

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

**ASSEMBLY DEBATES
(OFFICIAL REPORT)**

DAILY HANSARD

Tuesday, May 17, 2016

PLENARY

May 17, 2016

**COUNTY ASSEMBLY
OFFICIAL REPORT
Tuesday, May 17, 2016
The House met at 3.16 p.m.
[The Speaker (Hon. G. K. Kipng'etich) in the Chair]
PRAYERS**

Hon. Speaker: Is there quorum? Serjeant at arms please ring the bell for ten minutes. Yes Honourable Mosonik.

Hon. W. Mosonik: I want to inform you that there is quorum.

PAPER

A Report from Budget and Appropriation Committee on the 2nd Supplementary Budget 2015/2016 Financial Year.

Hon. Speaker: Honourable Langat,

Hon. R. Langat: The paper has delayed due to a small problem.

Hon. Speaker: You are saying there was what?

Hon. R. Langat: Honourable Speaker it has just been brought. But there was a small challenge. This is because we were from public participation and we were using the same clerk. In a few minutes I will be able to table it. This is a document that we have seen went through it and we were waiting for some information. That is what it has caused the delay. I wish to table a report from budget and appropriation committee on the 2nd Supplementary Budget 2015/2016 financial year.

Hon. Speaker: The paper is dully laid and it's now the property of the House.

NOTICE OF MOTION

That The County Assembly Adopts The Report Of The Committee On Budget And Appropriation On The 2nd Supplementary Budget Estimates Laid On The Table Of The County Assembly On 17th May 2016. And Subsequently Approves the 2nd Supplementary Budget

Hon. Speaker: Honourable Bett.

Hon. R. Bett: I stand to request you that after moving this notice of motion, I have an urgent motion which I am still waiting for and I am seeing the order paper. That we are about to go for recess and if time will allow before we end the session you allow me to give a notice of motion

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for the removal of the members of the County Public Service Board. There have been several other things that I have been trying to follow up so that the motion is substantial. Your signature and your opinion are important in as much as I know we shall pass the motion. I hope you will allow me to table it. Thank you.

Hon. Speaker: What your point of order.

Hon. Joyce Korir: Thank you very much; I would like to inform of the Chair Administration, Peace, Justice and Legal and Affairs that he knows the procedure. If the document does not meet the admissibility of this House then it should not be a point of discussion in this House. We don't mind the motion but follow the procedure of this House. Going on recess is not the end of the story we shall still come back.

Hon. Speaker: Honourable Bett it's your right but it needs to meet the threshold and I would be able to allow you to give the notice and I should get the concurrence from the Clerk as well. It had already landed in my office but the Clerk needs to ensure that it meets the threshold and other technicalities and up to now I have not received the communication. If you are thinking it's ready because you said it's only one document, then depending on how it is urgent then I would allow you but if it's not then two weeks is not far so that you can prepare.

Honourable Langat,

Hon. R. Langat: Thank you, I wish to give a notice of motion, of this motion that this county assembly adopts the report of the committee on budget and appropriation on the 2nd Supplementary Budget estimates laid on the table of the county assembly on 17th May 2016. Subsequently it approves the 2nd Supplementary Budget estimates pursuant to section 135 of the PFM Act 2012.

Hon. Speaker: The notice is duly given and already had been allocated time for debate today.

STATEMENTS

- a) **Response To The Statement By Honourable Leonard Kirui Asked On 28th April 2016**
- b) **Statement Sought From The Chair, Roads, Transport And Public Works Concerning Construction Of Roads In Siongiroi Ward**
- c) **Statement Sought From The Chair Water, Environment, Forestry And Natural Resources On Whether He Is Aware Some Villages Have Not Received Piped Water Since The Inception Of The County Government**
- d) **Statement Sought From The Chair, Urban Planning Land And Housing Concerning The Installation Of Street Lighting In Siongiroi Market**

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- e) **Statement Sought From The Chair Education, Youth And Sports Concerning Why The Needy Students In Siongiroi Ward Haven't Received The Bursary They Were Allocated**
- f) **Statement Sought From The Chair, Committee On Trade Tourism And Cooperatives Concerning The Utilization Of Kenya Shillings 3.82 Million Which Was Allocated To Siongiroi Multipurpose Society During The FY2014/2015**

Hon. Speaker: Chair Gender, Culture and Social Service.

Hon. W. Mosonik: I wish to answer the respond to the statement by Honourable Leonard Kirui asked on 28th April 2016. He wanted to know the following

- 1) Why is it that not all the beneficiaries of the County stipend have been issued with the NHIF identification cards?
- 2) How the said elderly persons will identify themselves in case they attend hospital.
- 3) How the said elderly persons will get to know the status of their monthly subscription?
- 4) What plans the department has to avail the identification cards to the elderly persons since it is a crucial card which eases access to NHIF services?

Honourable Speaker, we received the answers after a tedious exercise up and down. Allow me to read the answer. Honourable Speaker some of the members have not visited the Bomet and Sotik office to be issued with the ID Cards. The elderly are issued with ID Cards as well as the NHIF cards so that they are identified. The department makes regular payments and makes regular follow up. Should there be any problem the beneficiaries should report.

A final answer is what kept us in circles but the response is that the Department of Social Service is arranging to issue NHIF cards beginning this 23rd May 2016. They haven't began because there is the issue of verification first. I think most of the members have the program. We wish they gave us the list so that we compare the cards issued cards against the cards that have not been issued. The department will issue the cards as from 23rd -27th May and they will begin in Bomet East. And its wards. Bomet central is 31st – 7th June in all the wards. They have Chepalungu, Sotik and Konoin. It has given us and idea that it had not initiated the issuance of cards and I thank the member for bringing these so that it's an eye opener to the entire county.

Hon. Speaker: Honourable Kirui,

Hon. L. Kirui: After the consultation that was done by the committee Clerk I saw the interest and the seriousness of the committee. I can say that some responses are awkward and the department is not serious since it mixed up and contradicted itself in the response number two and four where they indicated that the beneficiaries have not visited Bomet or Sotik to collect their cards yet they haven't started the issuance of the cards.

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They are not sincere they are only responding to these but not being realistic. I am saying this because when they registered they went to the headquarters in the ward and there was no communication to this elderly person that they are supposed to go and collect these cards in Sotik or Bomet. The elderly persons have gone an extend of visiting the offices in the wards and even to the families of the CDAs to ask for these cards and the response they go is that even if you go to hospital you will find it having been paid. Someone in my wards went to Tenwek Hospital only to find that Bomet County were not subscribing. They need to know that they are dealing with the elderly persons some are bed ridden. I want to say that they should have distributed the cards the same way they collected the names at the ground level. I want to say that according to the response of the Chair, it seems they went and sat down and developed the program. They could have said they are issuing and not verifying. It's clear that these people had not started the exercise. They should come out clearly and say that they are preparing to issue the cards. The committee then should be given time to interrogate the CEC fully. If the committee allows me I would join them when the CEC is there so that I can ask them because we really want to take care of the elderly person.

Hon. Speaker: I think because the committee sought more time then let them handle the matter so that when we come back from recess that is in three weeks' time you respond in the afternoon. You will invite the CEC and interrogate in between the recess and including the list of beneficiaries as requested.

Hon. W. Mosonik: Thank you I will do so.

Hon. Speaker: What is it Honourable Samson.

Hon. S. Towett: I want to know that the document is signed by Nicholus Kirui for the CEC and the answers are not satisfactory. The CEC will say he did not see them. What I am asking is that who should be forwarding the response to this assembly form the departments. I think we should know so that nobody should stand in any position of the CEC that has not been approved in this House. It's good so that we know as we receive the answer; we know which ones are admissible and not.

Hon. Speaker: I had not seen that Honourable Samson, thank you for raising that for the committee; it's the CEC unless when the committee seek directly from the accounting officer in the departments who are the Chief officers of every department. You should also seek from the CEC under which authority did this Nicholus Kirui have express authority to write to the assembly. So you need to ask the CEC so that we have answer once and for all. Whenever you see such you need to raise because the constitution is very clear that the CEC reports to the Assembly on regular basis. Next order. What is it honourable Kirui?

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Hon. L. Kirui: I have a statement and a notice of motion. I came in when we just passed it and I did not want to disturb the member.

Hon. Speaker: Give the statement then thereafter you give a notice of motion.

Hon. L. Kirui: I seek to know the following from the Chair, Roads, Transport and Public Works that concerning construction of roads in Siongirio ward. In the statement the Chair person should state whether he is aware that the construction of the following roads have not been completed yet they had been graded more than a year ago.

There were budgetary allocations of KES 400 million under vote 3110499 during the FY2013/2014. And KES 360 Million under vote 3110499 during the FY2014/2015 and KES 209 596 862 under vote 3110499 during the FY2015/2016. Those roads are

- Chepkinoyo – Ng’enda Primary Road.
- Cheplelit Primary Road.
- Chemaitan Primary Road,
- Cheborus –Reberwet- Greenland Road
- Kap-Olesero Road.
- Kimugul - Chesegeg Road,
- Umoja - Kabartegan Road
- Kapsogut Road.
- Chelelach Dispensary Road.

I wish the Chair to state that why the roads have not been completed, and the expected date for completion.

Hon. Speaker: Give the statement to the House, I now commit it to the Chair Road transport and public works and you have 21days to report back.

Hon. L. Kirui: I seek to know the following from the Chair Water, Environment, Forestry and Natural Resources. The Chair to state whether he is aware of that the following villages have not received piped water since the inception of the county government, yet there was a budgetary allocation of KES 126 million under vote 3110452 during 2013/2014 and KES 212431157 under vote 3110452 during 2014/2015. The villages are;

Chelelach, Bing’wa, Kaplelechwo, Kapmabwaa, Kapisimba Chamagel Kiptenden and Chesogori, Chepleliet, Kiptenden, Legetetiet, Mosindoni, Kiptagee, Kimugul and Kaptwolo.

And when is the said piped water going to reach the same villages.

Hon. Speaker: Give the statement to the House; I now commit it to the Chair Water, Environment, Forestry and Natural Resources. And you have 21days to report back.

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Hon. L. Kirui: I seek to know the following from the Chair, Urban Planning Land and Housing concerning the installation of Street light in the Siongiroi market. The Chair person should state why the program was not done yet. Yet there was a budgetary allocation of 7 million under vote 311504 during 2013/2014. The Chair should state why the program was not done yet there was a program to install lighting in every ward headquarters.

Hon. Speaker: The statement is now the property of the House and is committed to the committee on urban planning land and housing and you have 21 days to get back to the House. You still have another one.

Hon. L. Kirui: I seek to know the following from the Chair Education, youth and sports concerning why the needy students in Siongiroi ward haven't received the bursary they were allocated. In the statement the Chair should state why the students failed to receive the KES 7500 each during the FY2013/2014 and FY2015/2016 and yet there was allocation of 70 Million under Vote 26404402 and 20 Million under Vote 26401101 respectively and a policy to that effect was placed. Thank you.

Hon. Speaker: The statement is now the property of the House and is committed to Education, youth and sports and they have 21days to get back to the House.

Hon. L. Kirui: I seek to know the following...

Hon. Speaker: Honourable Kirui you are totally out of order. What is it Honourable Joyce.

Hon. Joyce Korir: There was a petition that we were supposed to table.

Hon. Speaker: No let us clear with this first. Honourable Kirui proceed.

Hon. L. Kirui: I seek the last statement from the Chair committee trade tourism and cooperatives concerning the utilization of Kenya shillings 3.82 Million which was allocated to Siongiroi Multipurpose Society during the FY2014/2015. In the statement it should give a comprehensive report on the utilization the said fund.

Hon. Speaker: The statement is now the property of the House and is trade tourism and cooperatives have 21 days to get back to the House. What is you notice of motion.

NOTICE OF MOTION

The County Assembly Urges The County Executive To Establish More Dispensaries In The County Particularly But Not Limited To Kapmabwaa Village In Siongiroi Ward.

Hon. L. Kirui: I bet to give a notice of motion that aware that article 43 of the constitution of Kenya 2010 provides that every person has right to the highest attainable standard of health which include the right to health care service. Further aware that one of the principles of

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devolution under article 174 of the constitution is that of the provision of the easily accessible service to the people, further aware that the function of the county health services has been devolved vide part two of the fourth schedule of the constitution of Kenya; deeply concerned that the residents particularly in Kapmabwaa village in Siongiroi ward trek for long distances to access medical services. Noting that basic health is one of the key pillars of a functioning of a county health system, this county assembly urges the county executive to establish more dispensaries in the county particularly but not limited to Kapmabwaa village in Siongiroi ward. Thank you.

Hon. Speaker: The notice is dully given and the House Business committee should be able to allocate time and date when it shall be discussed. Honourable Joyce.

PETITION

The Petition That Was Committed To the Committee on Education, Youth and Sports on Vocational Training Institutes

Hon. Joyce Korir: I would like to table the petition that was committed to the committee on education youth and sports on vocational training institutes.

Hon. Speaker: Procedurally we were supposed to give you twenty minutes. When we come back from recess the said a statement should be replied to in the second Tuesday after we come back from recess so that the said members of the public can have a look, so get ready so that the said members of public can reply on that day. So it is now fully the property of the House. What is it honourable Langat?

Hon. R. Langat: Honourable Speaker, I stand to ask for your guidance because during our meeting as Budget and Appropriation Committee we requested that the Finance Committee be included during tomorrow's public participation exercise so that it would be effective because when we distributed our members they were not enough and we wanted to cover the whole area within the shortest time possible. So that was our request.

Hon. Speaker: Have you discussed that with the Chair of Finance Committee?

Hon. R. Langat: We have not discussed because I wanted to seek your direction so that we can incorporate them.

Hon. Speaker: So just like they had requested your committee to be included during the Annual Development Plan public participation, you can proceed. Permission is granted that the Finance Committee can assist the Budget and Appropriation Committee because the two in one way or another work on the same issues. They can work together so as to realize the issues being fronted

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on the Budget estimates. So you organize with the chair and the committee members so that you see how you can offer maximum support. Honourable Joyce?

Hon. Joyce Korir: Thank you Mr. Speaker. I want to bring to your attention that the exercise was done last time by the Whole House. So if you can allow us we can have all the members participating in this exercise. But as a member of Finance Committee I have no problem only that I feel all the members should be acquainted with what is happening on the ground.

Hon. Speaker: I think what had happened was that every member was present in an event in his or her ward, but I have no problem if you feel you can offer support there is no big deal. But for report writing we cannot have all the members but every member is free to join just the way we did last time. Because if the Budget committee is coming to your ward, you need to be there whether you are a member or not.

MOTION

Hon. Speaker: Yes honourable Langat?

Hon. R. Langat: The clerk was still uploading the document on the I-pads. But I can read it out while it is still being uploaded.

Hon. Speaker: No honourable Langat, we need to be very fair, given that it is still uploading, and then the members will not have the opportunity to read. We do not need anything to be challenged, we need sufficient time for members to go through it, so I am asking the members to state the number of minutes they require going through it. Because as a fair practice I need to give members enough time to go through it because it is a very heavy document. Is it a very heavy document or you can go through it in a short time? Honourable members, you don't want to give a timeline? Honourable Samson?

Hon. S. Towett: Honourable Speaker, I am a member of Budget Committee and I am aware of what the committee discussed. I just want to inform the House that the report is not too bulky and that members can take even 20 minutes to go through it and after that we will be able to transact the business.

Hon. Speaker: Any objection? Since you asked for 20 minutes I will give you 30 minutes, right now it is a quarter past three o'clock, so you can come back at a quarter to four o'clock.

(The House broke for 30 minutes)

(The House resumed after 30 minutes)

Hon. Speaker: Honourable members, do we have quorum?

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Hon. W. Mosonik: Yes Honourable Speaker, we have the quorum.

Hon. Speaker: Son let us proceed. Yes Honourable Bett?

NOTICE OF MOTION

For The Removal from Office of Members of the County Public Service Board

Hon. R. Bett: Thank you Honourable Speaker, as I had requested I am grateful for giving me this chance to move this notice of motion for removing the members of the County Public Service Board. THAT, THIS HOUSE AWARE THAT article 251 (1) of the Constitution of Kenya 2010 clearly sets out instances in which a member of a commission or holder of independent office may be removed from office including incompetence and gross violation of law.

THAT section 58 (5) (a), (b) of the County Government Act, 2012 provides for ground and process of removal of a member of County Public Service Board.

THAT the Board has negated its duty and violated the law the law by not publishing its annual reports in the County Gazette as required under section 59 (6) of the County Governments Act,2012.

THAT, the Board recently purported to undertake final and appointment of health personnel without involving chief officer and relevant department leading to lack of transparency and accountability in the entire exercise and total violation of section 63 (2) OF THE County Government Act, 2012 requiring the Board to involve the Chief Officer of the department in which appointment is made.

THAT the Board has failed to advise the County government on implementation and monitoring of the national performance management systems in counties as contemplated under section 59 (1) (i) of the County Government Act, 2012.

THAT the Board has further failed to facilitate the development of coherent, integrated human resource planning and budgeting of personnel emolument in the county contrary to section 59 (1) (g) of the County Government ACT,2012.

THAT, the Board has not been consistent and efficient in undertaking disciplinary procedures and actions as required and expected of them resulting in conflicting decisions and unnecessary litigation.

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THAT, the Board has always been indecisive in their actions resulting in advertising of job vacancies only to be cancelled at a later date without proper justification and at the inconvenience of the applicants occasioning embarrassment and loss of funds.

THAT, THE Board has been conducting shortlisting of applicants in hotels outside the county without a lawful justification resulting in imprudent use of public resources against Public Finance Management Act and principle of prudent use of public resources.

THAT, the chairman, the secretary and members of the public service board have committed serious violation of law specifically County Government Act 2012, and have undertaken their work that does not promote transparency and accountability.

THAT, the violation of the County government Act 2012 by the members of the Board is not justifiable and consequently renders the entire Board incompetent and not fit to hold office as members of County Service Board.

THIS HOUSE IS THEREFORE, urged to investigate the violation of County Government Act, 2012, and incompetence on part of members of the County Public Service Board in undertaking their functions with a view of removing from office in accordance with section 58 (5) (a) (b) of the County government Act for violation of the law and incompetence in undertaking their functions.

Hon. Speaker: Honourable members, the Notice of motion is duly given and the due process will be followed as enumerated within our Standing Orders and the County Government Act. So hand it over to the table clerk and it becomes the property of the House.

MOTION

That The House Adopts The Report Of Committee On Budget And Appropriation On The 2nd Supplementary Budget Estimates Laid On The Table Of County Assembly On 17th May, 2016 And Subsequently Approves The 2nd Supplementary Budget Estimates

Hon. Speaker: Honourable Langat?

Hon. R. Langat: Thank you Honourable Speaker, I stand to move the motion THAT, this County Assembly adopts the report of committee on Budget and Appropriation on the 2nd Supplementary Budget estimates laid on the table of County Assembly on 17th May, 2016 and subsequently approves the 2nd supplementary Budget estimates pursuant to section 135 of Public Finance Management Act, 2012. And here is the report.

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1 BACKGROUND

Mr. Speaker Sir,

On behalf of the Members of the Budget Committee and as required under standing order No. 190, I take this opportunity to present to the House, the Committee's Report on the Executive and Assembly 2nd Supplementary Budget for FY 2015/2016.

Mr. Speaker Sir,

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

1. Hon. Bernard Ngeno – Chairperson
2. Hon. Reuben Langat -V. Chair
3. Hon. Robert Serbai
4. Hon. Josphat Kirui
5. Hon. Samwel Bor
6. Hon. Philip Siele
7. Hon. Leonard Kirui
8. Hon. Wilson Keter
9. Hon. John Molel
10. Hon. Samson Towett
11. Hon. Leah Kirui
12. Hon. Julius Korir
13. Hon. Andrew Maritim

1.1 Mandate of the Committee

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

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

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1.2 Examination of the 2nd Supplementary Budget for F/Y 2015/16

Mr. Speaker Sir,

In line with the Constitution and the PFM Act, the supplementary budget estimates for the two arms of County Government, namely The County Executive and The County Assembly submitted to the County Assembly were tabled on 10th May, 2016.

Mr. Speaker Sir,

In reviewing the proposed supplementary budget, the committee managed to obtain views from County Assembly Service Board on matters pertaining to the County Assembly supplementary budget and County Executive Committee member for Finance on matters relating to the County Executive supplementary budget.

The views, **Mr. Speaker Sir**, were required to enable the Committee members to make an informed decision on the supplementary budget.

1.3 Acknowledgement

Mr. Speaker Sir,

I wish to thank the members of Budget and Appropriation Committee for dedicating their time and energy to prepare this report. The Committee is also grateful to the County Assembly Clerk and the Treasury officials for their responses during interrogation of their proposals. The Committee is also grateful to the budget office for their technical input.

1.4 Affirmation and approval

Mr. Speaker Sir, all the members signed the document except honourable Josphat Kirui whom we are aware was not feeling well.

2 ADHERENCE TO THE LEGAL FRAMEWORK

Section 135 (1) of the PFM Act 2012 states that,

“A county government may spend money that has not been appropriated if the amount appropriated for any purpose under the County Appropriation Act is insufficient or a need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act, or money has been withdrawn from the county government Emergency Fund.”

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(2) A county government shall submit a supplementary budget in support of the additional expenditure for authority for spending under subsection (1).

(3) In complying with subsection (2), a county government shall describe how the additional expenditure relates to the fiscal responsibility principles and financial objectives.

(4) Except as provided by subsection (5), the approval of the county assembly for any spending under this section shall be sought within two months after the first withdrawal of the money.

(5) If the county assembly is not sitting during the time contemplated in subsection (4), or is sitting but adjourns before approval has been sought, approval shall be sought within fourteen days after it next sits.

(6) When the county assembly has approved spending under subsection (2), a supplementary Appropriation Bill shall be introduced for the appropriation of the money spent.

(7) In any financial year, the county government may not spend under this section more than ten per cent of the amount appropriated by the county assembly for that year unless that county assembly has, in special circumstances, approved a higher percentage”

PFM Regulations

Regulation 39 provides as follows;

(1) Each Accounting Officer shall within the guidelines of the supplementary budget circular and in conformity with budget guidelines issued by the County Executive Committee Member, prepare revised budget estimates in the format to be issued by the Cabinet Secretary. Mr. Speaker, this is a very pertinent issue where we have to get budgets in a format issued by the Cabinet Secretary. That is what we endeavour to do this Financial year.

(2) Prior to incurring any expenditure under paragraph (1), Accounting Officers shall seek the approval of the County Treasury, and if approval is granted by the County Executive Committee Member, it shall be communicated to the Accounting Officers through a notification which shall be copied to the Auditor-General and the Controller of Budget.

(3) The purpose for which approval is sought for a supplementary budget shall be—
(a) Unforeseen and unavoidable, in circumstances where no budget provision was made; or
(b) Unavoidable, in circumstances where there is an existing budgetary provision which, however, is inadequate.

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(4) For purposes of paragraph (3), the following shall not be considered unforeseen and unavoidable expenditure—

(a) Expenditure that, although known when finalizing the estimates of the original budget, could not be accommodated within allocations; and

(b) Tariff adjustments and price increases.

(5) Accounting Officers may seek supplementary budget if the expenditure cannot be met by budget reallocation under section 154 of the Act.

(6) The request for supplementary budget in sub regulation (5) shall be presented in a format that facilitates comparison with the original budget and shall contain all the information necessary to enable a decision on the application to be reached and shall include—

(a) the Vote, program, sub-programme and broad expenditure category which it is desired to supplement, the original sum voted thereon and any supplements which may have since been added;

(b) the actual expenditure and the outstanding liabilities or commitments against the item on the date when the request is made;

(c) the amount of the supplement required, the reasons why the supplement is necessary and why it has not been possible to keep within the voted provision;

(d) the basis for the calculation underpinning the supplementary;

(e) the proposed source of financing of the additional expenditure,

(f) An analysis of the fiscal impact of the additional expenditure; or of the implications, if any, for the planned outputs and outcomes of the affected programmes; we requested information on which programmes will be affected but we were told that it will be provided in two weeks' time yet we wanted to make a decision.

(g) any implied deviation from the Medium Term Expenditure Framework (MTEF) and the financial objectives;

(h) be accompanied by the latest fiscal projections

3 COMMITTEE'S FINDINGS AND OBSERVATIONS

Mr. Speaker Sir,

3.1 Comprehensive analysis of the supplementary budget 2

The comprehensive review undertaken by the committee on the document yielded the following key findings and observations;

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Table 1: Comparison analysis of 1st and submitted 2nd supplementary budget

1ST AND 2ND SUPPLEMENTARY BUDGET COMPARISON ANALYSIS OF TOTAL ALLOCATIONS FOR SPENDING UNITS				
SPENDING UNITS	1ST SUPPLE.	2ND SUPPLE.	RE-ALLOCATIONS	% CHANGE
	TOTAL	TOTAL	TOTAL	
COUNTY EXECUTIVES	371,005,984	384,795,517	13,789,533	4%
ADMINISTRATION	436,187,694	393,263,348	-42,924,346	-10%
FINANCE AND ECONOMIC PLANNING	342,394,804	318,413,038	-23,981,766	-7%
PUBLIC HEALTH AND ENVIRONMENT	113,809,592	204,843,894	91,034,302	80%
AGRI-BUSINESS, COOPERATIVES & MARKETING	359,121,537	328,053,481	-31,068,056	-9%
SOCIAL SERVICES	487,296,903	427,373,003	-59,923,900	-12%
MEDICAL SERVICES	948,579,468	1,023,127,456	74,547,988	8%
LANDS, HOUSING AND URBAN PLANNING	195,073,882	191,776,209	-3,297,673	-2%
WATER SERVICES	595,743,710	396,610,969	-199,132,741	-33%
EDUCATION AND VOCATIONAL TRAININGS	446,844,375	433,312,743	-13,531,632	-3%
ROADS, PUBLIC WORKS AND TRANSPORT	479,475,478	509,777,689	30,302,211	6%
TRADE, ENERGY, TOURISM AND INDUSTRIALIZATION	83,557,344	60,240,304	-23,317,040	-28%
COUNTY ASSEMBLY	499,368,979	499,368,979	0	0%
TOTAL	5,358,359,750	5,170,956,630	-187,403,120	-3%

It can be deduced from table 1 that the department of Health and Environment is the highest beneficiary of the proposed 2nd supplementary budget (an upward adjustment of 80%). Mr. Speaker Sir; it is worrying that we can add up to 80 per cent to a department yet others are being reduced. It is however a concern that critical departments such as Water services; Trade, Energy, Tourism and Industrialization; Social services and Agri-business have had their budgets sliced by a huge margin. Water Services is the most affected as the departmental budget has been reduced by 33%. Mr. Speaker Sir; I heard a friend here raising issues about water that it has not been provided yet we are reducing its allocation. This raises a lot of concern.

Table 2: Analysis of Personnel Emolument

1ST AND 2ND SUPPLEMENTARY BUDGET COMPARISON ANALYSIS OF P.E. FOR SPENDING UNITS				
SPENDING UNITS	1ST SUPPLE.	2ND SUPPLE.	RE-ALLOCATIONS	%CHANG

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VOTE	PE	PE		
COUNTY EXECUTIVES	187,757,412	187,757,412	0	0%
ADMINISTRATION	262,603,853	262,603,853	0	0%
FINANCE AND ECONOMIC PLANNING	168,669,620	168,669,620	0	0%
PUBLIC HEALTH AND ENVIRONMENT	85,000,000	192,856,902	107,856,902	56%
SOCIAL SERVICES	38,587,939	38,587,939	0	0%
MEDICAL SERVICES	448,767,130	463,767,130	15,000,000	3%
LANDS, HOUSING AND URBAN PLANNING	57,290,885	61,290,885	4,000,000	7%
AGRI-BUSINESS, COOPERTIVES& MARKETING	145,351,816	145,351,816	0	0%
WATER SERVICES	36,718,812	36,718,812	0	0%
EDUCATION AND VOCATIONAL TRAININGS	160,622,634	160,622,634	0	0%
ROADS, PUBLIC WORKS AND TRANSPORT	54,776,664	54,776,664	0	0%
TRADE, ENERGY, TOURISM AND INDUSTRIALIZATION	9,680,424	9,680,424	0	0%
COUNTY ASSEMBLY	275,096,913	260,575,521	-14,521,392	-6%
TOTAL	1,930,924,102	2,043,259,612	112,335,510	6%

It can be observed from table 2 that personnel emoluments for the department of Public Health and Environment are being increased by 56%. The CEC for finance attributes this increment to the reinstatement of local authority staff and promotion. The committee however compelled the CEC for Finance to back his claims by providing a detail break down of the personnel emoluments among other reports in two weeks' time.

Other departments which registered upward adjustments in its personnel emoluments are department of medical services and Lands, Housing & urban planning which registered upward adjustment of 3% and 7% respectively. The committee however noted the County Assembly as the only spending unit which registered a reduction in the personnel emoluments. The County Assembly Service Board explained that it was majorly caused by a reduction in the amount being expended on sitting allowances for the members of the County Assembly.

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Table 3: Analysis of Development Expenditure

1ST AND 2ND SUPPLEMENTARY BUDGET COMPARISON ANALYSIS OF DEVELOPMENT FOR SPENDING UNITS				
SPENDING UNITS	1ST SUPPLE.	2ND SUPPLE.	RE-ALLOCATIONS	% CHANGE
VOTE	Dev	Dev		
COUNTY EXECUTIVES	0	0	0	0%
ADMINISTRATION	95,000,000	40,000,000	-55,000,000	-138%
FINANCE AND ECONOMIC PLANNING	29,678,114	29,678,114	0	0%
PUBLIC HEALTH AND ENVIRONMENT	22,000,000	8,900,000	-13,100,000	-147%
SOCIAL SERVICES	443,394,680	384,506,064	-58,888,616	-15%
MEDICAL SERVICES	490,308,681	551,214,826	60,906,145	11%
LANDS, HOUSING AND URBAN PLANNING	131,015,642	125,552,744	-5,462,898	-4%
AGRI-BUSINESS, COOPERTIVES & MARKETING	205,252,646	175,913,346	-29,339,300	-17%
WATER SERVICES	554,331,157	359,031,157	-195,300,000	-54%
EDUCATION AND VOCATIONAL TRAININGS	281,660,000	271,510,069	-10,149,931	-4%
ROADS, PUBLIC WORKS AND TRANSPORT	388,490,059	391,873,962	3,383,903	1%
TRADE, ENERGY, TOURISM AND INDUSTRIALIZATION	62,840,000	45,506,000	-17,334,000	-38%
COUNTY ASSEMBLY	10,000,000	10,000,000	0	0%
TOTAL	2,713,970,979	2,393,686,282	-320,284,697	-12%

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The question the committee was asking is that in Public Health and Sanitation, if you are increasing the personnel and you are reducing the workload, what is happening is that you are putting people where there is no work because you have reduced on development.

In the department of Water Services we asked ourselves whether this department is unable to consume this money or is there something not working well.

In the overall budget there is a reduction of 12 per cent of the development allocation. Where are we heading as a County if such amounts of funds are being reallocated from development to recurrent expenditure? There are some percentages that can be reduced. Are we serious with development agenda of our County? KES 320 million is adequate to fund a department of roads for a whole financial year yet this is amount which is being reallocated to meet the growth in recurrent expenditure and to meet the gap created by the overestimation of local revenue.

When we were doing the budget the projection of the revenue was a bit too high and the Executive insisted that they were going to raise that amount but it is now a reality that they have reduced it.

DEVELOPMENT ABSORPTION RATE

DEVELOPMENT ABSORPTION RATE AS COMPARED TO ALLOCATIONS IN 1ST SUPPLEMENTARY				
SPENDING UNITS	Expenditure, Commit.+payments as at March 2016	1ST SUPPLE.	Balance	Absorption rate
VOTE				
COUNTY EXECUTIVES	0	0	0	
ADMINISTRATION	76,029,097	95,000,000	18,970,903	80%
FINANCE AND ECONOMIC PLANNING	18,026,385	29,678,114	11,651,729	61%
PUBLIC HEALTH AND ENVIRONMENT	811,660	22,000,000	21,188,340	4%
SOCIAL SERVICES	219,773,445	443,394,680	223,621,235	50%
MEDICAL SERVICES	356,591,065	490,308,681	133,717,616	73%

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LANDS, HOUSING AND URBAN PLANNING	92,346,931	131,015,642	38,668,711	70%
AGRI-BUSINESS, COOPERTIVES& MARKETING	124,403,382	205,252,646	80,849,264	61%
WATER SERVICES	298,564,796	554,331,157	255,766,361	54%
EDUCATION AND VOCATIONAL TRAININGS	293,739,427	281,660,000	-12,079,427	104%
ROADS, PUBLIC WORKS AND TRANSPORT	303,521,835	388,490,059	84,968,224	78%
TRADE, ENERGY, TOURISM AND INDUSTRIA.	22,619,612	62,840,000	40,220,388	36%
COUNTY ASSEMBLY	3,133,969	10,000,000	6,866,031	31%
TOTAL	1,809,561,604	2,713,970,979	904,409,375	67%

Table 4 indicates absorption rate as compared with initial allocation in the Supplementary Budget. It can be deduced from the table that as at 1st march 2016, absorption rate for public health and environment had registered the lowest at 4% of the allocated development funds. This explains why the department suffered the highest cuts in its development vote. On the contrary, department of Education and vocational trainings had registered an over expenditure in its development vote. Other spending units which registered low absorption rate included the department of social services (50%), County assembly (31%) and as expected department of Trade, Energy, Tourism and Industrialization (36%).

After analysing all these we called the CEC and Bomet County Assembly Service Board

3.2. Submissions by the County Executive Committee Member for Finance and committee reactions

3.2.1 CEC for Finance Submissions

The CEC member for Finance made the following submissions in reaction to the issues raised by the committee on the submitted Supplementary Budget;

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1. The CEC for Finance notes on 2nd supplementary estimates 2015/16 (specifically, note 1, 2, 4, 5, 6 and 7)

CEC Response

Note 1: The CEC submitted that the drop on revenue collections could be attributed to the delay in passage of Finance Bill and inability to engage KRA in collection of rates. The CEC accepted that there was a reduction on collection of revenue and he is attributing it to the delay in the passage of the Finance Bill.

Note 2: The CEC submitted that out of KES 44 million expected as salary refund, the National Treasury has committed to provide KES 15 million. Once the funds are received, it will be transferred to next financial year as commitments carried forward. They were saying they expected KES 44 million from the National Government they have not been provided and there is undertaking that they will provide KES 15 million.

Note 4: The CEC explained that salaries for local authority staff had not been factored but owing to their reinstatement by the courts, their salaries has since been factored and thus explains the drastic rise in salaries in the department of public health and environment where 90% of the local authority staff were deployed. The committee was worried and wondered when the Local Authority staffs were sacked and in any case this County Government found these people and they have not been sacked

Note 5 & 6: The CEC and the Treasury officials explained that county governments incur pending bills like national government. He further submitted that it has affected development allocations since most of the deliveries were yet to be effected and therefore supplier's claims could be settled in the next financial year. CEC finance is transferring the commitments from this financial year to the next financial year which has a very serious implication because undertakings of developments in the next financial year will not be done because we will be paying suppliers

Note 7: The CEC explained that the initial allocations were not adequate to cater for the beneficiaries to the end of the financial year. He also submitted that new entrants and upward adjustment by NHIF contributions further complicated the matter.

2. The issues raised in various departments (attached)

CEC response

The CEC committed himself to submit the required information in the next two weeks and any further clarification that will be required will be provided by the respective County Executive Members.

3. CEC reactions to the proposed recommendations

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- i. The proposed reduction from advertising, awareness and publicity campaigns (code 2210504) in the department of administration. Out of the initial allocations of KES4 million, KES 171,007 had been spent as at 1st March 2016 yet the Supplementary Budget seeks to increase to KES 11 million.

Mr. Speaker Sir; up to March they had spent up to KES 171,007 and they are seeking to increase up to KES 11 million

CEC Reaction: The law requires that any activity touching on public finance needs to be advertised. The delay in the passage of budget estimates led to late advertisement of open tenders by procurement section. This is inclusive of sale yards and fencing of Embomos tea farm. The said cost is centralized under administration. The CEC further submitted to provide up to date expenditure by 2:30 p.m. the same day. He undertook to give us information by 2.30 p.m, even as we came to this House that information is not yet with us.

- ii. The proposed reduction from purchase of uniforms and clothing (code 2211016). Out of the initial allocations of KES4 million, the entire amount had been spent as at 1st March 2016 yet the Supplementary Budget seeks to increase it to KES 15,800,000. They had spent KES 4 million and they are seeking KES 15 million.

CEC Reaction: The above amount is an allocation meant for acquisition of uniforms for community and area administrators and has now been committed and the uniforms are to be delivered this month awaiting payment to the supplier.

- iii. The proposed reduction from other operating expenses-community participation (code 2211399). Out of the initial allocations of KES30.5 million, KES 6,657,000 had been spent as at 1st March 2016 yet the Supplementary Budget seeks to retain the initial allocation of KES 30.5 million. They have spent KES 6 million and they are seeking KES 30 million and to finish in one month, unless there are miracles.

CEC Reaction: Several policies were subjected to public participation i.e monitoring and evaluation policy, revenue collection policy and Youth policy. These policies will go a long way in implementing the budget for 2016/17 financial year. The CEC stated that up to date expenditure will be provided by 2:30 p.m. the same day.

That was a commitment that he was going to provide it the same day (yesterday) but that information was not with the committee by today.

- iv. The proposed reduction from training allowances (sport enhancement), code 2210712 in the department of Social services. Out of the initial allocations of **KES 5.08 million, KES 2,979,825** had been spent as at 1st March 2016 yet the Supplementary Budget seeks to increase the allocation to **KES 25,979,825**.

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As I was saying that if they have been allocated KES 5 million and they have spent KES 2 million in 8 months and they are seeking to increase to KES 25 million and spend it in one month, it is questionable.

CEC Reaction: This money is meant to cater for balls, uniforms, trophies, awards and training of the county youth tournament which is on-going. The said tournament runs from the ward level to the county level to promote talent search and engage the youth on constructive activities hence reduction on drug abuse, crime and idling. The uniforms and balls have been delivered and awaiting payments.

I don't know how much the cost of a ball is. I guess it is about KES 4,000. How many balls are supposed to be bought? Those were some of the questions that the committee asked and we did not get a convincing answer

- v. The proposed reduction from Hire of Transport (code 2210604).The additional amount is meant to cater for VAT at 16% introduced this financial and a pending bill for last financial year of 2 months.

Final submission of the CEC: The above recommendations are good. However based on the above responses we request that the supplementary be approved as submitted given there is no surplus as funds had been committed.

That is the reason they are saying that we should pass it as it is but we know there are some percentages that are allowed to overspend

3.1.1. The Committee observations on the CEC's reactions and submissions

The committee reacted as follows to the CEC for Finance submissions;

- i. Although the CEC offered to provide concrete evidence of up to date expenditure on the votes affected by proposed re-allocations, it was not submitted as agreed leaving the committee with no choice but to hold on to its proposed recommendations.

We had an undertaking to give information but they did not and the committee had to make these recommendations.
- ii. The pending bills which might arise from the affected votes could be settled in the next financial year budget so as to release funds to address urgent matters of concern. The committee saw that there yet the urgent matters can be addressed like the old aged people who can be addressed in this financial year. Purchase of uniforms has not been delivered and anticipated public participation on the on-going policies was clearly not so urgent as to warrant reduction in allocation to monthly stipend for the old aged.

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If uniforms have not been delivered, if public participation has not been done the committee said that this can be postponed to the next financial year.

The committee prepared the following raft of recommendations for the financial year 2015/2016.

4 COMMITTEE RECOMENDATIONS

Mr. Speaker Sir,

In view of the above findings and observations, the committee made the following raft of recommendations to be made on the Supplementary Budget 2015/16 financial year;

4.1 County Executive Supplementary Budget

The committee recommends and reaffirms the CEC for Finance commitment to provide list of capital expenditure in various departments as per the attached response of the CEC. The committee however reminds the CEC that the required submissions must be made on or before 28th May 2016.

The committee noted with concern the growing pending bills and the subsequent effect on the budget. The committee observed that the reasons provided by the CEC were not backed by concrete evidence and therefore not convincing enough to warrant change of the committee proposed recommendations. The committee therefore proposed that the re-submitted executive Supplementary Budget be approved with the following amendments in order to reduce the effect and consequences of transferring pending bills to the forthcoming budget.

The committee saw that everything that was meant for this year be cleared this year so that next year we will be starting from a new slate.

Reductions

The committee proposes that under;

1. Department of Administration

- i. KES10 million be reduced from advertising, awareness and publicity campaigns code 2210504.
- ii. KES11 million be reduced from purchase of uniforms and clothing code 2211016
- iii. KES 18 million be reduced from other operating expenses-community participation

2. Department of Social services

- i. KES 20 million be reduced from Training allowances (sport enhancement) code 2210712

3. Department of Medical Service

- i. KES13 million be reduced from Hire of Transport code 2210604

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The committee re-allocated the KES72 million realized from the above reductions as follows;

- i. **KES 47,588,441** was re-allocated to capital transfers to old age (code 2640502) so as to reinstate allocations to the initial figure of KES 303, 562,000 and to avoid/reduce the potential stress undergone by the beneficiaries when they miss their monthly stipend. You are aware that when we go to our wards we get these questions and yet the Executive was reducing what was given to them and the committee reinstated what was allocated to them.
- ii. **KES 14,411,559** was re-allocated to water supplies and sewerage to partly settle the pending bills and to reduce the potential effect on the forthcoming budget
- iii. **KES 10 million** was re-allocated to construction of ECD classrooms to reinstate the allocation to its original figure of **KES 161,720,000** and to reduce the effect of pending bills in the forthcoming budget.

We added these so as to clear what was there because the Executive was creating unnecessary pending bills.

4.2 The County Assembly Supplementary Budget

During the review of the Supplementary Budget, the committee advised the County Assembly Service Board to make some adjustments in the submitted budget, key of which being the capital expenditure. In line with county Assembly resolutions, the Clerk re-allocated the balance from allocations that had been made to the consultancy service for construction of the Assembly Chamber to construction of gate, two washrooms & perimeter wall phase one.

Since the committee concerns were adequately addressed in the re-submitted County Assembly Supplementary Budget 2, the committee recommends that it be approved as amended by the County Assembly Service Board.

I therefore urge this Honourable House to adopt this report that will approve the Supplementary Budget as amended.

Thank you Mr. Speaker and I request Hon. Samson to second this motion.

Hon. Speaker: Hon. Samson.

Hon. S. Towett: Thank you for allowing me the opportunity to second the motion which is before us touching on the Supplementary Budget.

I want to thank the vice Chair for moving this motion and explaining what the committee did as far as the Supplementary Budget as well as the resolutions of the committee.

We have had an opportunity to look at the Supplementary Budget from the Executive and from the County Assembly and indeed there are a number of areas where the County Executive had

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proposed to make some amendments and when it came to the committee we went through each item which was to be affected and we were asking ourselves what will be the effect of the changes as far as the developments and delivery of services is concerned. A number of explanations have been given by Hon. Langat and I need not to go on detail to what Hon. Langat has touched.

If you look at this Supplementary Budget which was proposed by County Executive it had some effects in that;

- I. The development vote was being reduced.
- II. There are some bills which were being introduced again.

We have never had pending bills and this was the first time we saw pending bills being introduced.

Another thing that we saw was touching on the total revenue. While we were coming up with the budget for this financial year we debated at length with the County Executive whether it is realistic for them to propose revenue collection of over KES 300 million and they were trying to justify ways and means they were going to use but according to the committee we saw it as unachievable and the committee had proposed local revenue of about KES 230 million and if you look at what the Executive have proposed is that they have reduced to KES 188 million which shows that the committee was not far from the truth.

It tells us that the Executive knew that they will not manage to raise this amount but because they wanted to attain the target that they had they just placed the figure there which was not realistic knowing that somewhere down the line during the Supplementary Budget they will review it downwards which in essence it means that some development projects will be affected.

If you look at the budget from the Executive it looks more of consumptive than developmental.

We saw the areas where reductions were being proposed, for example when you are reducing KES 195 million from the department of water and they have some pending bills which have not been surfaced and if you look at bills which were being proposed, some of them are coming from areas where a reduction from the vote has been made. We were asking ourselves with the committee even if the department was not able to consume the entire amount, why didn't they allow the department to meet the current debt to its fullest and the remaining balance be then reallocated to another department.

If you look at also area concerning education, already there was an over expenditure and they were saying they had used over KES 190 million and in the first Supplementary Budget the sector had been allocated KES 161 million and the Executive was proposing again to reduce it by

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KES 10 million and in the committee we saw it was not making sense. If you look at what is happening in the ground you will not see how this money had been used.

You look again at the issues touching on Agri-Business and they are proposing a reduction. We are saying Agriculture is the back bone of economy in this County. It is the only area where the largest working force coming from in Bomet County but very little has been done and here again they are proposing a reduction which means they are reducing what the department is doing towards provision of services and agricultural sector and even cooperatives at large.

As a committee we also looked at what the Executive had proposed as far as Social Services is concerned whereby the votes touching on the cash transfers and the elderly were being reduced. It doesn't make sense if we cannot meet what we had committed ourselves to and they are further reducing the amounts that we had given them and taking them elsewhere, maybe to meet certain activities like sports. This tells us that we are not putting our priorities well.

If we are reducing amount from Water department and taking them to public participation, which one should come among those two services? The County Executive need to sit down and be a bit serious and put their priorities in order so that this County can prosper.

On some of the proposals that have been made to continue without substantive documents being provided to the committee to justify as to why this reductions are being made; Hon. Speaker, I need not to go far but I want you urge the House that let us get down and support this motion and the recommendations of the committee so that at least we can keep our county moving.

Hon. Speaker, if we allow the pending bills to go the way it has started now, it means in some few years to come we will be having huge pending bills which means the finances for the coming financial year, will be affected so we need to be on the lookout for this so that we don't allow these pending bills to grow.

With those few remarks Hon Speaker Sir, I want to urge the House that the committee has really deliberated on this and I hope we as House will really support the recommendations of the committee; thank you.

Hon. Speaker: Thank you very much; it's now my turn to propose the question that...

A member rose on a point of order

Hon. Speaker: What is your point of order?

Hon. Joyce Korir: I had raised the hand to contribute on this matter.

Hon. Speaker: Hon. Joyce we are taking it to the afternoon session and I understand that then you are standing in for Hon. Kirui; because I saw in the morning he was standing in for you, is that the same case? So I will propose the question then you can take off to contribute; so I

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propose the question that this County Assembly adopts the report of the Budget and Appropriation Committee on the second Supplementary Budget estimates tabled on the County Assembly on 17th May 2016, and subsequently approves the second Supplementary Budget estimate pursuant to section 135 of the Public Finance Management Act 2012. Hon. Chebomui.

Hon. B. Chebomui: Thank you very much Mr. Speaker: for giving me this opportunity to contribute on the Supplementary Budget which is before us. Mr. Speaker Sir, first and foremost, I really want to congratulate the budget committee for the wonderful work they have done. This is great and I really want to say we have now reached perfection. We have the able Chair and the able deputy; he has taken us through and I think members were very keen and I want to say that I am agreeing with the findings and the observations and also the recommendations of the committee. So without taking much of my time, I have gone through everything and I think it is okay so I urge the House that let us adopt this report; thank you.

Hon. Speaker: Hon. Joyce.

Hon. Joyce Korir: Thank you; I stand to register out my dissatisfaction on the issue of the Supplementary Budget. The Supplementary Budget touches the whole County and it is also touching on the issue affecting the Executive and The Legislature and I want to say though the committee has tried their level best to analyse this document, I want to say it was prudent for the entire House to be taken through this document.

Hon. Speaker, we are dealing with public money and the reason why we are in this House is to address issues that are touching on budgetary allocations; it is so shameful for us as members of this House to just approve this thing because it has come from the Committee.

A member rose on a point of order

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

Hon. S. Towett: This Supplementary Budget Hon. Speaker: once it was tabled it was referred to various sectoral committees and asked to look into so I am asking whether Hon. Joyce is in order to say that members are wrong to vote on the document and that they didn't participate on.

Hon. Speaker: Hon. Joyce?

Hon. Joyce Korir: Hon. Speaker, I want to repeat that this is something that is dealing with the money and I want to say that I register my disappointment on the same; actually on this document the committee was taken through by the legal team word by word and taught to understand how the budget is to be done and how this Supplementary Budget or the issues that were affecting us are to be done.

The members would just sit Hon. Speaker, and even as we speak, if the members are asked, none of them can answer, except the committee members, and I want to say next time when we are

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dealing with issues touching on the budget it is prudent for the House to deliberate on this issue and to consider and to take all the members of this House as important as those of the committee.

Hon. Speaker, we've been moving out for report writings which have not been dealing with money, Hon. Speaker, but I want to say even the documents that we have been dealing with sometimes we don't even concentrate. Sometimes when we go for some things and you listen to some of the politicians outside there addressing the members of the public, you will hear them saying that the members of the Assembly reduced the Budget; and I cannot deny this because sometimes it can be reduced without my mandate just because the members of that committee cannot allow us to deliberate on the document and pass it the right way.

Hon. L. Kirui: A point of order Mr. Speaker, I just want to ask whether what Hon. Joyce is raising is in order because I remember when Hon. Langat was allowed to move the motion, you requested through your Chair, Hon. Speaker, on the number of minutes that you required each member to look at the document and contribute; I thought that would have been the best time where a member would have raised that I need one or two days, and I think that was based on your own wisdom; after that nobody proposed the number of minutes or hours required so I am asking whether the member is in order.

Hon. Joyce Korir: Thank you Mr. Speaker; it's only a fool who can request for two days to respond to an issue that is touching on finance. Hon. Speaker, I want to say that we've been waiting for this Supplementary Budget; I always want to speak what I know. Yes we have the document but it is always important to equip the members fully so that at least when we are passing this list, at least we are in a position to really know what is in this list.

Hon. Speaker, there are a number of issues that I have seen both in the Assembly sector and in the Executive side which cannot even be enough for me to deliberate on now because even now the member is just raising the issue of hours and how many minutes I can speak yet I am raising a very important issue and they want the same document to be approved.

Hon. Speaker, I want to say for the first time that I am not happy with this thing but just because I also trust that the committee has done their level best; this time I want to go into the records that I'm not going to approve because the committee did it. Hon. Speaker, there are a number of questions that the members are raising; I don't know whether it is right or not. I don't really understand difference between commuter allowance and mileage, this one I request the Chair to clarify so that the members will be satisfied.

We also have a lot of issue that are being addressed here and if I go into details, it will disappoint a number of members but just because I said this is something that has already been used; whenever we are doing a Supplementary Budget, it is something that has always been rubber stamped; it is just a rubber stamped thing that they are passing in this House. It has already be

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done and it is just sometimes good to really know whether you have really worked or not; but for this one, I am just approving it because of the committee, thank you.

Hon. Speaker: I think Hon. Members so that we are on the same page, the work of the committee is to report to the House; I hope you have seen I have tried as much as possible as the Speaker, to really allow the committee to do their work; and the committee didn't request that we go as a whole House because I think that is what has been happening.

So I thought the committee could do it and the only problem was that time after the report was not sufficient and that is why I was really asking the minutes you required; Hon. Samson said 20 minutes but I said 30 minutes but I even stayed up to one hour before I came in; so I think that is where we might not be able to capture. There was an amendment I would have allowed under exceptional circumstances so I think we will be able to proceed with that in mind. Hon. Taplelei.

Hon. T. Rotich: Thank you. I stand to support the report but I would like to touch on what Hon. Joyce has just mentioned that maybe didn't come out clearly but I know since you gave out the 30 minutes' adjournment so that we could wait for further documents, I went consulting into that commuter allowance and the mileage because in the supplementary, this is for Hon. Members, in the supplementary it only has the mileage allowance but I was made to understand that the salaries have the commuter allowance in it but we really want confirmation because if we pass this thing and tomorrow there is no commuter allowance there is no member who will take the commuter allowance if this will become the law.

So I think this is a point that we really need confirmation from whatever angle that the salary is including the commuter allowance; because we know that the Salaries And Remuneration Commission have both commuter and mileage allowance for the elected members which of course we want to believe that that is really taken care of.

Anyway that is just by commenting on what didn't come out clearly but I want to say that in addition to that, I am in Health, I don't know if my Hon. Chair was going to say because when we met as the committee of health, the Chair had gone for other official duty and we were also asking why the department wanted to have more money but of course considering what he stated that there are two issues which I am sure the committee must have deliberated on which were touching on the workers of defunct local authorities whom have been reinstated to the department and their salaries, and of course they touched on promotion of some health staff. Another issue which we thought of in the department was the outbreaks of diseases when they are not anticipated, and like in the committee one time, we dealt with the issue of Hepatitis B, which had broken out at Ndanai, and, of course, it was not in budget anywhere because we did not anticipate that. And, you remember we had the Cholera issue, and, currently, there is so much of Pneumonia affecting people, in fact when we broke in the first session, I went to a

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funeral touching on this. I saw that what we talked in the Committee was sensible in the sense that some disease come and require urgent attention.

We felt the Health Department of the Executive was justified to request for more funding. Of course the medical drugs needed that addition, and of course, all of us knowing that we are remaining with one and a half month, and if it is true, then it makes sense because we need people who are in need of help and it will reduce other costs which we may not know.

However, when touched on the public health, we saw, in the item 2211007, the purchase of agricultural materials and supplies of small equipment. They were talking of 2.9 million, but we didn't quite understand what these agricultural materials were in relation to public health. Those are some of the issues. I believe the Committee was given what we agreed in relation to that even though it did not come out clearly in the recommendations on the amendments.

In relation to the Water, which seemed to have been slashed, I am imagining that, if we are remaining with one and a half months, there is no logical project that can take place in such a short time, if, for one year, they have not done anything. Instead of risking to have the money returned, then we would rather transfer it to what is proposed; the medical services. So that it can prevent and give promotional services to support our citizens in health matters. With the clarification of millage and the commuter allowance, I fully support the recommendations of the Committee on that clarity, because we don't want to risk where each Member may lose the commuter allowance they have been getting, and the millage that will require accounting that you have really travelled to such a place. That is something we need to think soberly and have a proper response to that. Thank you, Honourable Speaker.

Hon. Speaker exited the House. The Deputy Speaker (Hon. Joyce Korir), in the Chair of the House.

Hon. Deputy Speaker: Honourable Kirui

Hon. L. Kirui: Thank you very much Madam Speaker. I want to appreciate what the Committee has done, though I am one of them, and I also appreciate the reaction of the Members. I want to sincerely thank Honourable Taplelei. She even came and consulted SOME Members of the Committee on the issue of commuter and mileage. She was so concerned to an extent that she exhausted all avenues in which the answers could be gotten from. I think, what she has raised is pertinent. It should be put on Hansard that the commuter allowances are inclusive of the salaries of the County Assembly.

Madam Speaker, I also wish to report that the Health Committee was able to sit and look at the statement raised. By what Honourable Chair said, there was a shift of allocations to the Department of Health, because, the people who were in the local authorities, when they did the regularization of the same, they realized that most of them did not have enough qualifications.

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The only area they could was in the Environment which is in the portfolio of Environment and Public Health.

Honourable Speaker, the Committee did their best but it is not the final thing. I like what Honourable Joyce has said, and as the Members of the Committee, we are taking in those advises. We have discussed even here and we have seen that it is good for the Committee on Budget and Appropriation to be away to look at these things. They can go for two days and on the last day they engage the rest of the Committee so that they will look at the recommendation. Nevertheless, we have engaged in one way or another. I want to thank the Committee on Budget because they were not in a position to do the rubber-stamping. If you look at most of the issues raised, especially recommendations, the Committee did not want to do the rubber-stamping, that is why they even refused some recommendations from the CEC because we wanted to be objective. To mention one; it is the sport tournaments and training allowances. Honourable Speaker, the proposed supplementary were going up to 25 million, and when you look at the activities taking place, they are not of that value.

Honourable Speaker, you bear me witness that I had one statement that I had to bring to this House that was asking about the money on sport tournaments and youth activities going up to 32 million, but when you look at the activities, it may not go beyond 5 million. That is why the Committee was clever to reduce the 25 million and give them 5 million, because they cannot cheat us that they can do miracles in these two months and spend 20 million. That one we will be ready as a House and push it to the next financial year.

Honourable Speaker, the issues of the Old persons, there is confusion in the 'mashinani', and we cannot allow the CEC to say that it is the Honourable Members who refused to release the money. We have been getting sentiments from the Executive. I heard even the CEC telling the public that it is the County Assembly who did not release the money. So, we were careful as a Committee in safeguarding the Assembly so that we will not be seen as against the older persons. We said we will take the money back where it belongs so that we will not be blamed as a House and yet there was some money available. Members, I request that we support, as I support, so that we would have shown our support without rubber-stamping. Thank you.

The Speaker shortly assumed the Chair.

Hon. Speaker: I give the Chair to make the reply.

Hon. B. Ngeno: Thank you very much Mr. Speaker. I want to thank the Members for their contributions. One, what Honourable Joyce said is true, when we are dealing with critical issues, it is better that the Committee discusses it and comes to share it with other Members before it comes to this House. That is the direction that we need to go so that we are all at the same page. The commuter allowance that Members have been discussing, when I inquired and looked for

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the persons who did this, they assured me that that is calculated within the salaries section. So there is no risk of losing anything. I want to thank all the Members for accepting that we have worked hard in coming up with this document and I urge that we support, and approve, this motion.

Hon. Speaker: Thank you Honourable Members and the Committee. It is now my turn to put the question, on motion number 8, that this County Assembly adopts the report of the Committee on Budget and Appropriation on the second Supplementary Budget estimates, laid on the table of the County Assembly on 17th May 2016, and subsequently approves the second Supplementary Estimates, pursuant to section 135 of the Public Finance Management Act, 2012.

Question put and agreed to

MOTION

That Pursuant To Standing Order 28(3), the County Assembly Resolves To Go On Recess on 18th May 2016 to June 7th, 2016

Hon. Speaker: Deputy Leader of Majority

Hon. S. Bor: Thank you very much Honourable Speaker for giving me an opportunity to move the following motion; that pursuant to standing order 28(3), this County Assembly resolves to go on recess on 18th May 2016 to June 7th, 2016. Mr. Speaker Sir, last week, we altered our calendar because we had other things, like today we were to come for the Supplementary Budget, we extended to today. As from tomorrow we are supposed to go on recess.

As we know, one of our roles is representation, and we are supposed to go and visit our people, listen to them, and solve some problems. In oversight, we know that there are some projects which have not been completed and we are supposed to go and see some other things. We are approaching the 4th year, we have passed 3 budgets, and we are lucky at this time we have the Ward Staff, whom we can use to give us the records of the resources that our people have received as from 2013.

Some other things we are supposed to do, in some Committees, there are some pending issues we need to do, and I think, also, we have to do public participation. Honourable Speaker, I don't want to take long, we know what to do in our various Wards, if you are elected, if you are nominated, even though you are coming from a certain Wards, maybe we are representing Women and Youths, we should go to all Wards, and not just the one we are coming from because we were not elected there. Honourable Members, I urge you to support this motion. Let me request Honourable Keter to second. Thank you.

Hon. Speaker: Honourable Keter, stand and bow. (*Hon. W. Keter stood and bowed*).

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Thank you Honourable Keter. Now it's my turn to propose the question that, pursuant to standing order 28(3), this County Assembly resolves to go on recess on 18th May 2016 to June 2016. It's now open for debate. Honourable Chebomui.

Hon. B. Chebomui: Thank you very much Honourable Speaker. I am standing to support that we go on recess. Honourable Speaker, as a Member of this House, I know also the Members have been busy, and they need to take some rest, and be with the electorates. It is very healthy to take a rest and I urge the Honourable Members to support that we go recess. Two weeks will be enough for us. Thank you Mr. Speaker.

Hon. Speaker: Honourable Chelule

Hon. S. Chelule: Thank you very much Mr. Speaker Sir, Sir for also remembering me like Jesus. I stand to support the motion raised by Honourable Majority. Some of the Members, who have been here many times, have been sleeping here because of the business in the County Assembly...

Hon. Speaker: Are you alleging that some Members have been sleeping in the County Assembly?

Hon. S. Chelule: Some of us are coming from far away, but now, since we are going for recess, I wish that we would be having an allocation, a certain amount; so that when we go on recess we move certain projects in our areas. We are going to tell the people what we have been doing here, and because the implementing side has failed, then we cannot blame the Honourable Members. I support this motion so that we can meet with our people on the ground. Thank you.

Hon. Speaker: Honourable Philip Korir

Hon. P. Korir: Thank you Honourable Speaker. I support this motion that we on recess. Thank you.

Hon. Speaker: Honourable Christopher Ngeno

Hon. C. Ngeno: Thank you Honourable Speaker for the opportunity so that I can stand to support this motion. We have been here for the past three months, and we need a break to go to the ground to meet the electorate. Thank you.

Hon. Speaker: Honourable Rose Boiyon

Hon. R. Boiyon: Thank you Honourable Speaker. I support the motion that we go on recess so that we engage ourselves in our Committees. Thank you.

Hon. Speaker: Honourable Molel

Hon. J. Molel: Thank you very much Mr. Speaker Sir. Mr. Speaker Sir, my worry, also the worry of other Members, is that we are going to face challenges from our voters, because now

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that it is a rainy season and there are no roads. The roads which were constructed are being washed away by the heavy rains, and in those areas where there are no roads since the inception of this County Government, I think this is a high time we have to visit the electorate, and explain to them as to why things are not going well in this County. Thank you.

Hon. Speaker: Honourable Deputy Majority, you can make your reply.

Hon. S. Bor: Thank you very much for giving me this chance to just thank the Members for supporting this motion to go on recess from tomorrow 18th May 2016, to 7th June 2016. Thank you Honourable Speaker.

Hon. Speaker: Thank you Honourable Members, it's now my turn to put the question that pursuant...we are not supposed to put the question. It is just that. So next order!

ADJOURNMENT

Hon. Speaker: Since we have been able to adopt the motion to go on recess, this House stands adjourned until 7th June 2016, 9:00 AM.

The House adjourned at 6.31 p.m.