



REPUBLIC OF KENYA

BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES

(OFFICIAL REPORT)

DAILY HANSARD

Thursday, July 9, 2015

PLENARY

July 9, 2015 (Afternoon Sitting)

**COUNTY ASSEMBLY
OFFICIAL REPORT
Thursday, July 9, 2015
The House met at 4.30 p.m.
[The Speaker (Hon. G. K. Kipng'etich) on the Chair]
Prayers**

Hon. Speaker: Honourable Samson

Hon. S. Towett: Thank you very much Mr Speaker for giving us enough quorum for us to proceed.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Thank you honourable Members. I would like to apologize to the Members in the Public Gallery that, we have started late because of a report we were waiting from a Committee. We apologize. We usually start at 2:30. I want the Members of the County Assembly to join me in welcoming students and teachers from Highlands, Laska Primary School within Kipsonoi Ward. Your area MCA, honourable John Ngetich has been pushing for this day. You are highly welcomed to Bomet County Assembly. You will be able to interact with the Members and staff of the County Assembly. You will be able to know, at the end of the visit, the role of the County Assembly in our County of Bomet. You should be able to learn some of the benefits of the new Constitutions, which more people voted for, and the importance of devolved Government. Next Order.

❖ **PAPER**

THE REPORT OF THE BUDGET AND APPROPRIATION COMMITTEE ON GOVERNOR'S MEMORANDUM ON THE APPROPRIATION BILL 2015.

Hon. Speaker: Honourable Ngeno, Chair Budget...

Hon. B. Ng'eno: Thank you very much Mr Speaker, I rise to table the report for Budget and Appropriation Committee on Governor's memorandum on the Appropriation bill 2015.

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Hon. Speaker: That is now property of the House. It's now part of the documents within the House. At least, that's the one of the documents which will aid in the business which the House Business Committee allocated for debate today. Next Order.

❖ **NOTICE OF MOTION**

THE COUNTY ASSEMBLY DO RESOLVE THAT THE COUNTY EXECUTIVE COMMITTEE TRAIN ENOUGH PERSONNEL ON SIGN LANGUAGE SO AS TO ASSIST THE COUNTY HEALTH WORKERS IN ADMINISTERING MEDICAL CARE TO PERSONS WITH DISABILITIES WITHIN OUR COUNTY.

Hon. Speaker: Honourable Keter Wilson

Hon. W. Keter: Thank you honourable Speaker, I have a notice of motion this afternoon. I request honourable Samson Towett, of Kimulot Ward to read on my behalf. Thank you.

Hon. Speaker: Honourable Samson

Hon. S. Towett: Thank you very much honourable Speaker. I beg to give notice of the following motion. That aware that one of the functions devolved under part two of the fourth schedule of the Constitution of Kenya 2010 is that of County Health Services and Pharmacies. Also aware that article 54 of the Constitution of Kenya provides that persons with disabilities shall have access to facilities that are integrated into society to extend compatible with interests of the persons. Further aware that article 7, sub-article 3B, of the Constitution of Kenya 2010 provides that the state shall promote the development and use of indigenous language, Kenya sign language, braille, and other communication formats technologies accessible to persons with disabilities. Further aware that the Constitution guarantees every person the highest attainable standard of Health, which includes the right to Health Care Services. Deeply concerned that persons with disabilities face a lot of challenges while accessing Health Care in our County Hospitals due to lack of proper communication means. This County Assembly do resolve that the County Executive Committee train enough personnel on sign language so as to assist the County Health workers in administering Medical Care to persons with disabilities within our County. Thank you very much.

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Hon. Speaker: Thank you honourable Samson. The motion is the property of the House. The House business Committee will be able to sit and allocate day and time for the debate. Next Order

❖ **MOTION**

THE COUNTY ASSEMBLY DO RESOLVE TO ADOPT THE ANNUAL PROGRESS REPORT OF THE COMMITTEE ON HEALTH SERVICES FOR THE FINANCIAL YEAR ENDING 30TH JUNE 2014, LAID ON THE TABLE OF THIS HOUSE ON 16TH DECEMBER 2014

Hon. Speaker: Chair, Committee on Health

Hon. L. Kirui: Thank you very much honourable Speaker. Pursuant to Standing Order number 193-5G, this County Assembly do resolve to adopt the annual progress report of the Committee on Health Services for the financial year ending 30th June 2014, laid on the table of this House on 16th December 2014. Honourable Speaker, this is the report that deals with the progress report. It has been stated clearly in the Order paper, the Committee has the mandate to lay this report in the House and seek for its adoption. Honourable Speaker, the Committee on Health Services is one of the central Committees which have been established under the Standing Order 192 and the second schedule to the Standing Orders. It currently comprises of the following honourable Members, as per the time we were writing this report. I think the Members know that changes have been done;

1. Honourable Phillip Siele -Chairperson
2. Honourable Leonard Kirui -Vice chairperson
3. Honourable Rose Boiyon -Member
4. Honourable John Malel -Member
5. Honourable William Mosonik -Member
6. Honourable John Ngetich -Member
7. Honourable Patrick Chepkwony -Member
8. Honourable Helen Taplelei
9. Honourable Nancy Chepkirui

Honourable Speaker, the second schedule to the Standing Orders provides that the Committee shall deal with all matters related to County Health facilities and pharmacies, ambulance Services, refuse removal, refuse dumps, and solid waste disposal. In line with the provision of Standing Orders 195-5, the Committee on Health Services is mandated therefore;

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1. To investigate, inquire into, and report to all matters relating to the mandate, management, activities, operation and estimates of the assigned department
2. To study the program and policy objective of the department and the effectiveness of the implementation
3. To study and review all the County legislation referred to it
4. To study, assess and analyse relative success of the department measured by the results obtained, as compared with their stated objective.
5. To investigate and inquire into all matters related to the assigned department as they may deem necessary, as may be referred to them by the County Assembly
6. Vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Orders 187 whereby it is done by the Committee on appointments.
7. To make reports and recommendation to the County Assembly as often as possible including recommendations or proposed legislation.

Honourable Speaker, through the same guidance of the Standing Order, the Committee on Health Services, throughout that financial year of 2014, was in a position to do a lot of work. Honourable Speaker, before I go deeply to the report, I want to acknowledge on behalf of the Committee the office of the Speaker and the office of the Clerk of the County Assembly for facilitating and providing the technical support to the Committee during the period under preview. The Committee also wish to appreciate the Members of the Committee on Health Services who worked tirelessly in discharging their duties in the Committee. Honourable Speaker, this report has been owned by the Committee, as you can see from your various copy that all, but one, Members signed this report. Honourable Speaker, as we were discharging our duties, we examined a lot. The background of the same is that the Constitution in article 43-1, states that every person has the right to the highest attainable standards of Health which includes right to Health Care Services, including reproductive Health. It is worth noting that the Health sector has been substantially devolved and the mandate of providing Health Care Services now lie with the County Government. The Committee annual progress report is critical in assessing and analysing the relative success of the Committee measured by the result obtained in line with its mandate. In examining the Committee annual report for the report under review, all major activities and matters are covered. The analysis also covers the achievement and challenges faced over the period. Honourable Speaker, we were Careful to quote article 43 because that is the Constitutional right of every resident of our County. Honourable Speaker, the Committee, in exercise of its mandate, was guided by the legal framework in-place, which includes the Constitution of Kenya, the County Government act, the County Assembly Standing Orders and

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other legal frameworks which pertain to Health. Honourable Speaker, according to the Constitution, article 183-3, the County Executive Committee is obligated to provide the County Assembly with a report on all matters relating to the County. Honourable Speaker, through that article, we want to report as a Committee that we didn't benefit much from this article, because as the Health Committee throughout the year, we didn't receive any legislation that deals with Health. And for your information Honourable Speaker, we have a lot of legislations that should have been in-place since the Health functions have been devolved fully. Surprisingly, we stayed the whole year without any legislation. Honourable Speaker, we were seeing that, in this financial year, should the executive fail to provide us with legislation pertaining to Health, we are ready as a County Assembly, through the guidance of the Committee to come up with legislation because we still have that mandate. Honourable Speaker, under article 183-3, a County Assembly, while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee and any other County organs. We also utilized this article Honourable Speaker, because we visited a lot of hospitals and did oversight. Honourable Speaker, under the County Government act section 39, sub-section 2, provide that a Committee of the County Assembly may require a Member of the Committee to attend or appear before the Committee and answer any questions pertaining to the Member's responsibility. We also utilized this section because we were inviting the Executive and any other relevant person from the Executive using the powers provided by this act. Honourable Speaker, in Standing Orders 191-5 and any other enabling provision of the law, the County Assembly Committee on Health Services has been over-sighting the County Executive Health and Sanitation department. Honourable Speaker, I will not go into details. I will just give the details of what we did during that financial year. Honourable Speaker, during the period under review, the Committee deliberated on various issues touching on its mandate as provided for under the Standing Orders. The major issues are;

1. Emergency Health service strategies in the County whereby the Members are aware that the County Government of Bomet, this year, we engaged with the Kenya Red Cross. We discussed in this House on the same and gave a resolution on the same.
2. Status of Health facilities within the County. Honourable Speaker, we have a report that we made and it was adopted in this House. For your information Honourable Speaker, much of the issues that we raised under this status of Health facilities within the County were not implemented by the Executive. Even the issue of Cholera out-break should not have arisen if the Executive had implemented the report that we brought to this House.

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The House adopted the report but the Executive failed.

3. Status of sanitation and hygiene in the County.
4. Support of persons living with HIV/AIDS.
5. Management and running of County Health facilities
6. Drugs and Medical supply in the County. We gave our recommendation on how we should maintain flow of the drugs. Now we have achieved 90%, sometimes we run short of the drugs but it has improved.
7. Health and Sanitation department budget for the year 2014-2015.

Honourable Speaker, we have a lot of activities for that period including;

- Committee sittings.

The Committee held around 38 meetings during the financial year 2013-2014 to deliberate on various issues touching on its mandate. During the sittings, the Committee managed to get views and clarification from the Members of the County Executive on Health Services. We also were in a position to go for a site visit and we were in a position to visit various places as part of oversight within the County. The facilities we visited are;

1. Longisa County Referral Hospital
2. Ndanai Sub district Hospital
3. Cheptalal Sub district Hospital
4. Sigor Health Centre
5. Kapkoros Health Centre
6. Koiwa Health Centre
7. Bomet Health Centre
8. Tegat Health Centre
9. Mogogosiek Health Centre
10. Cheboet Dispensary; and
11. Tenwek Mission Hospital

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We also visited the following market centers during the financial year 2014/2015

I. **Market centers** including

- Chebunyo Market Centre
- Mogogosiiek Market Centre,
- Chepilat Market Centre.

The Primary schools we visited are;

II. **Public primary school-**

- Lebekwet primary School,

We noted that there was a lot of improvement after the visit

Health sector reports

During the period under review the committee managed, through its own initiative to come up with the following reports;

Health sector reports

During the period under review the committee managed, through its own initiative to come up with reports on;

(a) Report on Hygiene and sanitation status in the county

During a committee meeting held on *6th October, 2013*, the Committee set out to achieve its mandate by outlining its **Terms of Reference (TOR)**, with regards to the hygiene and sanitation status of the County, which were to:

- 1) Comprehensively investigate, inquire into all matters relating to hygiene and sanitation in the county;
- 2) Comprehensively review the actions the County Government is taking to ensure that the proper hygienic and sanitation standards are met in every area within the county;
- 3) Consider and review all actions done by the public health officers in various stations within the county with regards to hygiene and sanitation matters; and

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- 4) Make recommendations to the House on necessary actions, preventive measures and steps to be taken, drawn from the findings, by the county government that will seek to improve the expected health and hygienic conditions
- 5) Propose appropriate policy and legislation to be developed to facilitate promotion and maintenance of proper hygienic and sanitation standards within the county.

Upon completing its investigation, the committee submitted a report on Hygiene and sanitation status to the Assembly which was debated, considered, and adopted by the whole house.

a) Report on the Status of Health Facilities in the County

During the last quarter of the period under review, the committee on Health Services were deeply concerned with the issues raised by the members of the public regarding the service delivery in the public health facilities within the county decided to establish the status of the health facilities and the health care services being offered by such facilities as well as the factors that are impeding proper provision of health services.

Before embarking on the exercise of establishing the status of our health facilities, met and outlined the Terms of Reference (TOR), within which they were to engage themselves in. The terms of reference ensured that their endeavour to achieve the objectives was successful.

The following were the terms of reference;

- i. Comprehensively investigate, inquire into all matters relating to status of health facilities in the county.
- ii. Comprehensively review the actions the County Government is taking to ensure that the proper standards of health facilities are attained.
- iii. Make recommendations to the County Assembly on necessary actions, preventive measures, and steps to be taken, drawn from the findings, by the county government that would seek to improve the expected status of health facilities.
- iv. Propose appropriate policy and legislation to be developed to facilitate promotion and maintenance of proper health standard within the county.

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The committee thereafter came up with a report upon conducting site visits and doing its investigation. The report together with its recommendations were debated in the Assembly and subsequently adopted.

4.0 GENERAL OBSERVATIONS AND RECOMMENDATIONS OF THE COMMITTEE ON THE COUNTY HEALTH SECTOR

4.1 Observations of the Committee

During the period under review it was evident from the budgetary allocation, the health sector received substantial amount of funds which were mainly utilized in the following areas;

- i. Employment of county health workers
- ii. Construction of and completion of county health facilities
- iii. Purchase of drugs and medical supplies
- iv. Procurement of medical emergency services

4.2 challenges facing the sector

The sector is still faced with **several challenges** which include;

- i. Shortage of personnel in almost all the health facilities in the county
- ii. Inadequate funding for development of necessary infrastructural facilities such as water supply, electricity and relevant equipment
- iii. Irregular and late supply of hospital drugs and other necessary materials in some health facilities.
- iv. Shortage of Personnel required to offer services in most of the health facilities
- v. Inadequate consultation by the relevant county government departments with the respective local management committee in the health facilities in development in such facilities. To expound on this The County Executive just goes to an Health Facility such as a Dispensary and they do a project without consulting the local management and for instance in Olokyin Dispensary the County Government build a staff house and yet there was one which was almost complete and we tried to talk to the community and they were saying they were not consulted on the same and it is waste of money as both facilities were left hanging.

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- vi. Inadequate water supply in some health institutions yet water is very critical in terms of maintaining proper hygienic status within any health facility.
We went to Cheptalal and there was no water and yet it is a sub district Hospital and this is also a challenge. Longisa had the same challenge but it was sorted by the County Government.
- vii. Lack of proper waste management in some of the health facilities and some of the health facilities did not have adequate waste disposal equipment such as incinerators to burn used equipment and materials yet their disposal has to be done in a highly technical manner.
- viii. The critical infrastructure such proper road network was a challenge notably witnessed in most of the health institutions.
- ix. The power supply is a major challenge in the health facilities where electricity has not been connected.

4.3 Recommendations of the Committee

Based on the observations made by the committee in the county health sector during the period under review, the committee made the following recommendations;

1. That through proper consultation, the health sector be given enough funding by the county government to ensure that necessary infrastructure and support is accorded to all facilities across the county for better and efficient health care service delivery.
2. That the county government makes an effort to ensure that adequate personnel are deployed in all the health facilities within the county to enable efficient and effective service delivery.
3. That health facility local management committee be strengthened to enable them participate, on behalf of local communities, in planning development projects in their respective health facilities according to the needs and priorities of the area residents.
4. That a comprehensive audit be done on all the major funded health projects across the county to ensure that maximum and efficient utilization of allocated resources is achieved.
5. That health facility with equipment lying idle and which are unable to use them be facilitated to utilize them for the public to benefit. In this regard, the county government should Install and service idle machines especially the X-ray machine in Sigor Sub-District Hospital and Generator in Cheptalal Sub-District Hospital.

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6. The committee also proposes that a county sector specific policy be developed by the government so as to guide operations of the health sector in terms of infrastructure development and health care service delivery.

5.0 ACHIEVEMENTS, CHALLENGES & RECOMMENDATIONS

5.1 Achievements

Over the period under review, the committee was able to come up with two key reports namely;

- I. The Report on status of County Health Facilities.
- II. The Report on county Hygiene and sanitation status.

In the said reports, the committee made strong recommendations based on its findings which if implemented will see the improvement of service delivery in the health sector and improvement of the hygiene and sanitation status respectively.

5.2 Challenges

During the period under review the committee was faced with some challenges;

- i. Executive Progress reports were not submitted in time as required as required by the law.
Although we are supposed to receive quarterly reports, it takes the whole year before we receive the reports from the Executive and even the reports from the Controller of Budget states this as a challenge.
- ii. Attaining Quorum for the committee to transact business in its meetings remains a challenge and sometimes the committee could not proceed.
Your Office, honourable Speaker, was that if a member misses certain number of meetings then he or she ceases from being a member as per the standing orders. I hope this will be corrected.
- iii. The committee was not able to benchmark with other counties on the best practices within the Health sector due to budget constraints and we even wanted to visit a certain place in Americas known as Cuba but it was not possible to do so. They have a model for preventive care and it is well known all over. We have not concentrated on preventive care hence we use a lot of money for treatment. For example the ambulances in the County use a lot of money for curative purposes as we pick them and rush them to

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hospitals but if we use preventive means we will reduce diseases and even cancer can be managed in the same way if we go this direction of early diagnosis but in the country people wait until it is chronic and they rush the patient to hospital and by then they will only be provided with palliative care to reduce pain as they wait to die. These are places we wanted to visit and borrow from and we improve the standard of health and we hope that in the new financial year we will visit that country.

5.3 Recommendations

The Committee recommended the following;

- i. The executive to be submitting documents to the committee on time so that the committee can be able to discharge its mandate effectively.
- ii. Capacity building and training for members to effectively discharge on the committee's mandate.

5.4 Conclusion

During the period under review, the committee has been able discharge its mandate satisfactorily in spite of some few challenges that were faced. The committee is hopeful that with necessary support being offered and implementation of its recommendations, it will be able to deliver in its mandate as expected.

That is an overview of our progress report for the financial year ending 30th June 2014 and I urge the House to adopt the report and it will be a positive signal on improvement of health sector in our county. Let the vice chair second, Thank you.

Hon. B. Siele: Thank you. I second the report.

Hon. Speaker: Let me now propose the question that pursuant to standing order 193(5)(G), the County Assembly resolves to adopt the progress report of the Health services Committee for the financial year ending 30th June 2014 laid on the table of the House on 16th December 2015. It is open for debate. Honourable Chepkwony.

Hon. J. Chepkwony: I have a question on the report. When the mover was reading the report he mentioned that Sigor Hospital is not on the level of sub districts hospitals like Cheptalal and

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Ndanai. How did he conclude that it is a Health Centre yet it is a sub district hospital in Chepalungu Sub County?

Hon. Speaker: Let the Chair answer.

Hon. L. Kirui: I think it is a printing error because if you look at sub heading, it says health facility which I think was a printing error because we all know that Sigor is a sub-district hospital.

Hon. Speaker: Honourable Chelule?

Hon. S. Chelule: Thank you honourable Speaker. I also stand to say that a health centre which is situated at Irwaga was not mentioned and it is part of this County. Is level three still progressing to level four?

Hon. D. Rotich: Correction, Mr. Speaker, is it part of this County or in this County. He said the Hospital is part of this County yet I thought he would have said it is in this county.

Hon. Speaker: I am seeing almost five members have switched on their microphones. Honourable Chelule?

Hon. S. Chelule: It does not matter how I spoke but so long as you get the message.

Hon. D. Rotich: The reason is; it is being recorded. I don't oppose him but I am trying to correct it.

Hon. J. Ngetich: Point of order Mr. Speaker is it in order for the Majority Whip to address this House while he is seated.

Hon. D. Rotich: Mr. Speaker, I think it is because the way these things have been designed, that is why he is bending while he talks, they are so comfortable when you sit.

Hon. S. Chelule: It is a norm, when you are addressing this House to stand this way.

Hon. B. Ngeno: Mr. Speaker, there is something that we have to correct, it is very clear that the National Assembly is the replica of the County Assembly but I have never seen the members of the National Assembly addressing the House while standing unless it is a conference. That is a normal practice even in the commonwealth countries.

Hon. D. Rotich: I don't know how to put it but the way those speakers in the National Assembly are designed is different. I appreciate you Mr. Speaker because you bring new things and it takes a lot of time for members to learn.

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Hon. Speaker: Let us not dwell on that, maybe I can give my direction on that; as far as I am concerned, there is nothing wrong as long as the message is passed. As at now there is nowhere saying a member must stand. It has just been a tradition to stand so let's proceed with the content; honourable Big Five I will not allow you to continue. Anyone who wants to contribute?

Hon. R. Serbai: Point of order!

Hon. Speaker: What is your point of order?

Hon. R. Serbai: Is it in order for the member to address this House while seated as you have answered because in the Westminster Day that tradition of wearing a tie was adopted because of Catholic Church, and we have borrowed that tradition. We have also borrowed the tradition of standing because we are under a common wealth country. Any member who wants to contribute on the motion?

Hon. P. Chepkwony: Thank you very much honourable Speaker, I also wish to contribute on the motion on the floor. I want to say this is the strongest committee even though we have been saying other committees have been working hard.

Hon. S. Chelule: The member who is speaking now has said that he rise to say yet he is still seated.

Hon. P. Chepkwony: Thank you very much Mr. Speaker, regardless of the interruptions, even though we have been saying all other committees have been performing but this one is better performing than others. This committee has managed to visit all health facilities in the county inspecting on what is happening. This committee has also visited the country with the best health care that is India; we also managed to visit the best places in India that's Bangkok and New Delhi. I have reasons to say that because the committee is headed by former vice-chair Leonard Kirui. The member is very conversant with the health issues, and I thank whoever was changing these positions for seeing the concern that Leonard Kirui must lead the committee.

Hon. Speaker: What is it honourable Joyce?

Hon. Joyce Korir: Does it mean honourable Siele who was chair of this committee was not competent? May we be informed honourable Speaker, because the trip was made under the leadership of the very able honourable Siele though we have the vice chair chairing it at the moment, I can confirm that the two members are able. Not unless someone can tell this House that honourable Siele is incompetent.

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Hon. P. Chepkwony: Honourable Speaker, I don't care who is more important than the other but what matters is the service delivery to the people of this county. I want to say as I proceed that this is a committee that has dealt with the healthy matters of the people of this county to the point. There are reasons why I say Leonard Kirui is a specialist in this field because his performance can be seen.

Hon. S. Towett: Honourable Speaker, I don't know whether it is in order for the member who is on the floor to discuss honourable Kirui as if he is the subject of discussion today.

(Applause)

Hon. Speaker: Honourable Chepkwony, kindly desist from that because at the end of the day honourable Kirui is just the chair and it is the work of all the committee members to run the committee. The work of the Chair is just to bring the reports. So let's kindly dwell on that report.

Hon. P. Chepkwony: Honourable Speaker let me dwell on the matters of health like this committee then the plight of the people of this county will be protected. The proposals that have been forwarded by the committee are genuine and if we can adopt and follow up on its implementation then we will represent the people of this county fully.

Hon. R. Serbai: Thank you honourable Speaker for allowing me to contribute towards this motion. Despite one of the members asking me to sit, it is my choice to stand. The report itself is very good but it is wanting, there are a lot of things that the committee failed to capture. One is Cheptalal health centre which still has no water, yet it was given 5.192 million. The PAC is still to visit there to ascertain whether that money was actually spent. The committee, though it praises all the health centres that it visited in this county that they are improved, I want to tell this House that the health service in this county has never improved. Actually it is deteriorating to an extent that if you can visit health centres in this county you cannot find even panadol, syringes etc. So our people are being sent to chemists to buy drugs. How then can we say we are improving? If you can visit Longisa Hospital you will find the linen which is there is pathetic, you will wonder if it is actually a hospital. There was a dialysis machine that was bought but is not functioning yet it was not captured in this report. The kind of hospitals that we have and the number of staff working there as captured by the report is wrong. In Cheptalal Sub-district hospital we used to have 16 staff but currently we have four. I come from that place and I can confirm that, we also have Siomo dispensary, we used to have four staff but currently we have two. The electricity was disconnected due to non-payment of the bills. Are we actually moving? Despite that one of the members was heaping a lot of praises on this committee that they went to

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India and New Delhi. What is it all about? How is it related to the performance? They were just going there to see what they can use to improve the performance. We are yet to feel the impact of that visit. Going to New Delhi has nothing to do with Cheptalal or Longisa. It is also very wrong to give an impression that this county is moving forward in terms of health yet our people are not receiving the services and I want to give an example that the breakout of cholera shows the kind of the county that we have. I also want to quote what the Chair of the committee on the deployment of public health officers to the department of environment that it is the misuse of professionals. How can they bring a public health officer to head an environmental department? As I end want to say that the health ministry needs to be overhauled, and I want to thank this committee for mentioning that the CECs are not cooperating when it comes to these issues. I also want to thank the Chair for mentioning that it was misplaced priority for the CEC to construct a new building down here instead of renovating the existing one. There are a lot of things that needs to be relooked into by the committee.

Hon. R. Langat: Thank you very much Mr. Speaker, I stand to donate my minutes to other people because I have seen what has been done is correct. The environment is not about trees; even this building is an environment. Public health people also deal with environment. There are so many issues surrounding health in this county, because we have certain health centres with workers that are not paid. There are places that are not supplied with drugs yet we are told they have been supplied. We were surprised one day when we attended a function where there was a lorry that was purportedly supplying drugs but after the function when citizens went to look for drugs there were none.

Hon. Speaker: The mover.

Hon. L. Kirui: Thank you very much Mr. Speaker, I stand to thank the members who have contributed and those who have given flesh on how things could have been done better. I want to say that Rome was not built on a single day; this is just a report up to 30th June 2015. So places like Irwaga and Siomo as honourable Chelule and honourable Serbai have said respectively, we were not able to visit as a committee. We selected some places based on the public outcry but we could not accommodate everybody. But we have a work plan and we will make sure that we have covered more than 90 per cent by the end of this financial year. On the issue of Cheptalal, that honourable Serbai mentioned, we had a report that we adopted in this House but we were not able to read it in every detail, we just said it is an attachment of this report. But all the issues that honourable Serbai raised are pertinent and I remember he also raised when we were discussing, so I want to assure him that we were not able to include it in this report because it could be

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duplication and we could not have enough time to go through that report. On the issue of performance we have not reached the maximum, but what I can say is that the county government of Bomet has done is commendable. Based on the ratings that were done, Bomet was ranked number one but I cannot say everything has not been addressed but based on what has been done, something can be seen in Bomet County. On the issue of environment, I am happy for what honourable Langat has said and that is the issue we have been observing. We went to Machakos and the report is on the way. We were quite surprised on how they structured their ministries of health, they have around seven directorates. We took time discussing with them on the restructuring of the ministry of health. They were so concerned because they were saying the ministry of health has been fully devolved. And they said that we better use a lot of resources to structure this ministry because it is the only one that has been fully devolved. At least it will be addressed this financial year because the Bomet County Government has decided to break it into two ministries. This time round we have the ministry of public health and environment and the ministry of medical services. Lastly is the issue of the staff not giving out the drugs, we also addressed that in the report. We heard that there is a county I think Elgeyo Marakwet that has a system of monitoring the drugs. There is the issue of drug shortage in this county and we do not know who is taking the drugs, so there is an element of corruption here. We have made a recommendation that we visit Elgeyo Marakwet and see the system they are using, if it is the electronic system we can come and adopt it here. But the problem may be the juniors who might be using these drugs. You find sometimes in a hospital, the drugs are supplied today but the next day they are no longer there. So I promise that by the end of the year we will have given a recommendation on how to address this. So I still urge this House to adopt this.

Hon. Speaker: So it is now my turn to put the question that pursuant to standing order 193(5) (G) this County Assembly do resolve to adopt the Annual progress report of the Committee on health Services for the Financial year ending 30th June 2014 laid on the table of the House on 16th December 2014.

(Question put and agreed to)

❖ **MOTION**

THAT PURSUANT TO THE PROVISION OF STANDING ORDER NO.190 (3) (D) THIS HOUSE RESOLVES TO ADOPT THE REPORT OF THE BUDGET AND APPROPRIATION COMMITTEE ON THE GOVERNOR'S MEMORANDUM ON BOMET COUNTY APPROPRIATION BILL 2015

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Hon. B. Ngeno (Chair, Budget and Appropriation Committee): Thank you very much Mr. Speaker, I beg that we adjourn for 20 to 30 minutes so that we consult on some pending issues.

Hon. Speaker: Honourable Ngeno, what are some of the pending issues?

Hon. B. Ngeno: Honourable Speaker, some parts of the report need to be corrected before it is tabled.

Hon. Speaker: So you normally ask for twenty minutes and you take one hour. So I want to give you between 45 minutes to one hour. Because I don't want to say 30 minutes then we come back again after one hour. So we meet 5 minutes to 6 O'clock. Honourable Majority Leader, you want to move a motion.

Hon. J. Kirui (Leader of Majority): Honourable Speaker, I want to move a motion that pursuant to standing order no. (30)(3)(a) that we extend the sitting beyond the normal sitting hours in order to dispense off this important matter before this House.

(Hon. C. Ngeno seconded)

Hon. Speaker: I now propose the question that pursuant to standing order no. (30)(3) (a) this House do resolve to extend the sitting beyond the normal sitting hours in order to transact the business before the House. And if there is no contribution I put the question that pursuant to standing order no. (30)(3) (a) this House do resolve to extend the sitting beyond the normal sitting hours in order to transact the business before the House.

(Question put and agreed to)

(House adjourned for one hour)

(House resumed after one hour)

Hon. B. Ngeno (Chair, Budget and Appropriation Committee): That pursuant to the provision of Standing Order no.190 (3) (d) this House resolves to adopt the report of the Budget and Appropriation Committee on the Governor's memorandum on Bomet County Appropriation Bill 2015. Mr. Speaker, on behalf of the Budget and Appropriation committee and as required under standing order 190 I take the opportunity to present a report on the Governor's memorandum on Bomet County Appropriation Bill 2015 as submitted to the County Assembly on 6th July 2015. The Constitution and the PFM act placed significant responsibilities to the County Assembly over management of public resources particularly with regard to resource

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mobilization, allocation, monitoring and control. Mr. Speaker, the budget and appropriation committee as currently constituted is composed of the following members:

1. Honourable Benard Ngeno-Chair
2. Honourable Aurelia Chepkirui-Vice Chair
3. Honourable John Molel-member
4. Honourable Taplelei Rotich-member
5. Honourable Samwel Bor-member
6. Honourable Josphat Kirui-member
7. Honourable Sammy Kirui-member
8. Honourable Wilson Keter-member
9. Honourable Leah Kirui-member
10. Honourable Samson Towett-member
11. Honourable Julius Korir-member
12. Honourable Robert Serbai.

The mandate of the Committee is to Investigate, inquire into and report on all matters related to coordination, control and monitoring of the County Budget.

- a) Discuss and review the estimates and make recommendations to the County Assembly.
- b) Examine the County Budget Policy Statement presented to the County Assembly;
- c) Examine Bills related to the county budget, including Appropriations Bills; and
- d) Evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.

Mr. Speaker there seems there is a loud consultation

Hon. Speaker: Honourable members let's hear honourable Ngeno in silence.

Hon. B. Ngeno: In reviewing The Memorandum, the committee held two sittings on 8th and 9th July, 2015. I wish to thank the members of Budget and Appropriation Committee for their dedicated commitment. The Committee is also grateful to the Offices of the Speaker and the Clerk of County Assembly for their continued support.

It is therefore my pleasant duty and privilege, on behalf of the committee on Budget & appropriation to table this Report and recommend it to the House for adoption.

Mr. Speaker sir,

Section 8(1)(c) of the County Government Act 2012 states that;

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“The County Assembly shall approve the budget and expenditure of the County Government in accordance with Article 207 of the Constitution, and the legislation contemplated in Article 220(2) of the Constitution, guided by Articles 201 and 203 of the Constitution”

And the Further Section 129(2 a, b) of the PFM Act 2012 states that;

“Following approval by the County Executive Committee, the County Executive Committee member for finance shall—

(a) Submit to the county assembly the budget estimates, supporting documents, and any other Bills required to implement the budget, except the Finance Bill, by the 30th April in that year; and

(b) Ensure that the estimates submitted in subsection (a) are in accordance with the resolutions adopted by County Assembly on the County Fiscal Strategy Paper.

Section 131(1),(2)and (3) of the PFM Act further states that;

“(1)The county assembly shall consider the county government budget estimates with a view to approving them, with or without amendments, in time for the relevant appropriation law and any other laws required to implement the budget to be passed by the 30th June in each year.

(2) Before the county assembly considers the estimates of revenue and expenditure, the relevant committee of the county assembly shall discuss and review the estimates and make recommendations to the county assembly, and in finalizing the recommendations to county assembly, the committee shall take into account the views of the County Executive Committee member for finance and the public on the proposed recommendations.”

(3) An amendment to the budget estimates may be made by the county assembly only if it is in accordance with the resolutions adopted regarding the County Fiscal Strategy

Paper and if—

(a) Any increase in expenditure in a proposed appropriation, is balanced by a reduction in expenditure in another proposed appropriation; and

(b) Any proposed reduction in expenditure is used to reduce the deficit

COMMITTEE FINDINGS OBSERVATIONS

Mr. Speaker sir,

The committee made the following findings and observations;

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Revenue allocated to the County Government,

The committee noted that the memorandum seeks to adjust the County's revenue as per the Division of Revenue Bill passed on **30th June 2015** by parliament from **Ksh.4, 920,566,039** to **Ksh. 5,026,573,518** broken-down as follows and below is the figure showing that.

Comparison of Revenue in the Appropriation Bill, 2015 passed on 30th June, 2015 and Governor's memorandum

Item	Appropriation Bill, 2015 Ksh.	Memorandum Ksh.	Change Ksh.
National Equitable share	4,674,885,819	4,706,893,298	32,007,479
Local Revenue	230,330,220	260,330,220	30,000,000
HSSF –Danida	15,350,000		-15,350,000
Revenues from HSSF – Danida and refunds from National Treasury		59,350,000	59,350,000
Total Revenue	4,920,566,039	5,026,573,518	106,007,479

Table 1

From Table above, it is evident that the memorandum seeks to increase National equitable share by **Ksh. 32,007,479**, local revenue by **Ksh. 30,000,000**. It also seeks to include refunds from National Treasury which had not been captured in the Estimates and has been combined with HSSF – Danida so that the total amounts to **Ksh. 59,350,000**. In this case, it is not clear how much is from HSSF – Danida or refunds from National Treasury. It is further evident that the Memorandum seeks to adjust the total County's revenue upwards by **Ksh. 106,007,479**.

The committee noted that adjustment of Local revenue has been **haphazard**. The County Treasury initially indicated local revenue projections as Ksh. 312.2 million of which the committee had questioned the strategies for its achievement since the previous collection was

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Ksh. 200.9 million. The C.E.C for Finance instead revised the projections downwards to a more realistic figure of **Ksh. 230,330,220**.

The committee also noted that The Appropriation Bill 2015 was passed by the Assembly on 30th June 2015, the deadline required by the provisions of the section 131(1) of the PFM Act, 2012. The memorandum indicates that the Division of Revenue Bill was passed on 30th June 2015 by parliament. It is therefore clear that any adjustment on revenue thereof by Division of Revenue Bill could not have been incorporated in the Appropriation Bill 2015 passed on 30th June 2015.

The committee submits that adequate consultations were carried out during the Budget review process as per Article 201 (a) of the constitution and provisions of section 131(2) of the PFM Act. Members of the public, Sectoral committees in consultation with their respective C.E.Cs were adequately involved. Further, Budget and Appropriation committee consulted the C.E.C for Finance as it finalized its report on 20th June 2015.

Committee's opinion

The committee holds the opinion that the above adjustment in the revenue could be accommodated in the supplementary budget.

Vote R101

Mr. Speaker sir,

Whereas the memorandum states that any reduction on the vote will hinder smooth operations, the committee submits that reductions made were careful and targeted non-core allocations for operations and maintenance including foreign travel and purchase of motor vehicles.

The committee noted that the memorandum seeks to introduce a new item "medical cover" to be allocated Kshs.5 million and was not captured in the budget estimates.

Committee's Opinion

The committee holds the opinion that the above adjustment in the revenue could be accommodated in the supplementary budget.

Vote R102

Mr. Speaker sir,

Whereas the memorandum states that Estimates in the vote were prepared based on previous year's expenditure, the Committee noted that the statement was not true i.e allocation for item

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2210399 budget preparation process was way above previous year's allocations of Kshs.4 million. The Assembly reduced allocation for the vote from Kshs.8 million to Kshs.5 million citing adequate capacity in the department to prepare budget. The Committee further reduced allocation for one motor vehicle and the other motor vehicle allowed to be purchased will be used for monitoring and evaluation which can be shared in the meantime.

The committee noted that the memorandum seeks to introduce a new item "Car and mortgages loans for public servants" to be allocated Kshs.32 million and was not captured in the budget estimates.

Committee's Opinion

The committee holds the opinion that the above adjustment in the revenue could be considered in the supplementary budget.

Vote R103

Mr. Speaker sir,

Whereas the memorandum states that any reduction from the vote was not practically possible, the committee submits that reduction affected non-core allocations for O&M and could be considered during supplementary budget in case of deficit.

Vote R105

Mr. Speaker sir,

Whereas the memorandum states that the department requires a vehicle, the committee had noted that their vehicle had been borrowed by the department of Public Health and Environment basing on the information from CEC Public Health and Environment. The Committee therefore allowed for purchase of motor vehicle for the department of Public Health and Environment so as to release the borrowed vehicle to medical service department.

Vote R106

Mr. Speaker sir,

Whereas the memorandum states that the reductions of Kshs.2.327 million for salaries in the department affected casual wages, the committee submits that reductions were for salaries for enforcement officers as their salaries had been collectively budgeted for by the Administration department.

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Vote R108**Mr. Speaker sir,**

Whereas the memorandum states that any reduction from the vote was not possible, the committee submits that reduction affected non-core allocations for Catering Services and could be considered during supplementary budget in case of deficit

Vote R110**Mr. Speaker sir,**

Whereas the memorandum states that allocations to maintain was adequate and could not be reduced, the committee submits that the department had budgeted for construction of modern workshop which will result in the reduction of maintenance cost thus justifying the reduction.

Vote D104**Mr. Speaker sir,**

The committee noted that the memorandum seeks to introduce a new item “Support for Youth Activities” to be allocated Kshs.25 million and was not captured in the budget estimates. The Committee further noted that whereas the cover letter of the memorandum had stated that this was meant to take care of issues raised during the joint meeting between the Executive and Members of the County Assembly, the Committee submits that County Assembly had allocated Kshs. 24,740,462 for social development covering Youth, Women and Persons with Disabilities.

Committee’s Opinion

The committee holds the opinion that further adjustments in the revenue and introductions of new items could be accommodated for in the supplementary budget.

Marching of vote R104 with D104**Mr. Speaker sir,**

The committee noted that whereas the memorandum states vote R104 should match with vote D104, the committee submits that this was not a substantive issue to be addressed via a memorandum. The committee further submits that such drafting issues can be addressed separately for as long as it does not affect the departmental allocations and purposes for which they were meant for.

Vote D105

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Mr. Speaker sir,

The committee noted that whereas the memorandum states that any increase in the development voted for the department will affect the development programmes in other departments, the committee submits that the increase of Ksh. 5 million for acquisition of a drugs dispensing and inventory control system was vital to monitor flow of drugs and check against pilferages. The committee further submits that the increment was compensated by a reduction of non-core allocations for O&M for within the same department hence the statement is not true that increment will affect other department's allocations.

Marching of vote R105 with D105

The committee noted that whereas the memorandum states vote R105 should match with vote D105, the committee submits that this was not a substantive issue to be addressed via a memorandum. The committee further submits that such drafting issues can be addressed separately for as long as the departmental allocations and purposes for which they were meant for are not affected.

Vote D106

Mr. Speaker sir,

Marching of vote R106 with D106

The committee noted that whereas the memorandum states vote R106 should match with vote D106, the committee submits that this was not a substantive issue to be addressed via a memorandum. The committee further submits that such drafting issues can be addressed separately for as long as the departmental allocations and purposes for which they were meant for are not affected.

Vote D107

Mr. Speaker sir,

The committee noted that whereas the memorandum states that reduction will hinder the provision of services within the vote, the committee submits that reductions affected purchase for computers, office furniture which had been adequately budgeted for in the finance department. The committee further clarifies that reduction on purchase of motor vehicle meant for purchasing of a truck for Embomos Tea farm was re-allocated as the committee had confirmed that the same had been allocated funds in the supplementary budget 2014/15 financial year.

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Marching of vote R107 with D107

The committee noted that whereas the memorandum states vote R107 should match with vote D107, the committee submits that this was not a substantive issue to be addressed via a memorandum. The committee further submits that such drafting issues can be addressed separately for as long as the departmental allocations and purposes for which they were meant for are not affected.

Vote D108**Mr. Speaker sir,**

The committee noted that the memorandum seeks to introduce a new item “Development of Springs” to be allocated Kshs.25 million and was not captured in the budget estimates. The Committee further noted that whereas the cover letter of the memorandum had stated that this was meant to take care of issues raised during the joint meeting between the Executive and Members of the County Assembly, the Committee submits that County Assembly had allocated Kshs. 25 million for Spring protection, Water pans and purchase of pipes in each of the wards.

Committee’s Opinion

The committee holds the opinion that further adjustments in the revenue and introductions of new items could be accommodated for in the supplementary budget.

Marching of vote R108 with D108

The committee noted that whereas the memorandum states vote R108 should match with vote D108, the committee submits that this was not a substantive issue to be addressed via a memorandum. The committee further submits that such drafting issues can be addressed separately for as long as the departmental allocations and purposes for which they were meant for are not affected.

Vote D110**Mr. Speaker sir,**

The committee noted that the memorandum seeks to increase allocations for the department by Ksh. 19,007,479. The Committee further noted that whereas the cover letter of the memorandum had stated that this was meant to take care of issues raised during the joint meeting between the Executive and Members of the County Assembly, the Committee submits that County Assembly

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had allocated Kshs. 156 million for opening up of new roads, culverts and foot bridges in all the wards.

Committee's Opinion

The committee holds the opinion that further adjustments in the revenue and introductions of new items could be accommodated for in the supplementary budget.

Vote D111

Marching of vote R111 with D111

Mr. Speaker sir,

The committee noted that whereas the memorandum states vote R111 should match with vote D111, the committee submits that this was not a substantive issue to be addressed via a memorandum. The committee further submits that such drafting issues can be addressed separately for as long as the departmental allocations and purposes for which they were meant for are not affected.

COUNTY ASSEMBLY

Vote R112

Deletion of Vote R113 to be replaced with R112

Mr. Speaker sir,

The committee noted that whereas the memorandum states vote R113 should be deleted and be replaced with vote R112, the committee submits that this was not a substantive issue to be addressed via a memorandum. The committee further submits that such drafting issues can be addressed separately for as long as the County Assembly allocations and purposes for which they were meant for are not affected

Deletion of Vote R114 and Vote R115

Mr. Speaker sir,

The committee noted that whereas the memorandum states vote R114 and R115 should be deleted as they belong to vote R112, the committee submits that this was not a substantive issue to be addressed via a memorandum. The committee further submits that such drafting issues can be addressed separately for as long as the County Assembly allocations and purposes for which they were meant for are not affected

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Deletion of Vote R115

Mr. Speaker sir,

The committee noted that whereas the memorandum states vote R115 should be deleted, the committee submits that this was not a substantive issue to be addressed via a memorandum. The committee further submits that such drafting issues can be addressed separately for as long as the County Assembly allocations and purposes for which they were meant for are not affected.

The Committee further noted that the memorandum seeks to reduce salaries for the County Assembly from Kshs.299, 674, 847 to Kshs.246, 371, 868; it does not indicate any reasons for the reduction. The Committee further established that the County Assembly was not consulted and should therefore be disregarded.

Vote D112

Mr. Speaker sir,

Whereas the memorandum states that the County Executive has the mandate to implement development programmes within the County and therefore vote D112 should be deleted, the Committee submits that the County Assembly has the mandate to budget and implement its own development. The Committee established that there is no law barring County Assembly to budget its own capital expenditure. The committee further established that Government entities including Commissions and Authorities usually budget for their own capital expenditure as evident in Appendix 1.

Committee's opinion

Mr. Speaker sir,

The committee holds the opinion that the County Assembly acted within the law and exercised its mandate to allocate funds for its own development expenditure in line with its strategic plan.

RECOMMENDATIONS BY THE COMMITTEE ON BUDGET AND APPROPRIATION ON THE GOVERNOR'S MEMORANDUM ON THE BOMET COUNTY APPROPRIATION BILL, 2015

Mr. Speaker Sir,

Based on the above findings, the Budget and Appropriation committee established that substantive adjustments raised in the Memorandum can be addressed through supplementary

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budget and therefore the committee recommends that the Memorandum on The Appropriation Bill, 2015 as submitted by H.E, the Governor be rejected by this House.

I therefore take this opportunity to urge this House to approve the proposed budget by the Budget and Appropriation Committee by adopting this report.

There are several issues that have been raised in connection and attached to this letter is a letter from Commission on Revenue Allocation (CRA). We have a letter for Appendix III from the Office of the Controller of Budget and having known that when we adjust the revenues at this stage it is likely to affect the entire budget of which we are bringing in a new budget through a memorandum which according to the law is illegal. I beg that members please adopt this report as I have tabled because this is likely to set a bad precedence in a situation where we reject this report. I request the members that we adopt the report and I request honourable Serbai to second.

Hon. Speaker: Honourable Ngeno what is the content? It needs to come out clearly so that it is captured. When you say that the House adopts the report, in essence what does it say about the memorandum?

Hon. B. Ngeno: Having known that if we change the revenues, it is likely to change the entire budget. The report is asking the members to reject the memorandum based on that.

Secondly the memorandum that was submitted by the governor was based on the submitted estimates and not on the approved estimates.

The content of this is confirming that if we fail to reject the memorandum it means that the Executive will go by the submitted estimates.

The letter that had been submitted by the Controller of Budget is giving room for the County Assembly to engage in capital expenditure. We have seen in the Judiciary, we have seen in National Assembly where they are putting up an infrastructure within Bomet County, they are given allocations to that independent body to deal with their own capital expenditure.

It has been confirmed by the Controller of Budget that it's allowed for the Assembly to engage in Capital expenditure.

The requirement was that what is in the budget estimates and Appropriation Bill was supposed to be in the Fiscal Strategy Paper and according to the Fiscal Strategy paper it had been provided for that construction for Assembly was necessary.

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I request that honourable members will see the sense in the report that we have tabled and we reject the memorandum, thank you.

Honourable Julius Korir seconded.

Hon. Speaker: Thank you honourable Korir, I now propose the question that pursuant to provision of Standing Order 190 (3) (d) this House resolves to adopt the report on Budget and Appropriation Committee on the Governors Memorandum on the Bomet County Appropriation Bill 2015. Honourable Langat.

Hon. R. Langat: I have keenly followed what the Chairman read out and observations that they have made but from the main memorandum on page 5; because we are not dealing with tradition but we are dealing with facts and technicalities I am seeing Vote R 106 paragraph 4. It is saying the amount required for staff salaries for the year ending 30th June, 2015 and I have not heard anything about that because we are past June 2015 and I don't know if it missed the eyes of the committee but this is not dealing with the financial year we are in.

Because we are dealing with facts and technicalities and not traditions, this information is misinforming me that we are still dealing with 2015. That is my observation and I am seeing that this information is not right to be here.

Hon. Speaker: So you are not either supporting or rejecting but you just want the information.

Hon. R. Langat: If the information stands the way it is then it does not convince me to vote for it but I am misinformed here and I want to be rightfully informed.

Hon. Speaker: Chair you have heard you are convincing honourable Langat and perhaps you can answer that.

Hon. B. Ngeno: I said from the beginning that this Memorandum is misplaced because this memorandum was supposed to be based on the approved estimates but for the submitted Memorandum it is based on the submitted estimates to mean that the Executive assumed that no amendment should be made to the estimates that they have submitted to the Assembly but that is against the law because the role of this Assembly is to approve or to consider the submitted estimates with or without amendments but the document that was done was with amendments but they never recognized that it was with amendments and based on that I can say that it is a second weakness that this memorandum is having and that is why based on this report there are several grounds that guarantees this memorandum to be rejected. I hope based on that the member is convinced.

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Hon. Speaker: Any other contribution, honourable Korir.

Hon. Julius Korir: Thank you honourable Speaker. I also stand to support the recommendations by the committee that this memorandum from the Governor Bomet Hon. Isaac Ruto be rejected. I can say this is one of the most dangerous documents that the Assembly can be forced to adopt.

I remember we were in budget committee and we got it clearly that in the same memorandum he is trying to adjust the revenue base of the County. Meaning that if we are tuned to the memorandum to that effect then it means that all the votes have to be changed and in that case the budget estimates will automatically be affected and what the memorandum should have only touched is what is contained in the Appropriation Bill. We don't want to put the County in the shameful situation like the last financial year where somebody can use loopholes like this and take the matter before the court. We want to be systematic, straight forward on the issues that we are doing in this honourable House.

It has been a tradition since the inception of this County. There has never been a budget that we have done without misunderstanding between the Assembly and the Executive. I can recall well that the budgets that we have done, at the end there must be tug of war because we are not making the budget for the Assembly to utilize but for the people. We have considered a lot of things that will touch the people of this County. One of the issues that the Memorandum is raising should have even been raised during the County Fiscal Strategy Paper. I don't think these issues that the Governor has earmarked for the memorandum is just but water down the bridge.

I want to urge the House that what the Chair has said on the development of the Assembly, we have information from the National parliament that in every arm of government there must always be independence and if there was anything that the Executive should have done was not to touch on the issues of the Assembly because if you look at Vote D112 that recommends the Vote for the development of County Assembly; it says I "recommend that you delete the wordings and figures for D112 for the reason that the County Executive has the mandate to implement development programs". We are not developing roads for Assembly; we don't need money to build dispensaries. This is just but internal money for Assembly. This shows high level of incompetence within the staff of the Executive and even within the Governor. He has been a member of parliament for the last 15 years. He knows the procedures of the parliament and he knows that in Parliament we have Parliamentary Service Commission that is a tune of the programs of the National Assembly.

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We also have the Judiciary Service Commission that is concerned with the development programs of judiciary and the same case with the County Assemblies. We have the County Assembly Service Board which is concerned with development programs and what is going on within the Assembly. There is nowhere in history that the Executive will be doing development programs within the Assembly. I think this was just a political issue so that the members of the public will see us as if we are trying to manage the programs of the County Executive.

As I wind up I want to say that given that we are tried to adopt the memorandum the memorandum we are putting ourselves in a very bad situation and you understand that we had even made up some programs that had never been done before that we have conditional allocations so that members of this honourable House will not be managing but it will only be managed by the Executive but will have been conditional for the people of this County to feel.

If hon. Governor has always been insisting on development then when will we feel this development? Even if we leave these votes for the Executive to manage then nothing will be felt in the ground. As has been the norm, this time round we need to be firm and I want to urge the honourable members that this is the last financial year you will be handling projects.

I like what honourable member quoted that if the governor has been serious on development he had pledged a lot of things to the people and he likes using things like these touching on development

Hon. Joyce Korir: have given me about four items. Telling me how I am going to get 25million for development, 25 million for youth support and 19 Million for roads. Is this 25 million to a particular ward or 25 Million divided by the 25 wards? This is what I am not getting. I remember this House passed a compulsory fund to all the wards which are showing the compulsory allocation to specific items. What the governor is trying to tell us she is not right. The budget estimated we passed in this House which has got vote head for development is divided by 25 wards. I am going to invite members of the public to come and decide. We have tried from the 1st year through to the 3rd year. As fools the governor has misled us. It's high time we become an assembly. I thank God I was made a woman because if I was made a man things would not have been the same today. We were sent here by the represented.

Hon. Speaker: Was your point of order honourable majority.

Hon. J. Kirui: I was still internalizing what the honourable member talked. She is regretting to be a woman but I want to tell her that even the men are equal to the task.

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Hon. Speaker: Honourable Serbai.

Hon. R. Serbai: I want to say that I agree with honourable Joyce that she believe if she were a man enough, she could be doing things straight without fear like a man who is currently hiding in town and saying he is in Eldoret.

Hon. Speaker: (laughter) can you substantiate that honourable Serbai? What is it honourable Chelule.

Hon. S. Chelule: I want to support the document that we have.

Hon. Speaker: No honourable Chelule has not cleared.

Hon. Joyce Korir: I want to support what we have approved much of what we had approved is matching the estimates. They would not have amended. This document came from the bush and is not supposed to be discussed anywhere. Whether to the committee I want to say that this document is in the wrong place. Telling us the approved estimates does tally yet they have stated their own story that they are going to do resource mobilization, but what we are discussing here is the allocation from the national government and that is local and national revenue. This document is not supposed to be discussed here unless the committee convinced us that what is here is what we actually passed. If the executive want to bring memorandum let them bring what is matching what we passed inn this house. Period.

Hon. Speaker: Honourable Molel

Hon. J. Molel: It's unfortunate that today we have to take time to change something that we worked for it for almost a week or the whole month. I would have wished to see a full House discussing in this House because we were elected for a common House. And not that we were so clever and beautiful to be in this House but to stand for the electorate. According to me, we fought on and all sat and own this budget unlike the other time the committee member could sit alone until the last minute. We all agreed that this budget was good. I don't want to blame the governor for the memorandum. But everyone is trying to create for the ward a good budget for himself and so do we. We crated ward fund as condition allocation for the purpose of equal distribution. If we allow this to go the way the governor want what do we think. I better say we knew nothing and it was useless if we work with it so as to be changed by one person. I am very much annoyed if this is the direction that we are taking. Let me make it clear for those who are trying to sabotage what is happening in this House. We are not here to joke. Let me know whom we are serving here. If we are here to serve someone I am regretting. If we are here with those

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who wanted to sabotage this then I regret why I was elected with the other members that are not willing to work together. I want to rest my case by saying I support the recommendation of the committee I being one of the members. Thank you.

Hon. Speaker: Honourable Chelule,

Hon. S. Chelule: I regret why I came to this rude generation. What made me to be here was only one hundred Thousand for roads in the defunct local government. But as for this county government with a lot of money, some of the members who are hiding may not be re-elected but let us leave a legacy in place but ask the work that we have done in the previous government. I don't have much to say but ask God to pardon us.

Hon. Speaker: Honourable Kirui.

Hon. J. Kirui: Ningepende kusema ya kwamba siku ya leo ni muhimu kwetu sana kwa sababu tunajadili vile pesa itakavyo tumika mwaka huu ambao tumeanza mwezi wa saba. Jambo la kushangaza ni tunapojadili mambo muhimu, ambayo linahusu watu wa Bomet kuna wengine wameona shughuli zao ni muhimu kuliko hizi. Waswahili husema kufanya kosa si kosa bali kurudia ndilo kosa. Mwaka uliopita kuna mahali tuliteleza, tukasema kuteleza si kuanguka. Jaji Lenaola akasema mambo kadha na wewe kama wakili unaelewa. Hivyo basi nigepeenda kusema hatutaki kurudia hayo yaliyosemwa. Mahali tupo ni mahali uongo utajitenga na ukweli. Lazima tutekeleze mambo yanayofaa. Ningependa kumuunga mkono mheshimiwa Joyce alivyo sema kama wewe ni mwanaume simama kama mwanaume. Kama kiongozi wa walio wengi bunge hili naliunga mkono hawa waheshimiwa. Kati ya waluochanguliwa ishirini na tano, ishirini na mbili ndio waliosimama nasi. Ningependa kumshukuru mheshimiwa Keter aliyeteuliwa kusimamia walio walemavu. Sasa kila mtu afunge mshipi sababu safari ni ndefu, na kuna milima na mabonde. Nimeulizwa kila mara kama mimi ni msemaji wa Governor wa Bomet nami nikasema la hasha mimi ni mwakilishi wa Ndaraweta. Ningependa kumuuliza governor awaachishe kazi wanaomptosha badala ya kumpa mawaidha. Inasemekana ujanja wa nyani huishia jangwani. Bunge hili kuna wale kama nyani na sasa msitu umetolewa basi tutazunguka vitongoji zote Bomet kutangaza ya kwamba nani ako nasi na maendeleo. Nao ni kama nyani wanaosema “nyef” “nyef”

Hon. Speaker: Mheshimiwa Kirui, tungependa utueleze “nyef” “nyef” ni nini?

Hon. J. Kirui: Nyani anapoitana husema “nyef” “nyef” hata wao wanasema mheshimiwa wa walio wengi bunge ili waweze kutopea njiani lakini nitasimama na walio nichagua watu wa Ndaraweta. Ningependa huu si mara ya mwisho na wasiokuwemo humu siku ya leo

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wametusaliti. Tutakuja kueleza vizuri tunaunga mkono kama mmoja wetu na nikiwa kama mwanakamati. Asante sana.

Hon. Speaker: Wewe unaunga mkono au la.

Hon. J. Kirui: Nimesema naunga.

Hon. Speaker: Thank you very much, what is it that you want to say honourable chair.

Hon. B. Ngeno: Based on the contribution of the members, I beg that I give the right of reply in the next sitting. I want to say that sometimes its better you face the problem head on instead of some people running away from the problems and the same problem is running after them. I believe these honourable members who are here, till this late, thank you. I beg to give the right of reply in the next sitting.

Hon. Speaker: Pursuant to standing order No. 1 you seek leave to give a right of reply in the next sitting after looking into the issues raised by the members. I therefore allow you till the next sitting. I hope you will be able to indicate the time and the date when the matter will go for voting. Honourable Majority.

Hon. J. Kirui: We were supposed to go for recess but I wish to move a motion that we reschedule the recess pending on the matter that is weighty for us and dispense off the same.

Hon. Speaker: You will be able to move you motion understanding order No. 28(4) which says the assembly may alter its calendar. You need to state the date. Proceed.

Hon. J. Kirui: I wish to move a motion that this House do resolve to alter its calendar so that instead of embarking on recess today let it be shifted to the 16th of July 2015. And subsequently the reporting date is moved for a week. This is a resolution because of the weighty matter ahead of us and that members have missed very important schedules in their wards, to dispense with the issue of memorandum. Thank you.

Hon. Speaker: That pursuant to understanding orders No. 28(4) this House does resolve to alter its calendar so that instead of embarking on recess today let it be shifted to the 16th of July 2015. And subsequently the reporting date is moved for a week. Now open for debate. Honourable Chelule.

Hon. S. Chelule: I want to support this because of the budget issue that we need to clear first.

Hon. Speaker: Honourable Majority you right of reply.

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Hon. J. Kirui: I wish to thank the member because of the love for the county. I want to urge every member and colleague, that the budget of the county is greater than every one of us. On the door its written for the welfare and the just government of the people. It's the same people that we want justice to prevail in our wards. I want to urge everyone that comes next week let us deal with this with soberness and sobriety and for the nominated members of the county assembly let me say that we are very accommodative. When we came to this Assembly we had to wait for them and the seats of the committee were shared equally because we believed in fairness and the only thing that I don't fear being quoted in any place, and the place that I can be sent to is Ndaraweta and that is my home. Let us talk to them may be they were got unaware. You can fool some people some time but no all the people all the time. Next week we shall know who is fooling who.

Hon. Speaker: It's my turn to put the question that pursuant to understanding order No. 28(4) this House does resolve to alter its calendar so that instead of embarking on recess today let it be shifted to the 16th of July 2015. And subsequently the reporting date is moved for a week.

Question put and agreed to.

Hon. Speaker: Next order.

ADJOURNMENT

Hon. Speaker: There being no other business this House stand adjourned to until Tuesday next week 2:30 p.m.

The House adjourned at 7.30 p.m.