Hon. Members unless you are contributing on the issue, I will not allow any other point of order. Hon. Kirui.

**Hon. L. Kirui:** Thank you; I support you Hon. Speaker that we need to work on serious business and I don't know why the members are trying to bring in issues that are not serious where we are just wasting time. Hon. Speaker, I want to register my dissatisfaction with the CEC of agribusiness; from the response of the statement, it has demonstrated incompetence out of him; and I want to concur with Hon. Serbai, because he was the one who was against his approval as the CEC.

The CEC comes from my constituency but it does not mean I support him when he is doing the wrong things; Hon. Speaker, I have two substantive reasons why I am saying so. If you look at the statement, there is a point where it reads the financial year for the year 2015-2016 does not show the specific dips to be funded. It reads the acaricides supplied and materials cost 13 million. It is surprising even for the CEC not to be aware of the funded project yet the budget comes from his office, he should have known where the 13 million was supposed to go; this shows that he doesn't understand what he is doing in his office; the second thing to substantiate his incompetence is the fact that when we were in a public participation in Siongiroi, he came for the county fiscal strategy paper and he was ready to lecture to the people on his roles not knowing what public participation is meant for; from there I never understood the operations and what is going on this county. In fact afterwards, he went to politics and if you look at this document it is in brackets *kutenda*.

**Hon. R. Bett:** Point of order Hon. Speaker.

**Hon. Speaker:** What is your point of order?

**Hon. R. Bett:** I do not know if it is in order for the member to talk about somebody who is not even in this House; he is talking of issues which are not even touching on dips.

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**Hon. R. Serbai:** Point of order Hon. Speaker.

**Hon. Speaker:** What is your point of order Hon. Serbai?

**Hon. R. Serbai:** Is it in order for Hon. Bett to pretend he does not understand what Hon. Kirui is saying? Because Hon. Kirui is actually discussing a person whom we are expecting to give us the answers. He was actually trying to explain how this man is incompetent; I think you can give the MCA from Boito some break to understand the English used by Hon. Kirui.

**Hon. Speaker:** Hon. Kirui proceeds.

**Hon. L. Kirui:** Thank you; the reason why I was driving at this point is for me to bring it clearly; that if you look at this report, in my ward, Siongiroi ward, it is indicating the dips supposed to be funded in the financial year 2015-2016, and we are already almost completing it. Hon. Speaker, I had an idea that this CEC gives us the supported dips and the money allocated; we want to be sure the 13 million has been used. It was surprising when the EACC announced that Bomet county was number 3 in corruption; If they can't account on the 13 million then the money was not used for these other dips, otherwise I was not satisfied on what has been done in my ward; thank you.

**Hon. Speaker:** Hon. P. Siele.

**Hon. P. Siele:** Thank you; Hon. Speaker Madam Elizabeth the CEC gave us problems and also we are being given problems by the CEC of agriculture; first of all we want to know the locations of the said funded dips; on my ward there is none that has been funded and when you go around the wards the information given by the public on the funded dips is; they are not aware that some have been funded already.

It is high time for you Hon. Speaker to give us your say on the same, because we believe the funds were divided equally across the county; it is also high time that this House gives us interpretation of the same. It is for us to decide to decide on the CEC giving since he is giving shallow information. Also we do not know if to continue with the same process or not; thank you.

**Hon. Speaker:** Finally Hon. A. Maritim.

**Hon. A. Maritim:** Thank you Hon. Speaker; allow me to make my maiden speech before I continue.

**Hon. Speaker:** So Hon. members, the standing orders are very clear; when a member is giving a maiden speech, then the members should hear it In silence; so Hon. Maritim.

**Hon. A. Maritim:** Thank you; I want to make a maiden speech because this is a very Important moment in my life; as I stand here in front of the House, I wish to thank the voters who elected me to succeed the late Hon. Cecilia; may God rest her soul in eternal peace. As the second Nyongores ward representative

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after the 12 February 2016 by election, there is nothing easy in running for an election.

It is tough and vicious; and beautiful too; it is beautiful when you win. As a strong believer in the tenets of democracy, my team conducted an issue based campaign both of acting devoid of ugly incidences and I wish to comment the people of Nyongores for showing political democracy; as I join this Honorable House, I am willing and ready to work with all members and stakeholders in serving the people of Nyongores in order to build social, economic and political development in Bomet county; a county endowed with resources and ideal potential to be economic power House In the Rift Valley region and in the country at large.

As a new member of this House, I will be relying upon the wide experienced not only of the Hon. members but also of the county assembly staff to led me through the legislative process and hope to catch up fast and be at par with my colleagues who have been in this House since; I look forward to bolstering my relationship with my colleagues with the two arms of government, executive and the assembly in serving the people of Bomet; may God bless this Honorable House and the county of Bomet; thank you.

Before I continue in commenting on the statement, I want to thank the Chair for giving us this report; this statement was based on construction of dips in highly populated areas where people rear livestock; for example when you study the dips in Chebunyo and Siongiroi then you find that they are directly proportional to the number of livestock and another example is Singorwet and Chesoen ward which are tea farming areas and have few livestock.

*Point of order*

**Hon. Speaker:** What is your point of order?

**Hon. Joyce Korir:** Is it In order for the new member who has not even made a single visit to Singorwet ward to say that there are no livestock; I was just saying a few minutes ago that the dips mentioned in this report do not include those in my ward.

**Hon. Speaker:** Hon. Maritim.

**Hon. A. Maritim:** Thank you; what is saying is through research and it is not about emotional feelings.

**Hon. Joyce Korir:** Point of order.

**Hon. Speaker:** Your final point of order on this.

**Hon. Joyce Korir:** When a newly elected member talks of a research, I tend to wonder where we come from.

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**Hon. Speaker:** Proceed, Hon. Maritim.

**Hon. A. Maritim:** I want to assure this House that I am a resident of this county and I have been moving around so it is not in order for a member to say that I haven't moved to a single ward maybe I haven't been seeking permission from the member; but what I wanted to say is how much has been spent on a number of dips, but according to statistics it is in order and I support the statement.

**Hon. S. Chelule:** Point of order.

**Hon. Speaker:** Hon. S. Chelule.

**Hon. S. Chelule:** Thank you; is it in order for the member to say that he has been moving around different wards yet we all know he has not been because we know; the people of my ward will tell me that an Hon. Member for Nyongores has been moving in my ward; he is cheating us saying that he has been moving around yet he comes from Nyongores.

**Hon. Speaker:** Hon. Members, I am not going to allow any other point of order. We should know that Hon. Maritim is a few days old in this House and it is your duty as Hon. Members to guide him on what is happening in this House; he is actually trying to catch up.

**Hon. A. Maritim:** Thank you. I want to let the member know that I have In-laws in his ward and I have been able to discover from some areas of other members that they are no longer present in their wards.

**Hon. Speaker:** Order members. I am not going to allow any other point of order.

**Hon. A. Maritim:** Without wasting much time. I agree with this statement, but I just only want to urge the committee to be more specific on the amount of money being spent on each dip and also to check on the completed ones, are they working or they are just putting in public funds; thank you.

**Hon. Speaker:** Hon. Kirui.

**Hon. S. Kirui:** Thank you for the opportunity and also for protecting our new member; I just want to thank the members for contributing positively towards this statement. A member talked of buying the acaricides, of course buying of the acaricides will only be once since the public will be paying some amount to get their animals dipped.

Hon. Speaker, maybe some members took me for being rude when I was answering one of the statements but I was not being rude; I was trying to give direction where we should really be getting. Hon. Joyce was talking about the issue of equity; on this issue, I think some members don't understand; when we say equity, it doesn't mean equal; there is no way a ward like Chepchabas can have more than five dips just to be equal, we should understand equity first. There is no way resources can be shared equally depending on the areas concerned because the upper side is endowed with grade cattle and they

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don't need dips.

In fact in future we will not need dips anymore since many will have embraced zero grazing which restricts movement of animals. Hon. Speaker, members need to ask questions not based on my legal representation of Sigor but as the Chair of agriculture; agriculture entails wide areas not only dips and I think in the committee for agriculture, we have membership across the county and we were discussing not basing on where I come from.

Also the question would have dealt with quickly because Hon. Chang'morik had asked about the number of dips in his ward and I could have answered in a second and members don't have to ride on the interests of other members; you bring your own from your ward

We also need to respect one another and when I answer a statement it is from the CEC but the we also as a committee need to verify it. If a member has a statement he will give us and we answer it specifically for him after writing to the CEC. Also as a Committee we decided to give the statement as it is for the members to interrogate it and we come up with better solutions. Thank you.

**Hon. Speaker:** Let me give directions; honourable Kirui pertinent issues were raised and one is one the issue of budget; please go back to the CEC concerned and you inquire on the budget for each of the dips; even on this financial year; how much has been spent. You have two weeks. Yes Member

**Hon. S. Kirui:** I think you direction is very clear based on the 13 million but if you look at this statement I think Hon. Chang'morik was not really giving clear direction because he was not asking how much in total; so maybe that is why we went as per dips; otherwise I concur with your direction.

**Hon. Speaker:** What is it Hon. Kirui?

**Hon. L. Kirui:** Thank you; it is good the member has clarified otherwise I wanted to ask whether the member is in order to challenge the directions of the Speaker.

**Hon. Speaker:** He hasn't challenged me; otherwise members let's proceed; what is it Hon. Majority?

**Hon. J. Kirui:** Thank you; I want to concur with the wisdom vested in you; however as the leader of majority there is an issue that I wanted to really clarify because in the process of that deliberation, a newly elected member of this assembly who doesn't come from the party of the majority leader is accusing the members that they have disappeared from their wards and I would also like to bring to the attention of this House that indeed the member was right when he said he has been visiting those other wards because I met him in Ndaraweta when he was a contractor on roads; so as the leader of the largest party in this House, I will not allow the members to be dragged and be told they are not present in their wards; right now I have a funeral in my ward but I am busy deliberating on matters of importance in this



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county; if the members are instructed by the able members of this House including the Deputy Speaker, he should be humble enough and seek for answers where he feels offended.

**Hon. Speaker:** What is it Hon. Ngeno?

### PAPER

#### **The Report of the Budget and Appropriations Committee on the Bomet County Fiscal Strategy Paper**

**Hon. B. Ngeno:** Thank you; I seek to table the report of Budget and Appropriation Committee on the Bomet County Fiscal Strategy Paper; alongside this report is the annexure to this Fiscal Strategy Paper for the financial year 2016-2017.

**Hon. Speaker:** The report and the annexure are fully tabled; so it is now the property of the House. So Hon. Members there were other pending statements and Hon. Samson had two statements to issue; and what I want to request is; because of time we postpone the other statements to tomorrow morning so that we can be able to dispel with these other pending matters; next order.

### **THE BOMET COUNTY FINANCE BILL 2016; BILLS NO.1; FIRST READING.**

#### **The Bomet County Finance Bill 2016; A Bill For An Act of The County Assembly of Bomet To Provide For Various Taxations, Imposition Of Bills And Charges For Services And Other Revenue Measures By The County Government And For Matters Incidental There To.**

**Hon. Speaker:** Hon. members; pursuant to our standing orders no.124 &125, the Bomet County Finance Bill 2016 bills no.1 is now committed to the Committee Of Finance. The committee has 21 days to facilitate public participation and take their views into consideration and then report back to the House; so the committee; it is now your property and you need to conduct public participation pursuant to our standing orders; next order?

### MOTION

#### **Adoption of the Country Medium Term Fiscal Strategy Paper 2016.**

**Hon. Speaker:** Hon. Bernard Ngeno.

**Hon. B. Ngeno:** Thank you; that this House adopts the report of the select budget and appropriation on its consideration of the Bomet County Medium Fiscal Strategy Paper 2016 laid on the table of the House on 15th march 2015 and pursuant to section 117(6) of the Public Finance Management Act 2012, This County Assembly Adopts The County Fiscal Strategy Paper 2016.

**Hon. Speaker Sir,**

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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 Medium Term County Fiscal Strategy Paper (CFSP) 2016 as submitted to the County Assembly by the Executive Committee Member for Finance.

**Hon. Speaker sir,**

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

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

### **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 Budget Policy Statement presented to the County Assembly;*
- d) *Examine Bills related to the national budget, including Appropriations Bills; and*
- e) *Evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.*

**Hon. Speaker Sir,**

In line with the provision of the PFM Act, 2012 the County Treasury is required to submit the approved Fiscal Strategy Paper to the County Assembly by the 28<sup>th</sup> February of each year. The Act further states that, not later than fourteen days after submitting the County Fiscal Strategy Paper to the County assembly, the County Assembly shall consider and may adopt it with or without amendments.

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## 1.2 Examination of the Medium Term Fiscal Strategy Paper

**Hon. Speaker sir,**

In line with the provision of the PFM Act, 2012 the County Treasury is supposed to submit the approved Fiscal Strategy Paper to the County Assembly by the 28<sup>th</sup> February of each year. The Act further states that, not later than fourteen days after submitting the County Fiscal Strategy Paper to the County assembly, the County Assembly shall consider and may adopt it with or without amendments.

### EXAMINATION OF THE MEDIUM TERM FISCAL STRATEGY PAPER

**Hon. Speaker sir,**

In reviewing the County Fiscal Strategy Paper, the Budget and Appropriation Committee held five sittings. During these meetings the Committee managed to get the clarifications of the County Executive Member of Finance including his views on the proposed recommendations as the committee finalized its report. The views were required to allow the Committee members to make an informed judgment on the paper.

The Committee also held five public hearing with organized groups and the general public at the five Sub Counties (Sotik, Bomet East, Bomet Central, Konoin and Chepalungu) in line with section 117 of the PFM Act 2012

## 1.3 Acknowledgement

**Hon. Speaker sir,**

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 of reviewing the Medium Term County Fiscal Strategy Paper, (CFSP) 2016.

The committee is also grateful to the members of the public and interest groups who took their time to participate in the public forums and whose views have helped this Committee to prepare their report within the shortest timeframe given. It was however a concern that the various public forums organized by the County Assembly were “stormed” by the Executive arm of government. The details have been explained in the report.

For the members of Budget and appropriation committee, somebody once said “when you give something your twenty per cent, you finish a core. When you give it your fifty per cent, you finish a task. But when you give it your hundred per cent, you do a good job. You have done a good job Hon. Members. A particular case in point is when the members of the committee demonstrated dignity,

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decorum and professionalism when one of their key events, public participations were almost hijacked. Furthermore, despite the budget process being a technically involving and tedious process, you came out successfully and delivered within the seemingly unachievable timelines. Indeed, I feel deeply indebted to you.

**Hon. Speaker sir,**

I also wish to thank the C.E.C for Finance for observing the legal deadlines in preparing and submitting this Medium Term County Fiscal Strategy Paper. The document was submitted on 26<sup>th</sup> February 2016.

However, it is the committee's wish that the C.E.C for Finance submits the document as early as January every year so as to give the committee adequate time to interrogate and process the document owing to its critical nature in the budget making process and so as to cure the challenge of the short timelines in which the Assembly is required to process.

## 2 COMMITTEE FINDINGS AND OBSERVATION

**Speaker Sir,**

The committee made the following findings and observation;

- i. The paper outlined the legal basis for publication of the County Fiscal Strategy Paper including section 117 (5) (a) of PFM Act, 2012 which states that the County Treasury shall seek and take into account the views of the Commission for Revenue Allocation. However, the committee did not find any evidence in the paper of the County Treasury having sought the views of the Commission on Revenue Allocation as required by law. Also there was no indication that the views of the CRA, public and other interested persons or groups were taken into consideration when finalizing the CFSP.

The C.E.C during his appearance before the committee responded that CRA, Members of the Public, Members of the County Budget Economic Forum were consulted two weeks prior to the publication of the document. The C.E.C submitted a letter from CRA on their comments, copies of attendance registers and unsigned minutes as evidence of public participation.

- ii. The CFSP should provide information for the preliminary performance of the previous FY 2014/15, the budget of the current FY 2015/16 the projections for the next three FY 2016/17, 2017/18 and 2018/19. Information for 2014/15 was not provided anywhere.

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The C.E.C member for Finance submission acknowledged that performance of FY 2014/15 was not provided in the CFSP indicating that information was provided in CBROP. However review of CBROP reveals that the information were not provided

- iii. The document indicated Cash transfers for the elderly as development yet it was clearly a recurrent expenditure.

The C.E.C member for Finance during his appearance before the committee acknowledged that monthly stipend for the aged (county safety net) were a recurrent expenditure and should be reflected as so. The committee however noted that this anomaly was not corrected even after the C.E.C resubmitted his proposed ceiling. The C.E.C also agreed with the committee that hiring of motor vehicles and purchase of drugs were equally recurrent expenditure.

- iv. Allocations for O&M are used for training, travel, holding worKESops, fuel and maintenance of ambulances, purchase of stationery, purchase of motor vehicles, payment of utilities (electricity, water, telephone etc) among others. Quite a number of departments have little resources for O&M raising concerns on whether these ministries have any operations being undertaken or whether the monies was being voted under the development estimates. These departments include medical services, education, agribusiness, environment, and lands.

The C.E.C member for Finance written submission indicates that projections were based on the financial year 2015/16 budget.

- v. Some departments had their salaries revised downwards from the previous financial year. These included finance, social and water while that of County Assembly remained constant. The committee noted with concern that the CFSP seeks to retain the personnel emoluments for the County Assembly at **275 million** without any justification. It also raises questions on the criteria used to allocate funds for personnel emoluments since information received indicates that the county assembly service board was not consulted during the preparation of the CFSP on the performance of the assembly in the first half of the current financial year 2015/16. How could this be possible when there were annual wage increments? The committee wondered whether some staffs were being retrenched in 2016/17. Allocations to personnel emoluments, worldwide, increase on annual basis by a certain percentage due to annual salary increments.

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The C.E.C member for Finance submission stated that the County Assembly personnel emoluments were retained at KES. 275M since gratuity for 2013/14 was factored in the current financial year and therefore will not be factored in the next financial year 2016/17. Reasons provided for salary adjustments were due to shifts in staff between departments. P.E for ICT, Training and Industry increased due to ICT division being moved to the department.

- vi. The equitable share provided in the CFSP 2016/17 of KES.5, 170,521,981 do not tally with the equitable share in the National Budget Policy Statement 2016/17 of KES. 5,078,797,925. The C.E.C member for Finance provided evidence indicating that total revenue received from national equitable share was KES.5, 170,521,981
- vii. The committee established that the Paper correctly stated that Agriculture was a major economic activity of the County. The committee however noted that 19% allocations of the total budget to the Agriculture sector was not reflective of the statement.
- viii. It was further established that some of the county own revenue sources had been lumped as rates, fees etc. For instance Hospital charges and parking fees had been grouped as fees hence making it impossible for the committee to make informed decisions on the revenue projections. Further revenue breakdown should be submitted.
- ix. The committee noted with concern that the revenue from the Water sector was not indicated with reasons given that the revenue was being used by Bomet Water Company. This contravenes section 109(2) which states that the County Treasury for each county government shall ensure that all money raised or received by or on behalf of the county government is paid into the County Revenue Fund, except money that;
  - a. is excluded from payment into that Fund because of a provision of this Act or another Act of Parliament, and is payable into another county public fund established for a specific purpose
  - b. may, in accordance with other legislation, this Act or County legislation, be retained by the county government entity which received it for the purposes of defraying its expenses; or
  - c. is reasonably excluded by an Act of Parliament as provided in Article 207 of the Constitution.

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- x. The committee noted that CFSP indicated that the County Assembly was allocated KES 19 million for development. It was not clear what the funds were meant for since the county assembly priorities were not indicated in the document.
- xi. The committee also noted that the department of social services did not clearly indicate the priorities for 2016/17.
- xii. The achievements of the Health sector for the financial year 2014/15 are the same as the achievements for the financial year 2013/14. This gives an indication that the allocation to the health sector in the year 2014/15 did not have any significant impact since the statistics provided did not change. The other departments which provided the same achievements in the two financial years include;
  - Department of Lands, Housing and Urban Development
  - Department of Agribusiness, Cooperatives and Marketing
  - Department of Roads and Public Works
- xiii. The achievements provided by the ministry of roads were not consistent in terms of the number of KMs of roads that the county has constructed since 2013. This shows that there is no proper monitoring and evaluation of the projects undertaken by the department.
- xiv. The committee commends the department of water and health which indicated and explained clearly their departments priorities

## COUNTY ASSEMBLY

The committee established that the County Assembly Clerk was never consulted for his views on the CFSP, 2016. The committee noted with concern that the County Treasury set the County Assembly ceiling at **KES. 542.5 Million without consulting the County Assembly Clerk**. This is against the provisions of the law as the County assembly needs were clearly **NOT** taken into account.

The C.E.C member for Finance submitted that the County Assembly delayed in submitting its proposal for incorporation in the CFSP. He however confirmed that there was email correspondence which he treated as intentions by the County Assembly to communicate officially to the County Treasury. The C.E.C further submitted that in the absence of Assembly's

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proposal, the County Treasury set the County Assembly Ceiling at KES. 542,291,042 comprising of KES. 522,909,336 for recurrent expenditure and KES. 19,381,706 for development. The Committee further established that the Assembly's proposal amounted to KES. 1.194 billion and were in accordance with the approved Annual Development Plan for FY 2016/17. The committee noted that the County Assembly's proposal of KES. 1.194 billion could not be accommodated in the CFSP 2016. The committee advised the County Assembly Service Board to revise its budgetary requirements by reducing the number of motor vehicles planned for acquisition and the number of staff to be recruited. The committee specifically reviewed allocations for purchase of motor vehicles to KES. 8 million and allowed recruitment of staff but not exceeding KES. 15 million. The committee however advised the CASB to prioritize recruitment of Director Finance, Hansard editors, security officers and committee clerks.

The committee later received a proposal from the C.E.C for Finance seeking to revise County Assembly ceiling among others to KES. 431,186,539 comprising of KES. 275,100,000 for personnel emoluments, KES. 106,086,539 for operations and maintenance and KES. 50 million for development. He stated that the changes were occasioned by new PFMA regulations.

Upon close scrutiny, the committee established that if such a proposal was to be adopted then it will severely halt the county assembly operations. The County Treasury seemed to have been aware of this fact since they had initially proposed county assembly ceiling at KES. 542,291,042. The committee also received an advisory from County Assembly's forum advising County Assemblies to ignore amendments in the PFM regulations in considering the financial year 2016/17 budget process and refer to the County Allocation of Revenue Act, 2015 which provides for budget ceilings recommended by the senate in the financial year 2015/16 budget.

The Committee takes note that in the course of its deliberation, communication was made to the Clerk of the Assembly by the CEC Finance on the 14<sup>th</sup> of March 2016 whose upshot was that the Assembly ceiling is KES. 431,186,539 which in his estimation was equivalent to 7% of the total county revenue. From the outset the Committee considers that the figure is erroneous, even if it were to be based on the total county revenues, it must be inclusive of grants. Nonetheless, the Committee has deliberated and sought the opinion of the legal officer within the Assembly and outside, through the auspices of the County Assemblies Forum. The Committee has been



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advised, advice it believes to be sound, that circumstances presently exist that would justify a departure from the set ceiling of 7%.

The Committee was advised that the ceiling prescribed at 7% by the regulations is directly in conflict with Section 107 of the Public Finance Management Act as was amended by the County Allocation of Revenue Act of 2014. Furthermore the Committee was further advised that the nature of the budget envisioned under the Public Finance Management Act relies on medium term framework, ergo. The budget will always be on a growth trajectory unless extraneous circumstances exist to warrant a decline. It is noteworthy that Bomet County budgetary allocation has always been on an incline, thus no circumstances exist to warrant a decline.

For the reasons above, the Committee concluded that it was justified in deviating from the ceiling.

### 3 RECOMMENDATIONS OF THE BUDGET AND APPROPRIATION COMMITTEE

**Speaker Sir,**

1. The Committee recommends that the ceilings for the two arms of government be set as follows:
  - A. County Executive: **KES 5,066,822,067** comprising of **KES 2,604,615,224** for recurrent and **KES 2,462,206,843** for development
  - B. County Assembly: **KES 636,291,043** comprising of **KES. 522,909,336** for recurrent and **KES 113,381,707** for development
2. The expenditure will be funded from revenues amounting to **KES. 5,703,113,110** of which **KES. 5,170,521,981** is from national equitable share of resources, **KES. 268,500,002** from local revenues and **KES. 264,091,127** from donor funding and conditional allocations by the National Government.
3. The C.E.C should ensure in the medium term that the ceiling for personnel emoluments does not exceed 35% while that of development should rise above 50% of total revenues.

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4. In future, all adjustments in the supplementary budgets should be done before April in any given year to allow for addressing issues of pending bills occasioned by late approvals.
5. County Public Service Board has been allocated KES. 33,000,000 to finance its operations and maintenance.
6. The committee allocated additional KES. 100,000,000 to the department of Public Health and Environment. This increment was apportioned to both personal emoluments & development each getting KES. 60 million and 40 million respectively. The amount is to cater for recruitment of community health workers, nutritionists and enhancement of preventive health services. This is in line with the public views that the county should focus in preventive so as to reduce pressure and cost of curative services.
7. The committee further allocated KES. 61,000,000 to the department of Agribusiness, cooperatives and marketing for cash crop development and value addition. This was also in line with the public views that allocations for the department needed to be increase as Agriculture was the backbone of the economy.
8. The committee recommends that the County Treasury should only release funds in accordance with projects and programmes approved in the Annual Development Plan for the financial year 2016/17. A list of the approved projects for implementation in the Annual Development Plan for the financial year 2016/17 has been attached to this report. Furthermore, the County Treasury should undertake a comprehensive assessment of all on-going and pending projects highlighted in the CIDP and provide the county assembly with a status of the projects and a plan of action on how they will be completed. A schedule containing this should be provided as an accompaniment to the annual estimates to be tabled in this House in April 2016.
9. No new projects should be introduced in the budget after adoption of this CFSP. Any additional funds availed above the approved funds should be used to complete on-going project.
10. The County Treasury should correctly reflect hire of ambulances, purchase of pharmaceuticals and non-pharmaceuticals as recurrent expenditure in the budget estimates.
11. Water revenues received through A.I.E should be disclosed. Income and expenditure statement should be availed to the Assembly.

**Hon. Speaker Sir,**

The committee approved the following ceilings for both the County executive departments and the county Assembly;

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<b>APPROVED EXPENDITURE CEILING</b>				
<b>SECTOR</b>	<b>PERSONNEL EMOLUMENTS</b>	<b>O&amp;M AND OTHER RECURRENT</b>	<b>DEVELOPMENT</b>	<b>TOTAL</b>
County Executive	202,550,000	178,541,982	-	381,091,982
Administration	284,500,000	22,409,923	62,881,706	369,791,629
County Public Service Board	23,803,652	9,196,348	-	33,000,000
Finance And Economic Planning	158,645,874	101,945,944	16,027,631	276,619,449
Public Health And Sanitation	149,550,000	6,044,011	62,581,706	218,175,717
Social Services	38,500,000	344,755,905	145,755,854	529,011,759
Medical Services	489,800,000	8,901,325	437,721,255	936,422,580
Lands Housing And Urban Planning	59,100,000	5,967,523	127,498,912	192,566,435
Agribusiness, Cooperatives and Marketing	156,000,000	7,859,239	285,159,617	449,018,856
Water Services	36,500,000	3,657,268	508,145,979	548,303,247
Education and Vocational Training	172,700,000	3,606,272	308,207,706	484,513,978
Roads And Public Works	56,400,000	38,287,420	425,720,771	520,408,191
ICT Training And Industry	28,700,000	16,692,538	82,505,706	127,898,244
County Assembly	286,104,000	236,805,336	113,381,707	636,291,043
Total	2,142,853,526	984,671,034	2,575,588,550	5,703,113,110
	37%	17%	45%	

**Hon. Speaker Sir,**

In conclusion, the above proposed new areas of funding and re-allocations do not add an extra burden to the Fiscal framework. Indeed, the Committee has adhered to the total gross revenue projections of **KES**.

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**5,703,113,110.** Therefore, the recommendations by the Committee do not create an additional financing gap. Thank you. I wish to inform the members that although the document is voluminous, I don't know if the members have copies and have read it and I wish them to debate it soberly. I request the Vice Chair to second.

**Hon. Speaker:** Hon. R. Langat

*Hon. R. Langat seconded*

**Hon. Speaker:** It is now my turn to propose the question that the House adopts the Report of the Select Committee on Budget and Appropriation on its consideration of the Bomet County Medium Term County Fiscal Strategy Paper, 2016 laid on the table of the House on 15<sup>th</sup> March, 2016 and pursuant to Section 117(6) of the Public Finance Management Act, 2012 Adopts the County Fiscal Strategy Paper, 2016. It is open for debate.

**Hon. J. Kirui:** Thank you. The document before us is crucial and as a member of the Budget Committee we did a lot of work and even worked on Sundays to realise it. Also allow me to thank the visitors in the Assembly today and have seen an exodus in of quite a number. We are going to carry on our mandate. As per standing order no.52 (b) I request that the motion in the order paper today be adjourned for one and half hours for the members to familiarize themselves with the document and interrogate as the matter before us is of county importance. Sorry, let's us suspend, not adjourn the deliberation of the motion, to allow members to make informed decisions. Thank you.

**Hon. Speaker:** Who seconds?

**Hon. A. Chepkirui:** Thank you. Honourable Speaker, as you know, the fiscal strategy is a critical document, particularly in the budget making process. I would like to support what Honourable Majority has said, because, as the Chair Budget had said earlier, that they have been working on this document, even during weekends, and am sure they have just produced this document before we started the House. So, allow Members to peruse through it for a few minutes. I support the suspension of the House to discuss this document. If we allow Members to go through this document, so, at the end of the day what we will be passing will be a consensus, so that during the budget making process, we will be having a good time in going through it. Thank you Honourable Speaker, I second.

**Hon. SPEAKER:** Honourable Members, it is now my turn to propose the question, that pursuant to standing order number 52B, in today's order paper be suspended for one and a half hours for the Honourable Members to familiarize themselves with the just tabled report on the County Fiscal Strategy paper for 2016-2017. It's open for debate. Honourable Ngetich

**Hon. J. Ngetich:** Thank you very much Honourable Speaker. I want to oppose the motion by Honourable Majority, because when the Chair of Budget was explaining, he explained nicely, and every

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Member was following the Committees' findings and recommendations, and it was so clear. So, for us to suspend the motion for one and a half hours, I don't agree with that. Thank you.

**Hon. Speaker:** Honourable Molel

**Hon. J. Molel:** Thank you very much Hon. Speaker. We cannot suspend for that long, bearing in mind we spend the whole weekends coming up with that report to make sure that we come up with a palatable document, and when the Members ask for one a half hours, it raises suspicions. I suggest that they be given one hour to go through the document then we come back.

**Hon. Speaker:** Honourable Bett

**Hon. R. Bett:** Thank you very much Hon. Speaker. I stand to support the motion by the Honourable Majority Leader. We know that the document has been tabled a few minutes ago, and other Members who are not Members of Budget and Appropriation Committee don't know what is going on. I am finding it good for Members to peruse through the document, not internalize the whole document but see some key areas so that as we deliberate in this issue, we make informed decisions. I support the motion that we adjourn for the requested time for Members to go through it. And, if we finish it before the end of one and a half hours, then it is good. We can even go through it for 30 minutes. Thank you.

**Hon. Speaker:** Honourable Serbai

**Hon. R. Serbai:** Thank you Honourable Speaker. It is wise when Members say we want to adjourn so that we can get what is in the document. But, my worry is, one and a half hours is long. Maybe, when the Members say we want to consult, maybe they are consulting with somebody who is not in this House. That is why they are requesting for one and a half hours. But, if we are serious with this document, and if, Members want to consult with the Budget and Appropriation Committee, and then one hour is enough. Consultation should not be done outside this House because it is this House that owns the document. But, if we find the Members disappear from this compound, it means they are consulting with somebody whom I cannot mention in this House. Because, Honourable Speaker, the document which the Members are requesting for adjournment is in this House. It is not in any other office. But, I believe those Members who are keeping quiet and not contributing anything; know what they are just going to do. They are buying time by saying we want to consult yet they consulted yesterday. I just want to congratulate them for saying we consult unlike the other time they said put the question and then they did what they had been told. Let us be Honest when we say we want to consult. Don't go and consult with the other side, because, with the technology, you just exchange messages and informing the other side what is happening in this House.

**Hon. Speaker:** A point of order before I give Honourable Chebomui, then Honourable Kirui, then Honourable Langat

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**Hon. Joyce Korir:** Thank you very much Honourable Speaker. Is it in order for Honourable Serbai to allege that they are some Members who have been sending messages? The request that has been made, for consultation, should not be blended with a lot of decorations. The more we discuss on this issue, the more we consume a lot of time discussing nothing. I can talk to the Governor and ask him on the issue of budget, so let's not bring a lot of issues.

**Hon. Speaker:** What is your point of order Honourable Serbai?

**Hon. R. Serbai:** Hon. Speaker, is it in order for the Honourable Deputy Speaker of this House to misquote me? I said they might have been, maybe English is a problem. Maybe they might have been. I am entitled to give my contribution by using the same sentence, and if there was the 2% that we used to set aside the council, let it be set aside for the Deputy Speaker to go and learn what 'maybe' means.

**Hon. Speaker:** Honourable Chebomui

**Hon. B. Chebomui:** Thank you very much Hon. Speaker for giving me this opportunity. I would want to support the motion that we suspend the motion for one hour to allow for consultation. We all know that in this Honourable House, in all the budgets we have been passing, we have been learning, and what we are doing it know it is perfecting, and we don't want to make mistakes again. The Honourable Members know how to consult and bring good amendments. I am supporting that we suspend the sitting for one hour and when we come back when we have consulted, we know where to put corrections. I believe it is wise if we go for one hour. Thank you.

**Hon. Speaker:** Honourable Kirui

**Hon. S. Kirui:** Thank you. I would like to thank Honourable Majority for coming up with that motion. Honourable Speaker, when consultation is requested, it doesn't mean that there is any other thing. I request the Members who are not from the Committee on Budget to look at this positively, and not be critical. Most of us are in the dark on what is in the report. Personally, I was in the dark, I would only have argued in two directions, that of the PE vis-a-vis O&M, whereby I was only seeing the PE is less and the O&M is increasing. Let us look at this thing positively. The Committee on Budget has done a good work, and it is important, if you want our input, then give us a chance to peruse through it. We are not saying you give us the whole day, even 30 minutes is enough for me to go through some of the sections which I feel I should be able to analyze and come up with a good debate when the time comes. So, I support the motion that we suspend, even for 30 minutes, but that will you to decide. Let us look at it in a positive light, we discuss, consult and come up with a better document at the end of the day. Thank you very much Hon. Speaker.

**Hon. Speaker:** Honourable Korir then Honourable Langat, then the mover

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**Hon. Julius Korir:** Thank you very much Honourable Speaker. As per the motion by Honourable Majority, it could be true that the Members have not familiarized themselves with the document. Honourable Speaker, giving them one and a half hours is good, but I support what the Members have said that 30 minutes is enough, because, this is a document that has been thoroughly worked on by the Committee Members, the CEC concerned, so eventually we need to debate it in a sober manner. 30 minutes is enough. Like what Honourable Serbai has said, if indeed it is an Honest request by Honourable Majority, and the Members support it, it should be good, but if there is an external framework that has been used that the Members do not even want to review the document and that they only want to get direction from the external forces, then it will be unfortunate.

The History of budget making in this county is known. In the first inception of the County Government, there was purpose. In the Second financial year we ended up in court and the court nullified it. Whether we do it the way the Holy Father of the county wants, he will never be satisfied. It is my humble request that, if indeed what Honourable Majority is requesting is Honest, that we have to familiarize ourselves, then I support it but the time should be minimized to 30 minutes. But, if there is something hidden, then God is watching. Thank you.

**Hon. Speaker:** Honourable Langat

**Hon. R. Langat:** Thank you very much Hon Speaker. Our micropHones are not working at this end but I will use this one. Hon Speaker, consultation helps. We have done it since we started this process, and we cannot deny consultation to continue. However much we want to think that the consultation is from some quarter, how sure are we that the one we were doing was not from some quarter? What is there is that we allow this consultation, but not for one and a half hours.

I have sat in that Committee for long, over the weekend up to seven, yesterday, up to seven, and, I will still allow, because we allowed the CEC to come late. Let's allow these people who want to interrogate the document to do it for the betterment of this County. If we read mischief in every other event we are not going to move. Let's allow for the suspension of the House for consultation, but for not more than an hour. Even if it is possible, 30 minutes because one will not read every part of the document, just read the critical parts. Thank you.

**Hon. Speaker:** What is your point of order? I want to give it to Honourable Majority.

**Hon. L. Kirui:** Honourable Speaker, from the discussions from all the Members, I have been analysing what they have been saying, and from the look of things, I just want to ask whether it is in order for us to allow the Leader of Majority to reply out of his first motion. I was expecting, maybe, one Member can move another motion of reducing the hours before we go back to the original motion by Honourable Majority. Thank you.

**Hon. Speaker:** What is your point of order Honourable Serbai?

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**Hon. R. Serbai:** Honourable Speaker, I have sat here and listened keenly to the debate. Some are saying 30 minutes; people like me are saying 1 hour, and some 1 and a half years. Honourable Speaker, in the bible, Hezekiah in the bible asked for more years and he was given 15 years, thereafter, the 15 years elapsed and he died. So, you can allow one and a half hours. Thank you.

**Hon. Speaker:** What is your point of order?

**Hon. L. Kirui:** On the same note Honourable Speaker, I want to know whether it is in order to move a motion to consider all those who are asking for 30 minutes, one hour and one and a half hours, and put it in my motion to be 45 minutes.

**Hon. Speaker:** Honourable Joyce what is it?

**Hon. Joyce Korir:** Thank you very much Honourable Speaker. As I just said, they have been talking and talking and now they are past one hour. So let's stop debating and agree on something.

**Hon. Speaker:** Honourable Members, this is a very important document. My prayer is that they can be able to finish in less than one hour. This is a document which touches on matters of county importance. I wish I had received earlier on, and we would have debated on it. Honourable Majority

**Hon. J. Kirui:** Thank you very much Honourable Speaker. I want to thank the Members for their good contribution towards this motion. This County is greater than all of us, it is greater than the Governor, and it belongs to the residents of Bomet, whom we are their custodians. Honourable Speaker, by requesting for this time, in fact I had to go to the Chair, Budget and given the reason why I am seeking time for consultation.

I know where we have come from, and I am one of the casualties during the budget process. We need time to consult. Consultation is not a weakness. Budget making process is a tedious process, and in the National Government they even go up to midnight. But, I will also agree with the sentiments of my in-law, Honourable Serbai, I pray that God adds him the 15 years of Hezekiah, I agree with him that we do the consultations in the confines of this Assembly. From where I sit, they say once bitten twice shy, those are the fears that the Members have. I was recently prayed for by a Pastor, and those prayers are still working. I don't have anything under the table right now. I urge the Members that we agree on this motion, and resolve that we go for consultation for one and a half hours. Thank you.

**Hon. Speaker:** Thank you. It is now my turn to put the question, that pursuant to standing orders number 52 (b), that the debate for motion number 9, in today's order paper be suspended for one and a half hours for the Honourable Members to familiarize themselves with the just tabled report on the County Fiscal Strategy Paper for 2016-2017.

*Question put and agreed to*

**Hon. Speaker:** Honourable Majority?



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**Hon. J. Kirui:** Thank you very much Honourable Speaker. I stand to move a procedural motion. Given that the time now is far gone. I am standing to move the motion that pursuant to standing order number 30, subsection 3(a), this County assembly do resolve to extend its sitting time beyond the stipulated sitting hours to deliberate on the motion on today's order paper. I know that Members are tired and some are newly married, but I pray that we extend it beyond the normal time...

**Hon. Speaker:** What is your point of order?

**Hon. Joyce Kirui:** Thank you very much Honourable Speaker. I respect Honourable Majority, but when he talks of some people who are newly-married, yet the other day I found the wife in maternity...

**Hon. Speaker:** Honourable Joyce, it is his right to do what he wants. Who seconds? Thank you Honourable Aurelia. I know propose the question that pursuant to standing order number 30, subsection 3(a), this County assembly do resolve to extend its sitting time beyond the stipulated sitting hours to deliberate on the motion on today's order paper.

If there is no objection I proceed to put the question that pursuant to standing order number 30, subsection 3A, this County assembly do resolve to extend its sitting time beyond the stipulated sitting hours to deliberate on the motion on today's order paper.

*Question put and agreed to*

Honourable Members, based on the first motion, we will be able to adjourn until 5 minutes to 6:30. If you are able, do it under one hour and let me know, but you have until 6:25 p.m.

**Hon. J. Kirui:** Honourable Speaker, if we can finish within the one hour, it will be better.

**Hon. Speaker:** Honourable Member, we are now adjourning until 6:25 PM.

*The House Adjourned Until 6:25p.m.*

*The House resumed*

**Hon. Speaker:** Honourable Members, Honourable Majority has gotten more than the one and a half hours he had sought. It is almost two hours. The motion had been moved and seconded, Honourable Joshat Kirui sought for one and a half hours, and it is almost more than two hours since we suspended the sitting. What is going to happen now is the debate on the substance of the report that was moved by the Chair of the Budget and Appropriation Committee. Any Member can now move it and we debate. I am being reminded I had not proposed the question, but I think I had proposed it. Honourable Kirui then Honourable Chang'morik

**Hon. L. Kirui:** Thank you Honourable Speaker for the chance. Honourable Speaker, I want to congratulate the Committee on Budget and Appropriation. I know making the document was tiresome since it was voluminous. We had a lot of consultation. The Committee even went ahead and sought for

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consultation from staff of the National Assembly, who came to where we were having our retreat, and they gave us input on how to come up with this County Fiscal Strategy Paper.

Honourable Speaker, I have a concern. I was not happy with how the public consultation was done. I was the one who was leading public participation in Siongiroi that was the venue for the Sub-County of Chepalungu. I want to report to the House that what happened there was not good. I can say the Executive stormed the public participation, led by CEC Alex Kirui, who is in charge of Agribusiness, and they tried to influence the whole procedure, but it was good, because, thereafter, we explained to them, under the PFM act section 117, and they agreed.

Honourable Speaker, the only thing I observed in this CFSP, especially the one submitted from the Executive, is that there was not much consultation which was contrary to section 117 of then PFM act. We tried to look where the views of the public were, where the views of the interested parties were, and where the views of the CRA were.

On the same note, if you look at the ceiling that they gave us, especially from the Local Revenue, it was a figure which was not realistic. They had given us around 368 million as the local revenue, and when we looked back at the records, for 2002 and 2005, the much they can collect is 215 million. We saw as the committee that it may not go beyond 250 million, thereafter we agreed with the CEC and he accepted that the 368 million will be hard and he agreed on around 250 million.

We also realized that the County Executive, especially the County Treasury, are playing tricks when it comes to development and recurrent expenditure. If you look at section 107 of the PFM act, it talks of fiscal responsibility, one of them being we maintain the development at 50%, but, you realize that there are some things they are putting under development yet it should not be under it. It means we are cheating the public and ourselves.

Honourable Speaker, one of the issues we saw is the hire of ambulances. That is not development but recurrent. The other one is the stipends to the older persons and the persons with disabilities. We realized we are putting this under development hence raising the development percentage to 51% yet it is not the case as we are putting some things here instead of in recurrent. The other one is the purchase in the pharmaceuticals sector. Buying a truck is not supposed to be under development, but a machine can be under development. We discussed with the CEC and he agreed on these things. Next time we should be careful and come up with the real percentage and not lie to the public.

There is the regulation passed by the National Assembly, on the 7% and the 1%. The Members understand that. As a Committee, we looked at that and it was not realistic. We consulted with the Clerk and even with the Senate, and we were able to see the issue. When you talk of 7%, it says the County Assembly should be 7% of the revenue. But when you look at it, it is not realistic, because the figure we were getting are lower than the figure that we used to operate with, and we cannot just retrench people for the 7% to work. Honourable Speaker, I want to say on record that the 7% is unrealistic and we

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consulted everywhere to know. This is because the County assembly was not consulted when that was passed. I want to also be on record and say that the National Assembly is joking with our County Assembly. Before they pass any regulation, they should get views from the County Assemblies so that we can have something realistic. I support the report from the Committee because it is inclusive. Thank you.

**Hon. Speaker:** Honourable Korir

**Hon. Julius Korir:** Thank you very much Honourable Speaker. I also rise to support the motion moved by the Chair Budget and Appropriation Committee. I want to register my concern that we did a lot of work and it took time, as per section 117 of the PFM act that allows the Committee and County Assembly to go through the Fiscal Strategy Paper and approve it after 14 days. Given that this is the final day since the paper was tabled, and the paper underwent the lawful process, and the deadline is today by 12 AM tonight. Honourable Speaker, despite the fact that there were a lot of challenges, we went detail by detail.....

**Hon. Julius Korir:** We consulted the CEC concerned, and also the County Assembly Service Board so that we are clear and if you look at the preface, The County Assembly considers Agriculture as the Economic pillar; it is even quoted in the County Budget, and the County Fiscal Strategy Paper, looking at the challenges of most people in the County and the feelings of member of the public when we presented the Annual Development Plan, you could see that members of the public wanted a program based budget that will transform their livelihoods.

Hon Speaker, despite the fact that ADP overlooks projects in the CIDP when you go to the CFSP, you will have known the allocation it has received from the County Revenue Allocation. If you look at the wishes of the members of the public you will realize the wishes of the members of the public in the ADP for 2015/2016 and you will realize that the projected amount to be collected through revenue is estimated at KES 4.6 Million but the resource document that is CFSP provides that there will be 2.9 Million. That means there is a total reduction from ADP of 1.6 Million equivalent to 36%. This informs the coming up of this document. As per the PFM Act this will automatically dictate the money that this county will spend in the next financial year.

Going through the document, on inviting the CEC, the members of the public complained about some of the issues that the CEC raised. If you look at the content as presented by executive, it proves that monitoring and evaluation does not go well. Since the CEC could not explain some things then we had to reduce some amounts to almost 100 million because we cannot set standards too high that they cannot be achieved. On the ceiling for development, I concur with honourable Kirui, Some of the recurrent programs in this county have lagged behind. Recurrent including old person's payment cannot be taken as development. As compared to the Economic pillar that in this county has 8%. This shows that it does not respect the separation of powers, the freedom we have as a House, and this is to mean we should

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consult on these issues with the members of the public. I totally register again my displeasure that member of the executive would not refrain from joining our public participation. The members who came to the public participation seemed to have been coached on how to respond to this paper, honourable Speaker.

The only concern honourable Speaker, was the allocation to the Assembly. The document was taken to the members of the public to confirm. In the document the executive differentiated the executive and the administration, where executive had 9% and administration had 8%; which was 17% of the total budget. The Members of the public through the advice they received, could not understand that. The CFSP needs to align to the national objective that is financial Audit with the national policies. They collect revenue and expect them to spend and yet the finance Bill has not been approved.

As I wind up I urge the members to approve this so that the public opinions are heard and this budget bear fruits. The reports rank this county as the third most corrupt and that is how the other counties view us; and other commissions too in the republic. If you look at the EACC website report they rank department of Agriculture, Health, and Office of the Governor as corrupt. This county was ranked by the World Bank as the second last poorest after Mandera. If you look at the CFSP it recognizes agriculture as the backbone for the County. This county is heading on the wrong direction; yes there are issues arising in the county. We can change the direction of this county through this budget. With these few remarks I support.

**Hon. Speaker:** Honourable Langat.

**Hon. R. Langat:** Thank you. We tried our best and noted certain challenges such as when a CEC brings personal emoluments that are reduced without justification. After consultation we realized that in any institution there should be a growth of 3-4%. The grey area in this County is where the Ambulances and older persons are; when they get money it is treated as development. This raises the percentage of development. In all the sub counties the views collected were only that they came to defend their budget. We are going to the wrong direction if the members are going to be coached.

Consultation between the Assembly and the executive was not done on time. It was done on 26<sup>th</sup> when the paper was supposed to be tabled. There was need to have consultation earlier. When we do consultation its good if it is done in writing so that there is evidence. The executive did public participation and they did not place the evidence that they did public participation. The committee needs to have sufficient information that is accurate and up-to-date. We noticed that there was inconsistency in revenue at 205 Million and when they brought these they shot up and said they were going to make 368 Million which was not realistic. If they were unable to reach it previously what miracle were they going to use. When we called the CEC he came and said the figures were unrealistic and said they would revise it to 250 Million yet when they brought the document it was 277 Million and there was no formulae

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used. The Assembly had placed their allocation of the Executive at 1.1 Billion and it is largely recurrent and the committee reduced to 600 Million. The administration has put the same 1.1 Billion to it and it is largely recurrent, are we supposed to please people or be development oriented. The village, area and community administrator under this docket are beating up people and have been converted to goons. I support this report and hope without prejudice that this House will approve.

**Hon. Speaker:** Honourable Serbai.

**Hon. R. Serbai:** I want to say I am member of this committee. The County Assembly and the county executive each has distinctive powers that are enjoyed separately. As we carried out public participation the 80% of the participants transported to the venue were the village, area, and community administrator and the staff of executive. They also condemned the County Assembly and said that the executive had done a good job. There was a 1.1 Billion that we reduced to 572 Million and 50 million meant for construction and that I supported the committee on that.

The administration costs these county 1 billion and that is a bit shocking. What is in question is that in the absence of these administrators does it mean that this county will not run? Whereas we should have put this money in the backbone of these county that is Agriculture instead of putting 400 Million. On some other department they indicated 9% while when you add up it comes to over 20%. This county budgets for the water department yet they haven't submitted the revenue for water. We have Bomet Water Company That collects 3 million monthly translating to 36 annually monthly and it's not in place anywhere in these budget yet we still finance this same company that has not been approved by the County Assembly. When we talk of 51% development, I equate this to someone telling you that this water is three litres in a nine litre can. When we remove the money for the older persons and PWDs we remain with 31% and the remaining 69% goes to recurrent. Whoever prepares the budget for the executive doesn't know because they lumped recurrent with development.

Mr. Speaker, the ADP, and the FSP do not match. There are no project sourced from the CIDP that were named to have been done. As the committee we will not be able to tell about the projects because they come later after we have approved the money and instead they should go hand in hand with the County FSP. As much as we say it's a learning process, I want to say that we are on the last year and we have attended so many seminars on budget making process and we should have learnt by now. We want to take this county to a better level by considering the people's needs and the needs of the residents of this county. The initial figure given to Assembly for recurrent was 542 Million and the committee sat and revised. This FSP, Mr. Speaker, we did it with sober mind, patriotically and did it knowingly that we have learnt. It's only for honourable Maritim who has not been taken to many training since he is new and we did it to also accommodate him. Thank you and I request honourable members to support.

**Hon. Speaker:** Hon. Molel then Hon. Samson.

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**Hon. J. Molel:** I want to highlight some of the issues as my colleagues have stated. The time we spent to this far, the non-members of budget should treat it as fair and good. The majority of public participation participants were from the executive and government employees. This made me to think otherwise about the administrators. It is important for the administrator's terms to be reviewed. There have been incidences that member of their public are taken for public participation and paid to attend. We are the enemies of our own. One of the members who incited the member of the public is our own; a member of this House. They may be benefiting out of this but we should not forget our mandate as the MCAs. With those few remarks thank you and I support.

**Hon. Speaker:** Hon. Samson.

**Hon. S. Towett:** Thank you for this opportunity. I congratulate committee members and I know the time they had was very short. It was brought to the office of the clerk on 26<sup>th</sup> and took about one week for the committee to have it, and even to advertise for public participation but never the less they tried their best to come up with the report. I also want to let my colleague know that while we were going through the report of the CEC, department by department, we factored in the development plans. The committee was balanced to ensure that the views of everyone are factored. The development of both executive and the Assembly are considered. When executive are putting up their offices we also thought that the Assembly should at least start theirs also. Mr. Speaker somewhere down the line, this House, the first Assembly of Bomet, I believe should not be judged harshly for having not even started putting up a chamber when their time came For having not even started putting up a chamber when their time comes to and I believe this is the most opportune time for us to ensure that we capture the development of the structure in the Fiscal Strategy Paper and the ADP as it has been done.

I do not want to go far but I also wanted also to register my dissatisfaction on what was happening. While we were carrying public participation we were shocked to have members of the Executive ferrying residents from all our wards and we are aware the Executive had their own time where they were supposed to conduct public participation and I believe they never invited us and we as an Assembly we never went there to interfere with their Executive functions.

The Executive should know that public participation should be conducted in a free and fair environment. Ferrying people using government vehicles and even probably, at the end of the day giving them something small amounts to influencing their decision and even their contribution. It means the members of the public were brought in to contribute in a certain way and to attack certain sectors which were contained in the Fiscal Strategy Paper.

It is my request that going forward we hope that the County Executive will be able to present CFSP in good time. We hope to conform to the law and to know that it will also comply with the law departments and other arms of the government such as the County Assembly which was never consulted

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in good time, even though the County Assembly tried to present their priorities but they were never given consideration and I hope going forward the same mistake will never be repeated.

A number of priorities which have been raised by my colleagues were lumped in recurrent and some were in development and as we try to streamline this we hope going forward development will be carried out.

There is this issue touching on Ward Fund, the Government cannot continue giving out funds to an entity, and at the end of a financial year the same entity cannot present an expenditure report to the Treasury or at the end of a financial year there is no expenditure report coming from that department. How then do we know that this entity is functioning or it is headed somewhere to make profit or at the end of the day to be able to draw its services to reach a wider area. We are asking that once an entity is funded we should see reports of those entities.

Lastly, we always say that Agriculture is the back bone of this County and also the pillar of economy and indeed it is. If we look at where most of our residents are employed, it is in Agriculture or Agriculture related activities but when it comes to funding the department is given little funds.

We are asking the CEC and the government at large that this department need to be funded so that we grow the economy of this County. We cannot grow the revenue of this County if Agriculture is underfunded. We cannot create more job opportunities if Agriculture is underfunded. We cannot be food secure if Agriculture is underfunded. Agriculture should have been given more funding.

With those few remarks I want to ask my colleagues that this is a good document that the committee has come up with and we believe that if it is followed to the letter, and if the attached programs and development projects, if they will be followed, come the next budget estimates, it will change the face of this County. I therefore, urge my colleagues to adopt this report, thank you.

**Hon. Speaker:** Thank you, Hon. Joyce.

**Hon. Joyce Korir:** Thank you Mr. Speaker. I must thank the Committee members for working tirelessly for this document. I am also a member of that committee and I have always had in this budget. Though there are things that the committee has done, I am not satisfied with the way ADP is different from the CFSP in the sense that there are a lot of additions.

Remember when we went for the public participation we were using exaggerated figures and when you come to the real document that has been tabled in this House there are lots of deviations yet it is in public domain that there are certain programs that are supposed to be undertaken when it comes to the real budget estimates of this year.

I must thank the committee for the first time for following the legal procedures of budget making process. Remember for the last two years we never had an ADP and CFSP before the main budget.

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Though we have tried as an Assembly there are a number of issues that might have also been caused by our procedures and that the CECs have slept on their jobs and even overlooked them.

Our role of oversight has not been well played. This is because we have the various chair persons in this House, I being the Liaison Committee Chairperson and none of us can tell anything that has been happening in those particular department neither are they aware about the budgets that have ever been used in those departments.

The ceiling that we have also been given, I was here when CEC in charge of finance was speaking and he was making a lot of variations in local revenues and he kept on changing every now and then. I wonder Hon. Speaker as to what is really the real collection of the local revenues in this County. None of us can really tell the exact the amount and that is why the budget keeps changing day in day out.

We made the right procedure we have taken the right steps, we have proposed on a number of projects. I want to go on record that in this County Government, and I want to repeat again that this, it is only in the County Government that we don't have equal distribution or equity in terms of distribution of resources in our wards.

We were elected and we are here purposely to serve the residents of this County and with due respect it is a total mistake that cannot be corrected even with this document but my plea to the Hon. members of this House is to fight for this money at least to go to the wards.

Remember the previous budget that we were making the other year; we had budgeted KES 13 million that were supposed to have been channeled directly to Wards but unfortunately it was separated to fifty four which was never realized; not unless it shall be realized later.

There are some sectors which I will not leave without touching. One is the sector of water. A number of Hon. Members have been talking about the sector of water. The same sector has been giving us a lot of problems day in day out, the same CEC whom I can say is not equal to the task has been giving us problems. You ask for a statement, he gives you a very shoddy statement; and it is not only that when it comes to budgeting, he introduces some funny budget.

The other year there was KES 200 million that was budgeted to a certain water company, today there is KES 230 million set for the same water company yet there is a document that has been signed by the same office of a loan amounting to KES 760 million, yet in a ward where I come from Hon. Speaker I have only been able to realize KES 100,000. Indeed it has been a challenge and now that we have met it in this document, I believe this is going to work right just because of the document that has been tabled rightfully this time round.

Finally with the budget of the Assembly, I think I will be on record that we have been requesting for development day in day out. This was my year when I said I was no longer interested with any development in the Assembly and the said amount be taken to the wards, just because Hon. Speaker day in day out we have been fighting for the same. I remember we were just taken the other day for



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negotiation and nothing much has happened. So why do we still fight? Let those who will come do that construction, for in this case, since it has been given by the able committee that we have a budget of KES113 million, I want to point out that I was not for that but I am supporting the ceiling that is supposed to be given to the Assembly. Otherwise, just because you cannot bring an amendment at this hour, I support the document and I ask my colleagues to support the document and let it be implemented when it comes to the real budget.

Otherwise we have done this CFSP and we passed the ADP the other day but it wasn't valuable and I even wonder why we are passing this document. It is a challenge, thank you Hon. Speaker.

**Hon. Speaker:** I think I will give Hon. Majority Leader and then finally Hon. Ngetich.

**Hon. J. Kirui:** Thank you very much Hon. Speaker for giving me this opportunity.

From the onset, I am a member of the Budget and Appropriation Committee and I want to say that we have burned the mid night oil to come up with this document.

I don't want to say much since much has been said by my fellow colleagues who are still here and have the interests of this County at heart and because this is a critical time where I expected the House to be almost full, it is quite sad to see some members who saw it fit to leave the House at a time like this.

Otherwise I want to concur with most of the sentiments which have been put forward by my very able Hon. colleagues, but there are two issues that I would like to bring out that I find it like we are between a rock and the hard place. One is the fact that this CFSP is not in tandem with the ADP and that is a very critical element because budget making process is a seamless process that requires that right from the Financial Paper Outlook, to CFSP, to Annual Estimates and to Budget Estimates; all should be in concurrence. I think this deviation is an issue of concern.

The second aspect that I believe since you have the Solomonic wisdom that I have, and I am actually raising on, remember I am the one who requested for the one and the half hours to really do some consultation and indeed I put across just like the late Mr. Wamalwa (Kijana) said that some people put their cards under the table while other are putting all their cards on top of the table and I did mention that there were no cards under the table, I did a lot of consultation with my Hon. colleagues including the Chair of Budget. I also did consultation as the Leader of the Government budget with the CEC Finance and one thing that came out clearly was that there was a disjointed communication from the Executive. There was the issue of timelines that were to be adhered to. This morning there is a letter that was done to the Clerk of the Assembly on the CFSP 2016 by the CEC of finance that was requesting the Speaker that the tabling of this report be postponed by two days, to Thursday, I don't know what informed the wisdom or the lack of it thereof but I want to believe there were some glaring anomalies that must have been realized by the CEC of finance that is why he was requesting for this document for further consulting because certainly he did state that there are some issues that needed to be ironed out

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in the CFSP. I believe parts of those issues are the issues that had been raised by Hon. Joyce Korir and Hon. Serbai and the other Hon. Members which were not in conformity with the ADP.

*Point of order Mr. Speaker*

**Hon. Speaker:** What is your point of order?

**Hon. L. Kirui:** I want to ask whether my dear friend Hon. Josphat who happens to be the Leader of Majority is in order to refer to a letter which I know maybe your Office or the Office of the Clerk were not in position to consume based on the provision which is clear on the issue of timelines.

It is not going well with me because it is as if he is talking of things that are contrary to our Standing Orders and even to the law because that was a document that I am not sure was taken by this House as a valid document.

**Hon. J. Kirui:** Thank you very much Hon. Speaker, I was going on with my submission, I don't know why my colleague who happens to be with me in the budget committee is getting jittery with my submission but the documents that I am talking about are with the Speaker and I had sought for the direction from the Speaker. On the admissibility of this letter, whether the letter was admissible, why I am raising the issue of this letter was the fact that I am talking of two issues that actually I was finding glaring anomalies on and I was just using the letter as an example as to why there is a problem with the whole document because I am just using it to state that the CEC Finance realized those glaring anomalies but actually I don't want to dwell on the letter so much. The point that I am trying to put across is whether the CFSP in conformity with the Annual Development Plan. The answer is definitely no.

Two, is the CSFP capturing the priority areas of the Assembly? The answer is no. That is why I was saying we are in between the rock and the hard place and it calls for wisdom even when we are making determination because we need to pass this document before the expiry of the deadline.

There is also the fact that several issues that had been done by the committee and there is the court ruling which I think has a bearing on the kind direction that we need to take. I am saying this fully aware that is said that I support the adoption of the report because I am a member of budget committee but I would like somehow to seek or to pray for your divine wisdom even when you are making a final ruling, to bring to the fore those anomalies so that it is on record that it is not in conformity with the ADP and it be on record that there was not enough consultation; it be on record also that the priority areas of the Assembly were not captured.

I said too that I want to comment my colleagues in the budget committee; I know what it has taken them because I was part of them, to come up with this document. I have really had to run up and down consulting and I want to say consultation is not a weakness. I am one person who believes in arbitration; who believes in settling matters outside the court, we know where we have come from but I fear and I

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have a premonition that we may go back to the same direction which I never wanted us to go to; but with those few remarks I support the report.

***Point of order Mr. Speaker***

**Hon. Speaker:** What is your point of order?

**Hon. S. Towett:** Hon. Speaker I was wondering, listening to Majority Leader contributing and talking about CFSP and ADP which are not related. I am asking whether the Majority Leader is in order to ask whether the document you are tackling now reflects the ADP and yet the Majority Leader was a member and he attended all the meetings and never brought up the issue during the committee sittings. Is he in order to bring those issues now?

**Hon. Speaker:** Hon. Majority are you capable of responding to that?

**Hon. J. Kirui:** Hon. Speaker thank you for giving me this opportunity to respond to that. I really want to know from the Hon. Member if the ADP and the CFSP are in conformity, if that is the case I will withdraw my statements, but if they are not in conformity then I will stand by what I said.

**Hon. Speaker:** What is it Hon. Korir?

**Hon. Julius Korir:** Hon. Speaker if you look at this document and going by what the Majority Leader has spoken, on page 12 you realize that it is very clear that the 2016/2017 as per the ADP the development was KES 4.6 billion, however, CFSP which is the County resource envelope differs.

It was just a feeling during the coming out of the ADP that the people of this County wanted a budget of KES 4.6 billion but the resource envelop shows that we can only get KES 2.9 billion for development. That shows there will be a 36% decrease.

If you look at the PFM Act, the ADP only came after the recommendation by the Controller of Budget that it has to be there. But if you look at PFM Act it hardly talks about it. So it was not possible to conform because the resource envelop is clear that we are not able to raise KES 4.6 billion for development. That was an ambitious wish list for ADP from the member of the public, from the Executive but practically now that we have the resource envelop we are not able to...

***Point of order.***

**Hon. Speaker:** What is your point of order?

**Hon. Joyce Korir:** Hon. Speaker, I want to believe Hon. Korir (Julius) is a member of the Budget and Appropriation Committee and I am not a member but I am always interested. The ADP was given by the CEC having consulted widely and having known the allocation to be given to this County for development in 2016/17.

The deviation that has been given is very wide and these documents; the ADP and the County Fiscal Strategy Paper are totally different and it is only that we are adopting this report.

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Otherwise let me say that Hon. Majority is right. And this document, even look at the report of the committee and that is why the CEC was being called, to answer a number of issues just because it doesn't tally at all. I had it in my finger tips, so I just want to say we approve this document but let the members agree with us that the CFSP and the ADP are totally different.

**Hon. Speaker:** What is it Hon. Serbai?

**Hon. R. Serbai:** Mheshimiwa Spika nashangaa sana maana yake yale ambayo tumeongea ni yaliyopita, na katika lugha ya Kiswahili yaliyopita sio ndwele tukaange yajayo; na maziwa yaliyomwagika hayazoleki. Kwa hivyo ripoti ambayo imetufikia kwa kamati yetu hakuna vile tutakavyorekebisha stakabadhi hizo mpaka tupitische na kama kwa jambo lolote basi tupeleke mbele.

**Hon. Speaker:** Hon. Members, what is it Hon. Member?

**Hon. J. Kirui:** Hon. Speaker I want to put across the sentiments across that there were several amendments; supposed amendments by the Hon. Members. They were feeling that this document needs to undergo some amendment. I remember when we were doing the promulgation of the constitution of 2010, there was a group with the thinking that we pass it first and then we rectify it; others were saying let us rectify it and then we pass. That is I am saying we are between the rock and the hard place, and I stand for support. Thank you.

**Hon. Speaker:** Hon. Josphat I agree that there was a document which was sent and I was in a meeting and when it came to my office I had requested my legal team to come up with the response on the contents of the letter.

Hon. Josphat the Clerk was working on something in relation to that but in the meantime I think I can give the mover to reply so that we have it in record, so the mover.

**Hon. B. Ngeno:** Thank you very much Hon. Speaker, I want to take this opportunity to thank all the Hon. Members for having participated actively on this exercise; it has taken us almost three to four hours now and you can now speculate on the amount of time it has taken the committee to come up with the said report, categorically I want to thank the committee members, Hon. majority being included and other members and everyone who has worked day and night to ensure that this document works.

I want to applaud this Hon. House for the sobriety they have displayed since we started this session. The temperatures kept rising and falling during the debate in this Hon. House but today the temperature was almost constant until this time that I am giving a right of reply.

With the statement that has been posed by Hon. Joyce Korir today I table the report on the County Fiscal Strategy Paper with an annexure of development plan that was passed last week in this Hon. House.

There might have been some inconsistencies but as a committee we have tried to curb in a way that it paves way for this document to proceed as is required by the law and to beat the deadlines as by the requirement of Public Finance Management Act.

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I am happy with the two arms of the government and I believe in this document none was in the left hand side and the other in the right hand side; all of us have equal share and have equal interest in this document so I thank the Hon. Members.

For a point of clarity the timeline that this document has to be passed has been met and it is now paving way to the new document called budget estimates. This is part of the budget making process and I like the statement that was put by Hon. Serbai that we have learnt enough to ensure that this document goes without any stumbling block because we have had a lot of trainings in budget making process.

Hon. Members it is good you have demonstrated that capacity today during the debate that indeed we have learnt some information to do with the budget making process and exceptionally for Hon. Maritim and I have seen that he is a first learner. Today when he was giving amendment to the bill although at some point he was subjected to interruption like we were when giving a maiden speech just after joining this House, we were even allowed to use any other language that we know in this world, and I am happy that at the begin we were allowed to use any language we know in this world, I am happy Hon. Maritim was able to stick to the two recommended languages but I was expecting him to have the third one but fortunately, I have seen that being the fast learner he is, I see he has mastered the Standing Orders.

To Hon. Maritim, on the budget making process, I have managed for the few minutes I have sat with him to whisper to him how budget making is done and he is now convinced that this document has to proceed to the next level because he has understood (*laughter*). I am happy that my great friend Hon. Maritim is almost at the level the Hon. Members have reached three years down the line, I thank you very much.

As I conclude Mr. Speaker I want to say that this document is going to reflect what is going to feature in the budget estimates and it is going to pave way to the next document that is going to finalize the entire process; The Appropriation Act and for the first time I want to plead with this Hon. House that let us not go to the court way because for the last three years we have been visitors of the court but for this time let us agree at the preliminary stages so that we avoid this document going to court and by saying that I am convinced that Hon. Maritim may have been a blessing in this House so as to stop this document landing in court and it has to be finalized by 30<sup>th</sup> June, 2016 so that we do the implementation part. Otherwise we suffered a lot in the past three years when most of the time we engaged in activities that took us to court.

I thank you and I believe as we are proceeding to the next stage we want the executive also to learn to listen to us and we have to learn to listen to them. We wanted at the same time for the two arms of the governments to respect each other and respect the separation of power as the powers of this Assembly are provided for by the constitution.

I beg that if possible lets us not take time in this document. All members, I know by the mood of this House, are going to vote for this document, thank you very much.

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**Hon. Speaker:** Thank you Hon. Members, Hon. Majority Leader perhaps I can ask the question because the ruling is on and I can give the ruling after I have put the question so we got to put also some process.

Hon. Members I know it has been a very long afternoon, a very tiring afternoon but I thank you for your perseverance and for consultation that you did and I thank you for coming as a team because at the end of the day this is our County.

It is now my turn to put question to motion number nine that this House adopts the report of the select committee on Budget and Appropriation on its consideration of the Bomet County Medium Term County Fiscal Strategy Paper, 2016 laid on the table of the House on 16<sup>th</sup> March 2016, and pursuant to section 117 subsection 6 of the Public Finance Management Act 2012 that the House adopts the County Fiscal Strategy Paper for 2016/2017 financial year.

*Question put and agreed to.*

I wish Hon. Majority had asked this question earlier on but for purposes of posterity, some members came to me requesting for postponement by some days of the debate on this report and Hon. Members here is my ruling on the resolution to postpone the adoption of the County Fiscal Strategy Paper 2016. The background to it for those members, who might not be aware, is that Hon. Members, this afternoon I received a copy which was written to the Clerk of the letter dated 16<sup>th</sup> March, 2016 issued by the CEC Finance addressed to the Clerk of Bomet County Assembly and received on the same date. The same letter is requesting for the postponement of adoption of the County Fiscal Strategy Paper 2016 ostensibly to allow for the ironing out of some issues allegedly raised by the County Assembly Committee on Budget and Appropriation.

I now wish to address the issues as follows: Hon. Members the enactment of the constitution of 2010 has put a lot of emphasis on physical decentralization and proper public financial management. The law is aimed at ensuring both physical efficiency and discipline in the use and management of the public funds for the betterment of the Kenyan people.

The Public Finance Management Act no 18 of 2012 is aimed to achieve better Finance management as envisioned by the constitution under public finance chapter 12. Hon. Members the enactment of this act repealed the government financial management Act no. 5 of 2001.

The Public Finance Management Act ensures fundamental principal of: equity, equality, and accountability of all state organs at the devolved government level.

Hon. Members, the constitution of Kenya 2010, has also introduced fundamental changes in the way public finances are managed.

In developing the PFM Act parliament was keenly aware of the importance of having a good PFM system in determining the success or failure of devolution.

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The main objective of the Act is to ensure that National and County Governments manage public finances in accordance to the principles set out in article 201 of the constitution; that public officers account to the public through the Parliament and County Assemblies. The PFM Act outlines a budget calendar with, very strict clear deadlines and clarifies the roles and responsibilities of various stake holders in the budget process.

Hon. Members, it is not worthy that one such an important deadline line is envisaged under section 117 subsection 6 of the act which provides for consideration and adoption of the County Fiscal Strategy Paper, the subject matter herein, the section states as follows; ‘not later than 14days after submitting the County Fiscal Strategy Paper to the County Assembly the County Assembly shall consider and may adopt it with or without amendments’. End of that quote of that section.

Hon. Members, it is quite clear from the above provisions that the County Assembly is duty bound to consider to adopt the fiscal not later than 14 days; and I totally underline that and after it has been submitted. In so doing, the County Assembly will either approve it with or without amendments.

The provision is put in mandatory term, *shall*, and the County Assembly shall not extend the statutory period as given in the law.

The Public Finance Management, County Government regulation 2015, legal notice no 35 which is the subsidiary legislation meant to operationalize the principal act states in its 26 subsection 3 as follows: Before tabling a report containing recommendation on County Fiscal Strategy Paper for adoption by the County Assembly in accordance with section 117 subsection 6 of the Act, relevant committee of the House shall sit and seek the views of the County Executive Committee members on its recommendation.

The regulation will not, therefore, anticipate a situation where the 14 days period lapses before the County Fiscal Strategy paper is adopted and it thus reinforces the requirement that fiscal strategy paper must be approved within 14 days once submitted.

Hon. Members, the County Assembly exercises oversight over the County Executive Committee and other County Executive organs including the County Treasury, receives and approves plans and policies for management of County resources, infrastructure and institution.

Members of the County Assembly are elected by voters from wards. The PFM Act outlines the role that ought to be carried out by this institution in implementing the act.

The County Assembly, therefore, is such a critical institution in the implementation of the act and cannot invoke its legislative powers under either the law or its Standing Orders which regulates its operation to frustrate the implementation of a national law which has a full force of law.

Hon. Members, the key responsibilities of the two arms of the County Government regarding the County budget process are elaborated in section 117 and 118 of the act.

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The County Treasury is required by law to prepare and submit to the County Executive Committee the County Fiscal Strategy Paper for approval.

Hon. Members it is a fact that the County Treasury has since prepared and submitted the County Fiscal Strategy Paper to the County Assembly, the said paper was indeed tabled before the House on 3<sup>rd</sup> March 2016 and what remains, therefore, was for the County Assembly to give the approval thereof, thus the principal of responsible financial management with clear fiscal reporting has to be complied with and or upheld by the County Assembly to approving the County Assembly Fiscal Strategy Paper on or 15<sup>th</sup> March 2016, that is midnight today.

In view of the foregoing, a request by the CEC Finance is misplaced and the same therefore cannot be granted not only today but also even in future.

Hon. Members that is the direction and I really want to request members since this has passed nothing is cast in stone and I want to make a very sincere appeal to all the members of this County Assembly that I want to give the direction that within seven days the County Assembly being led by the board and the executive from the other side should be able to sit down and really resolve, because I have seen some amendments which members brought, yes it could be proper amendment but from where I sit the time was too short for them because they were supposed to have brought those amendments early enough. In fact the Standing Orders are saying two hours but even if I had received 30 minutes before, I will have allowed in the one and half hours break, I would have allowed but you see members waited until after we had started the debate.

My humble request to all the members, especially the budget committee, you should be in the forefront because we don't want to go to court again.

It is for the Executive led by the Governor to climb down from the high tree, it is for the County Assembly led by the Speaker to climb down from the high tree, and both of them meet down the tree. I wish you know the energy being spent by both sides because these issues are affecting both sides, the energy being spent by both sides should be used for things that are of great importance to this County and my humble request is, I know in this House for a fact there are some members, I wish Chang'morik was here. There are some members who can be able to reach easily to the other side of the Executive.

Hon. Mosonik you are here, Hon. Big Five you are here, and other members including Hon. Joyce Korir.

*(Laughter)*

Order Hon. Members, this is a very sensitive issue and it requires total attention and this is not a laughing matter. For me as a Speaker, we need to lead from the front and the truth is that there has been some problems because the two sides within the County Assembly, I think for us we need to speak in one voice. The target is, and I am going to personally request our Governor that we need to pass even the Appropriation Bill before 15<sup>th</sup> June 2016 so that we have time to do other things.



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Hon. Big Five and others, kindly inform Hon. Governor that the Speaker is personally coming to his office to request to sort all the issues before the seven days elapse. The moment we iron out the issues in the County Fiscal Strategy Paper then the budget estimates are going to be very easy. In fact we shall not have a lot of issues in budget estimate. So I am requesting both sides of the County Assembly that we really need to sit down and I am going to call for Speakers' Kamukunji and I will provide leadership on my side and the other side also will be able to provide proper leadership because the County is larger than all of us. Hon. Langat has been saying that we need to stick to the law. The reason why I insisted that we need to pass this document or reject it by end of today was because if we had failed then the Executive could have had an upper hand to refer back to what was submitted here.

I want to thank all of you for we will be able to move together as a team and we want now to change, this is the last budget and you see we wanted people to have a feeling.

Hon. Joyce I hope you will be leading that team telling the Governor that we are able.

Thank you very much Hon. Members.

*A member rose on a point of order*

What is the point of order?

**Hon. L. Kirui:** Hon. Speaker given that we have successfully passed the CFSP and per section 117 on Public Finance Management Act, I would like to challenge the Committee on Implementation that the publication of the same document as stipulated clearly on section 117 should be done by this provision so that it can assist us and we also give to the public through the member of the County Assembly, thank you.

**Hon. Speaker:** You see Honorable Kirui what the law is saying is that the CEC was supposed to publish the County Fiscal Strategy Paper as soon as it is submitted. I know we shall be able to handle that.

***House Adjourned at 7.12 PM.***