

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES

(OFFICIAL REPORT)

DAILY HANSARD

Tuesday, July 7, 2015

PLENARY

July 7, 2015

COUNTY ASSEMBLY OFFICIAL REPORT

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The House met at 2.50 p.m.

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

PRAYERS

Hon. Speaker: Do we have the quorum? Kindly ring the bell Serjeant at arms. First Order?

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Honourable members, The Speaker and the Clerk and the members of the governing council attended a meeting yesterday called by County Assemblies Forum to discuss on a new development on a case where the Governors have taken the Senate to court because of increasing donation to County Assemblies. Secondly, also concerning the independence of the County Assemblies where the Governors are trying to say they don't want the County Assemblies to hold an independent account in the central bank of Kenya. So I do request at the after this I can be able to give you full brief of what transpired in yesterday's meeting. Also honourable members, tomorrow after the morning sitting, the said Ahadi consultant wanted to discuss with the members on the way forward on the project they want to implement within the county government of Bomet, where we are among the county assemblies to be supported by the said Ahadi program, so the consultant is requesting, tomorrow after the morning sitting if we can be able to converge and have an opportunity to make a presentation on the key areas. I think it is very important to call it as it will assist us especially in the participation with our various stakeholders. Finally I would like to wish honourable Chelule a happy belated birthday and may you live a longer life. I know the other members were not aware but a happy birthday honourable Chelule.

❖ PAPER

THE REPORT ON THE 2013/2014 BUDGET IMPLEMENTATION ON THE COMMITTEE ON WATER, ENVIRONMENT AND NATURAL RESOURCES DEPARTMENT

Hon. Speaker: Honourable Bor

Hon. S. Bor: Thank you honourable Speaker. I beg to table the following paper on the table. It is the report on the 2013/2014 budget implementation on the Committee on water, environment and natural resources Department. It had not been relayed before.

Hon. Speaker: So the report now is the property of the House. The House Business will be able to sit and look for appropriate date and time for debate. Honourable Christopher, honourable Ng'eno, I can leave the senior citizen of this country to be able to relay first. Yes honourable Ng'eno.

Hon. C. Ngeno: Today we were to present the report on the Annual Development Plan for 2015/2016/

July 7, 2015

for debate. The finance Department could not facilitate us for the report writing due as the CASB had not submitted the work plan. Let me request for more time before we debate it. We were to debate it today. Let me request for seven days.

Hon. Speaker: So what is it honourable Ng'eno, how many days? Honourable Ng'eno you should have raised that matter with me because some members raised it and I thought it was sorted out. You should have raised it with me as the Speaker and as the chair of the county assembly services board. So that I would have given further instruction, because I thought I gave proper instruction. But you will be facilitated. But all the same, you have seven more days, and you know the consequences of that as I said before we should not have passed the budget before the new Annual Development Plan is tabled before this House. It is one of the requirements before the House can deal with the budget issues. So you have seven more days. In case of any challenge, kindly see me. Honourable Bernard Ng'eno

❖ **PAPER**

THE MEMORANDUM ON COUNTY APPROPRIATION BILL 2015.

Hon. B. Ng'eno: I wish to lay the following paper on the table of the House on 7th July 2015. The Memorandum on County Appropriation Bill 2015.

Hon. Speaker: So that is the memorandum from the governor stating reasons why he will not assent to the Bomet County Appropriation Bill 2015. So it's fully laid now and I do commit to the committee on the Budget and Appropriation where it should not exceed 14 days to deal with the matter. So we hope you will be able to meet and be able to table a report on the same so that the House will be able to start on that memorandum. Honourable Samson. What is it Honourable Josphat? Let me hear honourable Josphat first.

Hon. J. Kirui: Thank you Mr Speaker for this opportunity. Whereas Mr Speaker I don't want to question the wisdom of the ruling you have made. You have given the budget and appropriation 14 days. Mr Speaker, I would like to draw your attention to the urgency of the matter before us; if it was possible, even 2 hours would be enough to discuss this matter. I am saying so because I am a member of the Budget and Appropriation Committee and the said committee did a very thorough and commendable job in doing the budget and it may take about 20 minutes to look at the memorandum and react to it so that it can be returned to the executive, honourable Speaker.

Hon. L. Kirui: Thank you very much Mr Speaker; mine is a point of information. The issue that you have raised especially on the issue of the procedures of this House and especially what is stipulated clearly on the PFM Act on how the budget process is supposed to be undertaken. I think in our case, we find that some other things are coming later than the other. Like for example the budget before the annual development plan. Honourable Speaker, I wanted to ask whether there are some implications on such cases because we need to be so much careful especially on this budget because I know there are some residents who challenged the previous budget and they ended up winning the case. If we are not careful, we may also go the same way. I am really humbly asking on information on the same. Thank you honourable Speaker.

July 7, 2015

Hon. Speaker: Let me start with honourable Josephat. I know this matter is very urgent, I really concur with you. At the end of the day the committee on budget and appropriation have to look at it so that they can make an informed decision. So that as a House we can make an informed decision on this matter, backed by reason. I've said up to a maximum of 14 days which even if they can choose to take 5 minutes, it will still be within the 14 days but the maximum they can go for is 14 days. So even if they choose 2 minutes it is still within the 14 days, so I am still giving them the allowance of 14 days. Honourable Josephat what is it?

Hon. J. Kirui: Mr. Speaker, I am also quite flabbergasted because this is the House that does the budget because it is not in the streets, not in the barazas but it is done in this honourable House. So what is in the grapevine does not augur well for this House.

Hon. Speaker: What is in the grapevine? The Speaker has no eyes, he has no ears.

Hon. J. Kirui: I know honourable Speaker, when you step out of the chamber you have eyes and you fully know what I mean. Thank you

Hon. Speaker: Honourable Kirui, I think what you are saying is true. At the end of the day, those who have read the ruling by Justice Lenaola; it is blaming first, the Clerk, second the Speaker, third the County Assembly. The other one is CEC Finance, the other is the County Governor, and the other is the county controller of budget. What the controller of budget wrote is, you remember those who were in the final meetings with the Governor. The Governor said that the controller of budget has agreed, even though the annual development plan is not ready, you will be given money as long as you show you are on the process. And remember that process, the whole financial year went without an annual development plan. And that is why as we were starting the process I was expecting you as a House that you would raise the pertinent issues. Including whether the budget is program based, including whether it is in conformity with county fiscal strategy paper because that is another issue that was raised. So it is in your domain if that budget is not in conformity with the fiscal strategy paper, it is not in conformity with the CIDP, it is not in conformity with the annual development plan. I know we are not past the annual development plan, so all the same, it is the House which takes the blame. Because if you could allow processes to pass your eyes without that, then still the blame lies squarely on you. So honourable Kirui I have answered your question.

Hon. L. Kirui: Honourable Speaker, I think as per the provisions of the law, you as the Speaker, are also the advisor of this House, so I would wish honourable Speaker, we can still give you that power, though it is stipulated in the law, you should take the control of this House so that in whatever we have passed. Like for example even if you look at what is in the ruling, he did just say, anybody including you were mentioned in the same. It is my concern that if it is possible, we need to be careful especially at this moment and we see on how we could clean up this messes and I am not saying in the budget alone, honourable Speaker. Even in other cases, if you look at the controller of budget's report, and you find out that there are some cases where we use some money without the consent of the controller of budget, those are the cases that we have been doing. We sometimes use the money and we come

July 7, 2015

with regulations or those other things to formalize what happened. If we will be part of those as a House who are encouraging such methods, we are not performing our mandate. Mr Speaker, you being our advisor, I would wish that you should at least be guiding us and you should be using your power to stop any other things from happening.

Hon. Speaker: You are giving ammunition to people like honourable Josephat.

Hon. L. Kirui: It wasn't to that direction honourable Speaker. It was out of concern

Hon. Speaker: Honourable Joyce

Hon. Joyce Korir: Thank you very much Mr Speaker. I want to say that the estimate for the appropriation bill was passed. And if it was passed and it has never been assented to, I don't see any mistake. I was late honourable Speaker, I want to apologize. But I want to say that he can still go through the memorandum. And I want to say, our decision will be final. We've done the budget, we know the laid down procedures in the budget making process. Though we don't have the annual development plan, which I believe was supposed to be there before the budget was passed, I want to say that we raised it in the committee for finance and I want to say that it is in the Hansard. The budget was passed but without the annual development plan which is not generated by this House also but by the executive. Though I have not seen the memorandum, I have heard from a number of friends that the said memorandum has tried to tell us a number of issues that were supposed to be given by the said CECs before the budget making process. They cannot tell us today the amount that they are collecting as local revenue is 260 then they are the ones who gave us 240. I want to say that this is a way they want the budget to be redone. But I want to say the budget that they gave us is what we will go by and the memorandum they are giving us will not see the light of day. That one I can say for free not unless, we go as per the Act and as per the regulations while making the budget. Remember this House removed some allocations. Which they said is compulsory allocation to every ward. Which is to a tune of 13 million and which is not enough. In the budget making process, this House gave favour to the county executives in terms of prioritizing the processes that are supposed to be done. Remember in the entire county services of this country, the 46 county assemblies, their budget specifics show much goes to the ward. But for this case we just removed some amount where we wanted to do some equalization and we left the rest to the CECs. It is not hard for us as this House to still remain with the same and we still remove some money for development to be divided among the wards. That is our worth as a House Mr. Speaker. We have been elected to serve those people. We've been nominated to serve those people and serving them is by providing equal, equitable sharing of resources of this county government. No one should joke with our powers, no one should joke with our assembly, and no one should tell us that our assembly is a large enterprise. If they want an enterprise, let them ask me to explain this in detail. If it is from any member of this House I am very ready to face it, I am very ready to say it. Remember we only still have two budgets; this budget and the coming budget. It is the right time to do what is right we might be saying we were learning in the first year, we might say were doing some corrections in the second year, what can you say in the third year? As an honourable member of this House, I have never heard in our country Kenya and outside Kenya, where the honourable members of the assembly can go

July 7, 2015

to an extent of removing the money from the assembly to give to the Executive. I have never seen. Nowhere in this world. I have never seen a father who can sacrifice school fees for his child and give to the village. Honourable Speaker I want to say this. If development was not done in the assembly in the first year, in the second year, what can make me believe that it will be done in the third year? Let me say this for free, it will not be business as usual. Thank you.

Hon. Speaker: Thank you. Honourable Serbai.

Hon. R. Serbai: Thank you honourable Speaker, I will be very brief. Your decision that the matter be referred to the Budget and appropriation committee and your direction that the committee should take three days is actually very good Mr. Speaker. Given that the kind of the budget and the memorandum that they understand that is tackled in this House is that I want to concur with the honourable Majority and also honourable Leonard Kirui. By saying that there is nothing so much that we are going to do as a budget committee but it's also good that we have ruled that it is 14 days, that even if we take 2 minutes within the 14 days, it is still within the 14 days, that is the understanding that I have through your wise decision. Mr. Speaker we are aware that this is our 3rd budget we have been facing quite a number of challenges. In the year 2013, first before the full year when we had the money from the transitional authority, where honourable Speaker, we were not there by then, the Assembly was given KES 105 million of which the CEO of this County was furious and we accepted to give him more than KES 64 million and the Assembly remained with KES 36 million. Honourable Speaker, there was also another KES 61 million meant for the development of the Assembly and also the development of the Office of the Governor and the Governor's residence. Mr Speaker that money went without our knowledge. Come 2013-2014, we also passed a budget which we are yet to realize the effects of that particular budget. We came to 2014-2015, the notorious budget that put us on the map of this Country, and also the map of the commonwealth Countries practicing the same system of Governance. Honourable Speaker, it was shameful that this County was operating under 3 budgets;

1. Budget passed by the Assembly
2. Budget by the dark Assembly
3. INFIMIS

We have been given a memorandum by the Governor. We respect that because it is within his mandate to return that budget with the memorandum. What we are saying now is, let the Committee on Budget and Appropriation deal with the document within the specified time then tomorrow we can discuss the same after going through the document. We are not going to discuss an individual but we are just going to engage ourselves with this document and come up with very good solutions. One thing that we need to know is that for 2014-2015, it was a year that I believe no Member of this House will want to remember. We suffered a lot. We were promised a supplementary budget which never materialized. This time we are not going to allow the same things to happen. On the County Assembly budget; no one should debate about that. Two, the money we call conditional allocation, to the wards, if touched then there is no point for the budget and Appropriation Committee to go and sit. Thank you.

July 7, 2015

Hon. Speaker: Honourable Members so that we can avoid more debate on the same, honourable Kirui is right. We need to stick to the law. From what I have read; there is a Member here who has not read that judgment sent to your iPads, kindly read it. What Justice Lenaola said, you cannot rearrange or reintroduce a new budget. For those people who have read it, honourable Aurelia you are well conversant with it. Honourable Aurelia you have been in the budget process, you are more capable than most of us by virtue of your education and in Budget matters. I have gone through the memorandum and one critical thing it is raising is that it is a new budget. Let the Members of the Budget and Appropriation Committee deal with it. I want the Members to avoid debating on the memorandum so that when the Budget and Appropriation Committee bring their report we can move forward. Increase of revenue means County Finance Treasury are not sure about what they are doing. You can't just wake up after submitting a budget and you increase it. Assuming they increase it to 300 million next week. These are some of the issues, as a House, we should avoid being sent elsewhere. The key question, as what honourable Langat has been saying, let's stick to the law. Let's discuss the substantive issues on the memorandum when it is before the floor of the House. Thank you. Next order. Honourable Samson I am sorry, you can have your time.

Hon. S. Towett: Thank you very much honourable Speaker. I rise to bring to the attention of the House an issue touching on the Public Accounts Committee and Public Investment Committee; to look at whether the County Government has lost money due to the hiring of the County Attorney. This matter was referred to the Committee around June 11th 2011. Honourable Speaker, you had given the Committee 14 days to work on this. These are the 14 working days. The 14 days ended on 3rd July which was Friday Last week. Being a Friday, it was not a sitting day. Nevertheless, I rise to inform the House that the Committee has not wound up on this issue bearing in mind that there are challenges we are going through. Honourable Speaker, when this issue was referred to the Committee, we sat down and drew a work plan on how we were to look at this issue. We settled on inviting the County Attorney, who was the affected person, and the County Secretary, being the Head of the Public Service.

Hon. Speaker: What is it honourable Majority?

Hon. J. Kirui: I think it will be doing a great injustice if the honourable Member, my good friend, refers to one masquerade as a County Attorney. The right term is the purported Attorney. Thank you Honourable Speaker.

Hon. S. Towett: Honourable Speaker, mine is to report exactly what was reported to us. The terms used are the same terms I will use. Honourable Speaker, when we invited the County Attorney, he declined and he wrote an email. At a certain point he said this House was doing witch-hunting. When this was brought to our attention, we sat down and decided to summon him to appear before this Committee. This was supposed to be on 9th Thursday. Honourable Speaker, we also had invited the County Secretary but he was having Court Issues on matters pertaining to this County. He was to come today. There are new developments; the same County Attorney went to Court to challenge his removal and the People whom he had listed as respondents started with the County Government, the County Secretary, the Governor, the County Public Service Board, and more so the Speaker of the County

July 7, 2015

Assembly, which I believe is on behalf of the Assembly. This is the petition he has raised in the Labour Law Courts in Kericho; he wanted to have this issue not to be discussed in the Committee. I have just rose to request that since the Committee has not summarized the same and bearing in mind that this issue is before the Court, I have risen to request that the Committee be given time so that it will be able to invite these respondents again. Thank you honourable Speaker.

Hon. Speaker: Honourable Samson, I understand what the Committee is going through, but, as far as we are concerned, as a House, I am among those who was sued as the forth respondent, and up to now we have not received any Court order to that effect. In the meantime proceed with the case, because if you realize they filled it in Nairobi, one the orders were to stop the Committee or the Speaker from allowing any debate until the matter is concluded. But, there were no orders given. If any, the orders will be given on Thursday this week. You have 14 more days. In case of any new development, I will be served with an order that this is what the Courts have said. As at now, no one has been served with an order. Including even the County Executive. He sought the order but it was not granted. The case was transferred to Kericho. You have 14 more days. Honourable Kirui

Hon. L. Kirui: Honourable Speaker, I am shocked to hear that you are one of those who were sued. As a County Assembly, we are not aware of such a name. I don't know the interpretation, but because it is in the Court then I may leave it. We have never received a name like that. I don't know why the Assembly was included in the case.

Hon. Speaker: Honourable Serbai

Hon. R. Serbai: Thank you honourable Speaker. To me, the subject at hand is something we are hearing now. Because of your wise decision, that the Committee continues its work because we have not received any order, I support that. But, the issue raised by honourable Leonard Kirui that we have never heard of such a name, I think there are quite a number of things that happen in this County that does not pass through this House, not because of anyone's mistake, but because of the mistake of this House surrendering their powers to the Executive to which the Executive has abused those powers by employing these people anyhowly. That is why the purported County Attorney is having a letter of appointment that he is using. The reason why the County Assembly, that is the Speaker, was included was because the complainant wanted to block any other transaction pertaining to the position of the County Attorney. He doesn't have anything to do with the Assembly because we have never passed anybody. I believe the Committee will come out with very good resolutions that we can discuss. Thank you.

Hon. Speaker: Honourable Bernard Ngeno

Hon. B. Ng'eno: Thank you Mr Speaker. I rise to state that this Assembly, we are discussing something that we are privy to it. Mr Speaker, if we talk about the issue of the County Attorney, if we never approved anybody as the County Attorney, I was not expecting you as one of the respondents in that case. Mr Speaker, up to now, the Assembly does not know who the County Attorney was and who is the County Attorney. Because we don't have the County Attorney based on the records that are with the Assembly. Mr Speaker, to that effect, what we are aware of is the motion that passed this House,

July 7, 2015

urging the Governor to submit the name of the County Attorney. Mr Speaker, whether we discussed this matter in the Assembly or not, we don't know who the County Attorney is. And we are still waiting for the Governor to submit the name of the county attorney. So Mr. Speaker, those are the issues if necessary we are ready and if possible to defend the Assembly at all cost. Mr. Speaker, can even go extra mile to conform to the members of the public that we do not know who the county attorney was and who was purported to have been the one was drawing public funds illegally and Mr Speaker for that matter those are the people we are terming as the thieves who have robbed this county government of the money that was supposed to have been taken to the members of the public for the purpose of development. So Mr Speaker we are saying we will go extra mile to confirm that we do not know who the county attorney was and what is being played outside is purely politics. Thank you.

Hon. Speaker: Let's proceed honourable members because I think you have made your comments on the same, and on the issues I have instructed the committee to proceed with the work if they get the orders on Thursday. But well and good but as far as we are concerned no one has stopped the work of the Assembly. Next order

❖ NOTICE OF MOTION

THE COUNTY ASSEMBLY DO RESOLVE THAT THE COUNTY SERVICE BOARD AND THE COUNTY SECRETARY DO HALT ANY PAYMENT TO PERSONS WHO HAVE NOT BEEN LAWFULLY RECRUITED UNTIL THEIR EMPLOYMENT HAS BEEN REGULARIZED.

Hon. Speaker: There was honourable Serbai.

Hon. R. Serbai: Thank you honourable Speaker, I rise to give a notice of motion that aware that article 10 and article 232 provides on the values and principles of public service; further aware that section 59 of the County Government Act provides for the functions and powers of the County Public Service as established on the county policy I the public service and to appoint person to hold or to act in the county offices including the board of cities and urban areas within the county and also to take into account matters and decide disciplinary control over and remove persons holding or acting in those offices as provided for under part 7 of the Act among other functions. Also aware that there exist workers within the county government who have not been directly hired by the county public service board drawing salaries; further aware that such kind of employment is irregular and unlawful making the county incur unnecessary loss and expenses. This county assembly do resolve that the county service board and the county secretary do halt any payment to such persons who have not been lawfully recruited until their employment has been regularized. Thank you, honourable Speaker.

Hon. Speaker: Thank you. The notice is fully given so members are aware now that the House business will be able to create time and date for the debate. Next order.

Clerk: order number seven statements.

Hon. Speaker: There were some pending statements; I do not know the status of the pending statement. I think.

July 7, 2015

❖ **MOTION**

THAT PURSUANT TO STANDING ORDER 193(5) THE COUNTY ASSEMBLY DO RESOLVE TO ADOPT THE ANNUAL PROGRESS OF THE LABOUR SERVICE FOR THE FINANCIAL YEAR ENDING JUNE 30, 2014 LAID ON THE TABLE OF THE HOUSE ON DECEMBER 16, 2014

Hon. Speaker: Honourable Chairperson, Committee on Labour.

Hon. B. Too: Thank you Speaker and members. That pursuant to standing order 193(5) this county assembly do resolve to adopt the annual progress of the labour service for the financial year ending June 30, 2014 laid on the table of the House on December 16, 2014. Mr Speaker sir, allow me to present the annual report on labour and public service for the financial year ending June 30, 2014. Mr Speaker sir the committee on labour pursuant to standing order 190(5) is pleased to report on its progress, observation, challenges and achievements during the financial year 2013/2014. The committee of labour and public service is one of the sectoral committees under standing order 190(1) and seventh schedule to standing orders to the committee. The committee membership comprises of;

1. Hon. Reuben Langat
2. Hon. Bency Too
3. Hon. Christopher Ngeno
4. Hon. Cecilia Towett
5. Hon. John Ngetich
6. Hon. David Rotich Big Five
7. Hon. Aurelia Chepkirui

In line with the provision of the standing order 190(5), the committee is;

- (a) To investigate and inquire into the mandate, management and estimate the operation of other departments.
- (b) Study the program and other policies and objective of other department and effectiveness of the implementation.
- (c) Study and review all county legislation referred to it;
- (d) Study and analyse the related success of the department measured by the results of their stated objectives. Also to investigate and inquire on all matters assigned to all department as they may deem necessary as they may be referred to them by the assembly.
- (e) Mr Speaker another mandate is to vet and report all appointment where the constitution requires to vet, under standing order 187. Also to make reports and recommendation as often on proposed legislation.

Mr Speaker sir, the committee is grateful to the office of the Speaker and that of the Clerk for facilitating and technical support during the period. It also wishes to appreciate its members for working tirelessly and they appended their signatures. I would also go to the background of the report.

July 7, 2015

It is worth noting that the committee was established on February 2014. Immediately after establishment of the committee, there were election for the leadership of the committee and the vice chair.

The Annual progress report is critically analysing the relative success of the committee by the results in line with its mandate. Mr. Speaker, we also have the legal frame and that the committee framework was guided by the legal framework in place; that is the constitution, county government act and standing orders.

The Constitution, according to the article 183(3) of the constitution of Kenya, the county executive members is required to provide the assembly with full and adequate report on matters relating to county. The county government act section 29(2) provides that a committee may require a member of the executive to attend and appear before the committee and answer the entire questions relating to the executive according to standing orders. Pursuant to standing order 191 (5) and all the enabling provisions of the law the county assembly committee has been over sighting the county public service board in almost all sectors to do with its work. The major issues over the period under review were handled by the committee, under the period the committee has largely been guided to generate the agenda that has so far been discussed. By and large the committee has over sighted the service board and almost all county sectors on matter of employees and labour issues falling on employment. The committee deliberated on the public service board report in the assembly on January 9, 2014 and suggested on the following;

1. Appointments,
2. List of drivers personal to executive,
3. List of county chief officers,
4. Task force on ECDE assistant teachers
5. List of additional ward administrators and all advertisement of opportunities to them. The above list formed the basis of the agenda which the committee deliberated on in various occasion.

2.3.1 Appointments;

The committee debated on the appointment of chief officer, and county administrators, ward administrators which was placed on advertisement. These are Chief Officers for education, finance, health, social services, sports, energy and housing, urban planning tourism trade and industry, public works and transport, environment water and natural resources, economic development, agriculture and fisheries County Administrators; Sub county administrators, ward administrators and town administrators. Other employees: ECDE teachers' assistants personnel picked by the executive and health sanitation. Staff:

Committee sittings.

The committee held several sitting to deliberate on issues touching on under various major topics.

July 7, 2015

Mr Speaker, 2.5 meetings with the executive. The committee held meetings with the executive over the period under review, on 31st march 2014, the county secretary was invited to the assembly and he said the appointing authority for chief officers has not been given to him but he has the authority to submit those recommended by the service board.

Mr Speaker on suitability interviews, there are staff majority of whom were picked by the executive and the service board has since suited them as they were occupied. The committee observed that there were serious violations of law. It was observed that the executive usurped the powers.

Hon. Speaker: What is your point of order honourable Taplelei.

Hon. T. Rotich: There is no quorum in the room.

Hon. Speaker: There is quorum. Proceed.

Hon. B. Too: Thank you honourable Speaker. I was on the issue of suitability where the county picked staff and the service board has since situated where they served. The committee noted that there was serious violation of law and the executive had usurped the powers of the board and when the board was instituted, it confirmed the officers as per the executive. On further probe the assembly constituted an ad hoc committee to investigate and report to the House. On regional distribution, it was noted that the majority of employees in Bomet central were from Silibwet ward. Number two, in Bomet east sub county majority were from Merigi ward while Kembu ward has only one employee. In Chepalungu the majority were from Kong'asis while two were from Nyongores.

Point number four, in Konoin the entire ward had four and none came from Chepchasbas. In Sotik majority came from Chemagel where only one came from Kapletundo.

Recruitment of county health workers;

The committee observed that the staffing of Health workers across the County was not uniform. The Committee observed that the information submitted did not include the number of persons with disabilities.

It was also hard to identify the gender of employees as the column for this was not provided. Some names were confusing and had typographical errors and the same should be avoided in future as in the examples of Kapisimba instead of Kabisimba. The duty stations given were confusing too such as Sigor Dispensary, Sigor Health Centre and Sigor District Hospital. It was not easy to establish that what was given was the same name. Two employees were said to be working at Tenwek and Kaplong Mission Hospital.

The Committee sought for remunerations in all work stations and it will complete the exercise upon receiving information on the just concluded biometric exercise just concluded.

Achievements and challenges and recommendations;

July 7, 2015

There were major issues discussed in the period under review and one major milestone is the ability to learn from the report and the Public Service Board submitted and tabled on 29th January 2014. The Committee came up with a report which was consequently debated and analysed in the Assembly.

Some challenges include the quarterly report which was not submitted to the County Executive on time as required by law. There was also lack of cooperation from the Executive when information was sought as they questioned the mandate of the Committee. The committee also transacts a wide range of activities and this was not possible to meet due to the nature of the Committee and its broad work

On recommendations,

- The Executive should be submitting documents to the Committee on time to enable it to discharge its mandate
- We also recommend that the executive should take the role of the committee and the assembly and respond to inquiries on issues pertaining when required to do so.
- Recommendation number three was that capacity build for the members should be done so that they can discharge on committee's mandates was also required

Finally the conclusion;

Honourable Speaker, there is no doubt that the committee was faced with challenges during the period under review however the committee was able to deliver on its mandate as per the standing order due to the commitment of the members and the support of the office of the Clerk and the Speaker of the County Assembly. Moving forward the committee recommended that the county Labour and public service board, to be able to deliver on its mandate consistently, must be adhering to the law to stop the confusion which has been witnessed in the past and so as to ensure smooth and equitable distribution of services by the county government. Thank you honourable Speaker, I want to urge members to adopt the annual report of the Committee on Labour and Public service. The Honourable member representing Chepchas to second.

Hon. C. Ng'eno seconded.

Hon. Speaker: It is now my turn to propose the question that pursuant to standing order number 193(5)(g) this county assembly do resolve to adopt the annual progress on the committee on Labour and public service committee for the financial year ending June 30, 2014 laid on the table of the house on December 16, 2014. It is now open for debate. Honourable Samson

Hon. S. Towett: Okay thank you very much honourable speaker for giving me opportunity to contribute to towards the motion before us. First, I want to thank the committee for the good work that they are doing and more so for bringing out clearly how issues pertaining employment was distributed across the county. Looking at the report that the committee brought, they have looked at various areas pertaining to labour issues that the county has undertaken in that year. Mine is to look at the area that especially of chief officers, my concern is may be that time we had two who had been approved but never the less these officers were approved and given position by ability and skills but you realize they

July 7, 2015

were moved from areas they were approved and given other areas and may be they are not in a position to head and deliver to the expectation of the county and may be by extension though we have not come to this financial years but I know the same things has happened. We have approved chief officer but even before they sit they were reshuffled and they will not be able to perform and going forward we will be looking there should be a recommendation to really encourage the county to ensure it gives personnel time to show their ability to deliver in areas they have applied at work in. Secondly, looking at how job opportunities have been delivered, what we refer to as the regional balance and what we refer to fair distribution of job opportunities has not been observed. I have loved to see such recommendation coming from the committee, looking at wards looking at Kemu only one person has been employed and Kapletundo and you hear Chepchas did not get any job opportunities and Kimulot had one person and statistic shows we are poorly given job opportunities. Thank you.

Hon. Speaker: Honourable Korir

Hon. Julius Korir: Thank you. I want to confirm that I have not read the report with elaboration from the vice chair but I can confirm they have done a commendable job. You know if they had sent the report to our iPads but some of our iPads developed technical problems. All in all, honourable chair, as per what the report is that the report is well analysed and it is touching on the distribution of job opportunities available and the challenges behind that. I want to commend on the committee for the good work they have done. We will think that any recommendations that any committee has highlighted, it is the duty of this House again to follow the recommendations of every committee because we need the recommendations to be implemented. If we are only going to adopt the report then it is put on the shelf, it is like saying that the shortcomings that the committee have realized will continue. I want to urge the House that we fast track on the recommendations so that we try to curb the anomalies that may arise.

I want to thank hon. Serbai because he tabled a notice of motion today that is affecting the same Public Service and Labour. If that motion now is brought we will have to co-join the report and the motion and in that case I hope we are going to streamline because we realize that there has been a lot of massive complaints because of irregular appointments of personnel in this County Government that favours those who knows who but not who knows what.

I saw somebody with a KCSE certificate and placed under job group M that was not meant for that person of that educational background. You will realize that that is just but a tip.

We want a motion from Hon. Serbai despite that fact that he is hardly patient and he likes always going out and coming in but I think he will get the information that the motion that he has tabled as a notice of motion, we follow the recommendations on the committee on labour so that we put things straight. You have realized that the office of the secretary is one of the most...

Hon. Speaker: Honourable Bor.

Hon. S. Bor: We don't have enough quorum.

Hon. Speaker: Sergeant-At-Arms can you ring bell for eight minutes.

July 7, 2015

The quorum bell was rang

Hon. Julius Korir: Thank you, there is quorum already.

Hon. Speaker: Proceed.

Hon. Julius Korir: As I wind up I wish to give suggestion on how we can curb this quorum hitches. The challenge is that when a member has signed he/she leaves at will and it is good that signing should be after the adjournment of the day so that everybody will be on board or if at all people sign and quorum is ended then the list that had been signed should be revoked because somebody should leave with a reason. They could be roaming outside or they are just in town.

We need to stamp our authority. The most corrupted office in this County Government in the Office of the Public Service Board and I think we need, at least, to heed the recommendations of the Committee. Because you realize when they were giving out the list of the employed persons. I even realized that my ward is the least considered, that is Kembu. Honourable Speaker, I want to urge the House that this new financial year, is the year of do or die. If we are not going to stamp authority, we are dead. Honourable Speaker, with the look of things, I am happy that Members, we are on the same course to fight for the residents of this County. Thank you.

Hon. Speaker: Honourable Kirui

Hon. L. Kirui: Thank you very much honourable Speaker. I want to congratulate the concerned Committee for the report that they have tabled to this House. That is a good starting point. Honourable Speaker, as by what honourable Korir has said, we have a lot of issues when it comes to the issue of appointment in this County. Honourable Speaker, I was expecting the report to indicate the appointments that we have revoked because we have a lot of appointments that this House has revoked. Honourable Speaker, even on the appointment of the drivers, we were not satisfied and even the entire County was not satisfied with how the drivers were employed. We even made a resolution in this House that the Exercise was supposed to be done again. Honourable Speaker, I just want to say that the Committee should be serious especially when investigating the issues of appointments within the County. Honourable Speaker, one of the surprises was the issue of our County Attorney when we heard he is taking this House to Court. I think, all that lies on the appointments which is still the mandate of the Committee. Honourable Speaker, let the report be a starting point so that this financial year we look into these issues deeply and do a thorough investigation. I am surprised to hear we have some staff who are in the payroll of this County Government. If you look at what they are doing, they are going on with activities in their home areas and surprisingly they are drawing money like County employees. Honourable Speaker, that one is subject to further investigation that I wish the same Committee can now give us a very thorough report. The way they started was nice. They did analysis on employment to an extent that we are surprised that we have one ward which has single employee which is unfair. We are here to defend the spirit of fairness, equality and equitable sharing of resources. I support the report and I know that they will give us a more thorough investigated report in the next financial year. Thank you Honourable Speaker.

July 7, 2015

Hon. Speaker: Honourable Joyce and then Honourable Helen

Hon. Joyce Korir: Thank you very much Honourable Speaker. I stand to support the report by the Committee on Labour. I must congratulate the vice-chair for the report that they have gone through. A number of Members have spoken, I want to echo them and add some comments on the malpractices. Honourable Speaker, it is shocking when we are still on the third year doing a number of mistakes at the expense of trying to say we still learning. Honourable Speaker, the Public Service Board has been having a number of issues and they have not come out properly. We may be saying every now and then that the Governor is wrong, but the Public Service Board has never come out clearly and defended themselves in written form. When it comes to the issues raised by the Members of this Assembly, be it recruitment of security officers, be it the sacking of officers working for this County Government, be it the employment done, be it the temporary workers whom I understand they are 500 in the last two years having been employed as temporary workers and drawing the Public Funds just because they can politic through the radios. Honourable Speaker, this was the issue that was supposed to be addressed by the said Public Service Board. Though they have a number of challenges, I understand that the funds budgeted for in the year 2014-2105 Honourable Speaker, was not given to them. I understand they had a budget of 89 million Kenyan shillings and, unfortunately, they used 9 million shillings. This is to mean that they are being curtailed by some offices but they have never complained in a written letter for the Assembly to address their issues, yet they know they passed through this Assembly for them to be in this County Honourable Speaker. I want to say, the Public Service Board was vetted by this House, they are given mandate by the Constitution and the County Government Act. Honourable Speaker, they have never, even a single day, tried to implement and use what it is contained in the Act as per the issues they are addressing. Be it the issues of abolishing offices, be it the issue of giving structures, be it the issue of recruitment. This is to show that though we may having some sympathy towards this office, I want to say they are giving us a rough time, where the Members of the Public are asking us where this Public Service Board are and where the Assembly is. On Thursday, when the Majority Leader of this House raised an issue concerning the issue of the Health officers, it was on Wednesday, and on Thursday morning, it was shocking to learn that the Governor has revoked all the applicants by that night. This is to mean that these things are being done without following the legal procedures. Remember monies being used to advertise the positions are public funds; the monies that are also being used to revoke the applications are public money. Honourable Speaker, I tend to wonder how these things are happening. It is clear in the documents of this House, that the Committee on Labour, after bringing a report to this House, we adopted a report in this House that the security officers were too many, not that we did not want them, they were too many. Even the structure itself was not through the Public Service Board, neither was the recruitment. It was not delegated to any other person, whom the Public Service can delegate it to, but they went ahead and did the employment, they went ahead and gave us the budgeting. As we speak, it remains in the records that it was revoked by this House. It gives a rough time to any person working in this County Government when the two documents are contradicting. You try to talk of malpractices that have been happening in the Assembly in terms of legislations that have been passed and you go to the other side to see what is happening and you see they do not follow what has been passed in this House. The CEC in-charge of Finance in the

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July 7, 2015

year 2013-2014 was also removed by this House. But he has continued withdrawing the Public Funds to-date yet he is no longer the employee of this County...

There was no longer quorum

Hon. Speaker: Sergeant-at-arms, kindly ring the bell for 8 minutes.

The quorum bell was rang

Hon. Joyce Korir: Honourable Speaker, we are requesting, I was expecting you to give a ruling when Honourable Korir also raised the same issue. We believe this should not be the trend. If someone comes in and requests to see the attendance list, the list is fully signed yet when it comes to the transaction of the business of this House, there is no one in the House. Does it means we only come to sign and leave? And if that is the case, we can start today just signing and leaving because this is becoming a trend where we keep on suspending the business of the House yet it is a business that takes about an hour then we leave. If it is a business of just drawing public money through the signatures, I don't think we should entertain these issues. Though it is a disease affecting all the Assemblies, I was in the National Assembly the other day, and they had the same disease. We should lead by example by setting a precedent whereby the entire Assemblies of this Country should follow. Honourable Speaker, it means when the person is here, let them be here, if he is not, let him not be here. I want to request your ruling on that. Thank you.

Hon. Speaker: Honourable Members, this issue boils to internal issues within the Members. If I am told, as a Speaker, can you name those Members who have been able to...including Honourable Joyce; I know you are a very serious person... Honourable Members, we should be serious. Even if I say this, the problem is I am talking to those who are inside and the real culprits are not hearing what I am saying. We need to meet in the Speaker's Kamukunji and resolve as the Members, that we need to have all the Members because that is the reason we are paid. Do we have the quorum? It is there. So proceed.

Hon. Joyce Korir: Thank you very much. I am seeing the Speaker is having eyes today.

Hon. Speaker: No, let me read the standing orders, these are the issues the Speaker is being given eyes. On the issues of quorum, it says, "...quorum during the proceedings of the Assembly: if at any time after the Chair is taken, or when the County Assembly is in Committee, a Member objects there is not a quorum present, the Speaker or the Chairperson shall count the County Assembly or the Committee or the case maybe. If on the count under paragraph 1, a quorum does not appear to be present, the Speaker or the Chairperson shall call for the decision bell to be rung as on a decision and if no quorum is present at the expiration of 8 minutes, if the Speaker is in the Chair, the Speaker shall adjourn the County Assembly until the next sitting without question. If the County Assembly is in Committee, the Chairperson shall leave the Chair and report the fact to the Speaker who shall adjourn the County Assembly until the next sitting without the question." So, are you realizing that this is one of the instances that the Speaker can have eyes and count? Because it is saying the Speaker shall count, how can you count without seeing? Proceed Honourable member.

July 7, 2015

Hon. Joyce Korir: Thank you very much Honourable Speaker for enlightening me with that standing order. I wanted to say that the Public Service Board, though we pity with them sometimes, in terms of the way they are operating, I want to squarely lay blame on their offices because the only way you will know a person is sick is when he informs you. This is a situation whereby we are assuming with rumours running round. An office is not run with rumours but with documents. They have a weakness, they have never given us the structure, and they have never given us the number of employees who have been employed by this County Government since the start of the County Government. If today they are telling us they don't know how many employees have been employed by this County Government, they are lying to us Honourable Speaker. I want to confirm that all these problems are being pushed from one corner to the other in this County Government and giving the Committee on Labour a lot of problems in terms of solving the problems. By so saying, I have been seeing some motions by some of the Honourable Members touching on the CS and some people in this County. If this issue is brought up, it will shed some light as to who really makes these mistakes. I believe every employee who have been employed in this County Government, be it temporary or permanent, they must pass through the hands of the CS and they must have been given letters by the relevant offices. We have some funny offices where you find there is a lady using her powers to fire and employ workers in this County; her name is Ann, working with the HR. I don't know this lady, and I feel like seeing her because whenever you go out, you find a number of letters given to young innocent lives just because they may not have complied to singing a song for so and so, doing something, and then they are just fired unceremoniously Honourable Speaker. You tend to wonder what kind of businesses is being done in this County. The Committee on Labour has tried their best. I concur with their report. The reports that have been made by this House will be precedents whether or not we will be here come 2018. It should remain the document of this House to assist in curbing the problems that have been caused. I was talking of the CEC in-charge of finance. Right now the County Attorney has petitioned the Assembly yet there is no single day when the said Attorney passed through this House. How can you petition the Assembly yet you never passed through it and the position of the County Attorney is supposed to pass through the Assembly. The only option he has is the Court and not the Assembly. For this matter Honourable Speaker, I want to seek your special guidance when it comes to a petition by someone who is alleging to be an employee of the County Government yet it's supposed to be approved by the Assembly. He is not legally in that office. A lot of things are giving us problems. I expect someone who petitions us to be legally employed by the Public Service Board and vetted by this House, or, an appointee who has been appointed by the Governor and has been approved by this House. If it is an issue of anybody bringing us petitions outside there, we can even have 200 or the 500 temporary employees petitioning this Assembly yet we were not involved when it came to their employment. Honourable Speaker, the documents passed by this House must stand even after leaving this Assembly. And it should be noted that this is what we approved and this is not what we approved. Thank you Honourable Speaker. I support the document.

Hon. Speaker: Honourable Helen.

Hon. H. Chepkirui: Thank you. Let me raise the issue of a person with disabilities having problems.

July 7, 2015

Hon. Speaker: Yes Honourable Joyce.

Hon. Joyce Korir: Thank you very much Honourable Speaker. I want to inform this House that the said Member who has been raised by Honourable Helen is disabled. A totally visually impaired worker of this County Government. He was employed during the employment of the ECD teachers and it is shocking that some of the people in that particular area, out of politics from nowhere, politicized the said teacher to an extent where the HR directly gave the letter Honourable Speaker, without following the legal procedures of listening to the said person and getting the facts from the ground whether the said teacher did what he was alleged to have done. Was it the issue of rape case or what...it was never done because they just wanted to remove that teacher from that particular area? I want to inform this House that we had requested that the said person to give us a petition to this House on the way he was handled during this case so that we can give a direction, especially to this lady called Ann who has been doing all these messes.

Hon. Speaker: I want to give the vice-chair to make a reply

Hon. B. Too: Thank you Mr Speaker and Honourable Members. I would like to thank the Honourable Members for adopting the annual progress report on Committee on Labour and Public Service for the financial year, ending 30th June 2014. Honourable Speaker, we shall try our best as a Committee to see that equity is observed especially the marginalized ward like Chepchabas. And also the special interest groups like the people with disabilities. Honourable Speaker, this is a hardworking Committee who have left a legacy in this House. I am requesting that next time; at least you give a capacity building so that they can be able to deal with the Public Service. Mr Speaker Sir, this is a Committee that was almost sent home during the first report. Thank you.

Hon. Speaker: Honourable Members, I now put the question that pursuant to standing order number 193-5G, this County Assembly do resolve to adopt the annual progress report on the Committee on Labour and Public service for the financial year ending 30th June 2104 laid on the table of the House on 16th December 2014.

Question put and agreed to

❖ **MOTION**

THE ANNUAL PROGRESS REPORT FOR 2013-2014 FOR THE COUNTY ASSEMBLY SECTORAL COMMITTEE ON TRADE, TOURISM, INDUSTRY AND COOPERATIVE DEVELOPMENT FOR THE YEAR ENDING 30TH JUNE 2014

Hon. Speaker: Chair Committee on Trade, Tourism and Industry

Hon. L. Chepkoech: Thank you very much Honourable Speaker for giving me this time to move this motion. The annual progress report for 2013-2014 for the County Assembly Sectoral Committee on Trade, Tourism, Industry and Cooperative development for the year ending 30th June 2014. Honourable Speaker, the report was tabled on 16th December 2014 and it is dated 13th 2014. Honourable Speaker, I want to thank the Committee for the good work. The report was signed by all the Committee Members

July 7, 2015

except only one Member who is Honourable Taplelei, who was absent. Honourable Speaker, the report was covering only about sectors but we concentrated on only two sectors because the sector on Tourism was ignored by the CEC. He never gave us the agenda to discuss. The two sectors we concentrated much on Trade and Cooperative Development. Honourable Speaker, a total of 23 meetings were held. We went for one public participation and we also went for one report writing. We had no site visit. We also had no benchmarking visit and there was no training and capacity building relevant to Trade, Tourism, industry and Cooperative. Honourable Speaker, chapter one highlighted the mandate and duties of the Committee. It concerned on revenue collection, licensing of business, Common markets.

Thirdly, Honourable Speaker, on Cooperative sector, the Committee deliberated on draft policy paper, on the formation of Cooperative societies highlighting the criteria and composition of the management board for the management of County Enterprise development fund. On industry; informal sector, the Committee did not have any agenda to discuss.

The Committee played oversight and checked the Executive accountable over the programs and projects in the County by requesting for reports on the budget implementation status for 2013-2014 on Trade, Tourism, Industry and Cooperatives. But now the Committee has not deliberated on any report hence it cannot be known how, what, where and when this program was were done. Honourable Speaker, among the 23 meetings which we had, on November 11th 2103, we were discussing on the revenue collection. On November 19th 2013, we were discussing on how the business men were licensed. On November 28th, we had a meeting to discuss on revenue collection. On December 2nd we had a discussion on common markets. On December 10th 2013, we had a meeting with the County Director on revenue collection. Honourable Speaker, I will not be able to highlight all the meetings that we had. Honourable Speaker, concerning Trade and Tourism Development, the Committee managed to hold a total of 11 meetings and deliberated on Trade sector which were as follows;

- Revenue collection
- Revenue collection officers
- Licensing of businesses
- common markets

On Cooperative development, Honourable Speaker, we managed to deliberate on;

- Draft policy paper
- Framework on Bomet County Enterprise development fund-policy aimed at empowering youth and women.

The Committee raised the following issues on the policy;

- That most of the youths groups were not registered and the fact that loan will be based on the registration status may not help them.

July 7, 2015

- That a capacity building program should be put in place so that the beneficiaries prudently use the resources
- That the money was little and subsequent budgets should make sure there is an increment for this.
- Consider equal representation and distribution in allocating funds
- Management of the funds should be done in the ward level
- That there should be Committees at ward level to manage those funds.
- That the Member of the County Assembly will be the patron of the kitty
- There will be a representation of the religious bodies and one from law or accounting bodies be abolished.

Honourable Speaker, we had deliberation on the County Integrated development plan. The Committee discussed on the need to have a CIPD, a document that will guide the process of implementing County Projects and programs. The document will also help in planning and allocation of financial resources in the County.

Honourable Speaker, on the industry and the informal sector; the industry development is a function of the National Government but the informal sector, the 'Jua Kali', is a function of the Counties. There was no agenda set to discuss. The reason we had no agenda Honourable Speaker, was because the CEC at the time was not cooperating and we never sat in any meeting with him.

Honourable Speaker, on the Legislations, the Committee discussed on, and passed two bills: the draft Trade Licensing bill 2014, the Bomet County Agencies establishment bill 2014. This bill was passed and adopted by the House on 25th June 2014. Honourable Speaker, the Committee with me as the Chair did a lot of work. This is the Committee which, in future, if there will be a present, given to the most hardworking Committees; the Committee on Trade, Tourism and Cooperative will be among them. Honourable Speaker, we had conclusions and recommendations from all the sectors. Generally the Committee performed above average in addressing diverse issues in the sector. The first recommendation is that;

- There is a need for the Committee to consider, in future, work plans and focus on Tourism and Industry sector. Since the two areas were not accorded opportunity to be addressed by the Committee.
- The Committee should have a record of work plans and programs from the Executive to make monitoring easier.
- The Committee needs to be trained on various policies and acts touching on Trade tourism, industry and cooperative development
- The executive department submit the report of budget implementation status for trade, tourism

July 7, 2015

and industry development.

- The executive need to develop a county policy on trade tourism and industry to serve as guide for development of this sector.
- The status of the Bomet county agency establishment bill that was passed and adopted by the House needed to be confirmed if it had been published and established.
- The budget committee need to liase with especially the CEC of finance and ensure all projects and programs are programmed base as it will make monitoring development easier but reduce roadside developments.
- The executive department need to be submitted to enable us accomplish programs and this can be done without necessarily inviting or summoning the executive. The executive in charge should plan on implementing on trade, tourism and industry and should be consulting each other on the challenges they experience while delivering the services and programs. Those were the conclusion we had as a committee.

Mr Speaker that was the report which the committee managed to produce during the year 2013/2014 despite the heavy task they had. I want to thank them because of their cooperation and we never left any stone unturned except the tourism sector where the CEC never cooperated or he never given us the agenda. Otherwise let me thank my committee for the good work and request the House to adopt this report. Let me request honourable Joyce to second.

Hon. Speaker: Honourable Joyce Kindly second.

Hon. Joyce Korir: Thank you very much honourable Speaker. I must thank the very able chair and entire committee for the tireless work and good work despite challenges.

Hon. Speaker: What is your point of order?

Hon. Julius Korir: Is the honourable member in order to thank the committee. She should confirm whether she is a member of the committee or not. Because she is seconding.

Hon. Speaker: Are you a member of the committee.

Hon. Joyce Korir: Honourable Speaker, I must thank myself and the members of the committee and I am a member and I like the leadership of the committee. I want to say that honourable Speaker the committee has had a number of challenges. Remember the budget of 2014/2015 had a number of issues that were supposed to be implemented. As we speak while we were doing the current budget we realized that out of the annual reports there are a number of items not yet done. Though we have tried to do what was in the budget we also want to register disappointment in terms of distribution of coolers. It was shocking when I talked to honourable members and one of them told me they do not have milk in the entire constituency. I was shocked and I also find the need for at least trying to teach them the importance of dairy farming. Speaker if indeed the said member is convinced that they do not have any livestock in their area then I want to say that I can concur with him but we should put effort as a committee to at least introduce dairy farming in the constituency. The report captures four

July 7, 2015

constituencies and the way the coolers were distributed is not pleasing. The way the money meant for cooperatives was not friendly. Not only that honourable Speaker there are some wards including Nyongores ward which have not benefited from the said money and being a member I do not remember a single day passing bill supporting the issue of giving out this funds. I learnt yesterday by a funny committee from my ward when they said they can use the money on whatever way and no one can follow them because there is no regulation that is binding them anywhere and I went convinced that indeed that we have not passed the act and money is in their hands and no regulation at an expense of taking care of the money we have given. Honourable Speaker.

Hon. Speaker: What is your information?

Hon. A. Chepkirui: Thank you honourable Speaker. I would like to inform the House that we have approved a policy that was touching the same issues that she is saying. It seems she is not aware that we have approved, thank you honourable Speaker.

Hon. Speaker: Honourable majority.

Hon. J. Kirui: Thank you very much. I would like to further inform the House that there was a cooperative bill which actually found issues and because of the vacancy in the office of the attorney the bill was taken to the office of the governor and nobody acted on it and we are still awaiting the nomination.

Hon. Speaker: What is it honourable Hellen. What is your further information?

Hon. H. Chepkirui: At first she contributed that in Konoin there is no milk let me say there is milk in Konoin.

Hon. Speaker: So proceed honourable Joyce.

Hon. Joyce Korir: Thank you Speaker. I wanted to know whether the members are awake in the House because sometimes you can keep on talking and talking and members might not be aware of what you are talking. So I realize a number of them are not aware of what is going on.

Hon. Speaker: What is your point of order honourable majority?

Hon. J. Kirui: Honourable Speaker I do not know whether it is still within the confines of the member to disparage the other by saying she was trying to check whether they are awake or a sleep. That is casting aspersion on other members honourable Speaker.

Hon. Speaker: Honourable Joyce proceed.

Hon. Julius Korir: Thank you Speaker. The majority was outside more than hundred times when we are called for lack of quorum and lacking the quorum honourable Speaker will give the honourable members to make their eyes rest. They do not sleep and I wondered whether they have rested their minds and I have realized that they are active and keen in terms of business of this House and I want to say honourable Hellene has confirmed and that has been my cry that dairy farming is being done in Konoin and why is it not being captured anywhere. As a committee we have been fighting for it and I

July 7, 2015

remember being on a radio station and I touched on the issue and a person confirmed that they have but on asking the honourable members they know there is nothing that has been given but on further probe another member told me no we are only interested in tea not the cooperatives and dairy farming Mr Speaker. Give me ample time honourable Speaker. The majority has interfered.

Hon. Speaker: What is your point of order?

Hon. J. Kirui: Honourable Speaker we really wish to inform the House that in this House the most active are nominated and I wonder if they are from the said Konoin sub county because most of them are perpetually out of the House.

Hon. Julius Korir: Honourable Speaker that is why I wanted to confirm and it is coming to my attention that the majority leader seem seems to have just woken because we have honourable Samson who is from Konoin and honourable Hellen and we have the Speaker of this House. We have been fighting for this and even in Chepalungu sub county we have really been doing publicity on cooperative by the county government and since they were doing it was prudent for the governor to energise them and even if you go to a number of coolers honourable Speaker to a tune of 15 you find that the amount of milk being collected in Chepalungu is higher. This is to justify that they need money to boost dairy production but shocking enough you can find a ward like Singorwet people need coolers not because they milk but because it has been done in the other side. Some honourable members of this House might not have gotten the opportunity to get a cooler for example me in Singorwet and Ndaraweta or Silibwet may not have gotten the cooler, and they demand it right now honourable which is not bad and as a committee we argued that they should change the demand to say a dairy breed to avoid duplication and improve production and make coolers function and make senses. These are some of the things that should be addressed and I am concerned on the distribution but we should utilize what we have and focus on improving the breeds and increase production. If a particular place did not get say Sh7 million for cooling plant they should get the same amount for the purchase of dairy cows and improve capacity of milk and make coolers which exist functional. The reason why I am saying so is we called the CEC and he said the coolers was meant to have their milk in a proper storage before being sold. The same coolers have not changed prices for farmers struggling to produce and the next is to ensure there are manufacturing plants like the one in Sotik which brings milk from Eldoret and our milk taken to Nakuru. Honourable Speaker it is high time that though we are trying to diversify it is prudent to add value and change prices because it tends to discourage farmers because you find that a cooler is buying at Sh30 and a boda boda is buying at Sh40 when he comes to Bomet he sell at Sh60 and those need to be addressed. In tourism we need to do a lot and that is why we are demanding that we need to put up a zoo and river that is cutting across and we talk to the relevant CEC that we need to meet our committees so that we can see how to utilize the river that is cutting across our county and leave a legacy by even producing a fish ponds like the one we have in Mombasa and at least improve the picture. Mr Speaker I second the report.

Hon. Speaker: It is now my turn to out the question that pursuant to standing order number 193(5)(g) this county assembly do resolve to adopt the annual progress report of the committee on trade, tourism,

July 7, 2015

industry and cooperative department for the financial year ending June 30, 2014 tabled on the House on December 16, 2014. It is now open for debate. Honourable Samson.

Hon. S. Towett: Thank you very much Mr Speaker for according me this opportunity that is before us this morning. From the onset, I want to thank the committee explaining the activities that were in the financial year 2013/14. The county was busy laying down structures but at least they must have done anything. There are issues on how resources were being distributed that it was not fair. If you look at the funds which went to support jua kali, I believe there are wards which did not receive these funds and going forward honourable Speaker the money should reach all the wards. And as far as milk production is concerned the committee has touched on what we raised at one time as agriculture that the county government should do something to improve and promote production and see that animals that we keep are key and produce enough milk to be stored. If you look at the number of coolers that are in the county there is not enough milk to be stored. However if you look at how they were distributed, may be they assumed there are no milk in Konoin and I want to inform hon Joyce that despite them saying there are no milk but we produce more than 17 million litres of milk annually which requires about six milk cooling plant to be able to store. If you look at the report. That is a substantial plant to be in place. Secondly Konoin has a private milk cooling plant which was in place before the county government came into place so it means Konoin is producing enough milk and it is as though there are a number of dairy farmers in Konoin whom I believe could be doing better than others dairy farmers in the vast grass land of the county. With these few remarks I beg to support the report.

Hon. Speaker: Honourable Korir

Hon. Julius Korir: Thank you Speaker. I also rise to contribute to this report on annual progress on trade, tourism, industry and cooperatives development committee. Honourable Speaker, I want to thank the committee for the work they did to deliver the report. It is a report that was supposed to have been tabled two years ago and I think it is not only this committee because none has been able to do on time. I want to support the report of the committee. The challenges that they have enumerated are almost understandable that these are the challenges that whether you bring the report the executive has never been ready to consume like anything from the assembly. They have never asked what have you passed in the assembly that is why they do not consider the existence of the assembly. Speaker again, if you look at the committee's introduction they are very clear. If you look at article 176 of the constitution it states that there shall be a county government for each county that consist of the assembly. The committee is trying to open up the minds of everybody. More so of the executive that the arm of government is the assembly and should be relying much on the assembly. We know the main impediment of the county. I remember Mr Speaker reading in a certain newspaper that there is a village elder who suffers from attention disorder and he always wants to be featured on the newspaper ever but if you look at...

Hon. Speaker: I think honourable Korir you cannot call our governor a village elder you need to withdraw that.

Hon. Julius Korir: Honourable Speaker, I just quoted some newspaper a few months ago.

July 7, 2015

Hon. Speaker: Did the newspaper indicate a village elder?

Hon Julius Korir: Yeah. It read that he is an idle village elder who suffers from attention disorders. I got it right. I was saying he has hardly sat down and said what can change the lives of the people. If you look at the information that is coming out of this House, it has been on the benefit of the members of this county. I like what the members outside on this report have argued that we have potential opportunities that can automatically change the lives of people from trade and even tourism. Honourable Speaker nothing has ever been done that is touching on lives. When honourable Joyce and Samson talked about milk production we are leading and we should not even be talking about addition of cooling plants and we should be talking of manufactures and even if there were not enough funds we should have set aside funds to complete the cooling plants. We should be fighting on value addition on products produced in the county to improve the lives of our people. I remember Mr Speaker, I was in the Chepalungu sub county and he is put cooling pants at every three kilometres without considering if there is enough milk to sustain them. He should have been developing policies to add value to products. We are currently transporting over 15,000 milk outside the county and in Siongiroyi, if someone was willing to change the lives of our people we would have been moving places. If somebody can recall he went round saying that the moment he gets elected he would turn the prices of milk to Sh80 and I do not know of stores in Nairobi to supply milk and as I wind up honourable Speaker.

Hon. Speaker: What is it honourable Nancy.

Hon. N. Chepkirui: Thank you Mr Speaker. The honourable member whom I respect so much and I am seeing no elected MCAs from Chepalungu and I think he is really lying to the House that in every village in Chepalungu there is a cooling plant. May he substantiate that?

Hon. Speaker: Honourable Joyce

Hon. Joyce Korir: His Excellency the governor told women from my area that once he became the governor, he would make a processing machine for milk so that women can buy big phones to talk to kids around the fire place. And they have been asking me day in day out honourable Speaker.

Hon. Julius Korir: What honourable Joyce says justify the misplaced priorities our leader has for the county, what honourable Nancy has hinted. If you start from Olbutyo there is a cooling plant and near Makimeny there is a cooling plant and now there is a big one at Siongiroyi and one is being developed within Chebunyo and not that it was wrong. And we know that Chepalungu is the highest milk producer and it is not bad to set up cooling plants Mr. Speaker because of its warm temperature but I was not arguing that it is wrong but just asking for value addition to improve the lives of farmers. As I wind up Mr Speaker, back to the issue of budget, the CEC finance talked of raising revenue, how are we going to raise revenue when there is nothing that our people gain money for. I thank the committee and support the report and I like the recommendation. Thank you.

Hon. Speaker: The mover

Hon. L. Chepkoech: Thank you Speaker. First let me thank the honourable members for supporting the report. I just want to clarify some issues concerning the cooling plants. We as the committee we

July 7, 2015

realized that some wards did not have cooling plants and instead of having cooling pants we better start other projects for example in Mutarakwa I do not have a cooling plant and I wish I should have another project which is a coffee processing machine because in my ward we plant coffee and also tea is a major crop. I am also hearing members saying some wards have two cooling plants honourable Speaker and in some wards and there were private cooling plants before the county chipped in and only the county funded some because they have been asked to join cooperative to enjoy devolution. In Konoin as a committee we suggested that because they have one private cooling plant they have been advised to by the CEC to change to a cooperative to get county funds and we realized that if they get a dispenser the milk farmers in Konoin will enjoy the benefits of the County Government. Let me thank members for seeing the sense of adopting the report.

Hon. Speaker: Thank you honourable members 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 of trade, tourism, industry and cooperative development for the financial year ending June 30 2014 laid on the table in December 16, 2014.

Question put and agreed to

Hon. Speaker: What is your point of order honourable Majority.

Hon. J. Kirui: Honourable Speaker, I wish to request your chair because I had a notice of motion that actually was supposed to have been read but there was a small modification but it has been done and signed on the concerned pertinent issue.

Hon. Speaker: Proceed.

Hon. J. Kirui: Thank you very much honourable Speaker. I wish to give a notice of motion that aware that article 10 and 232 of the constitution of Kenyan honourable Speaker provides the values and principles of public service. Article 232 of the constitution provides that the values include high standards of professional ethics, efficient, effective economic use of resources, responsive, prompt effective, impartial and equitable provision of services, involvement of the people in policy making, accountability for administrative acts, transparency and efficient to the provision of public to timely accurate information, fair competition and merit as basis for appointment and promotion, representation to Kenya's diverse communities and affording equal adequate opportunity for appointment, training and advancement at all levels of the public service. That aware that the public service advertised and shortlisted candidates for the various positions of Health Officers, further aware that there has been a public outcry in the manner in which shortlisting was done and which may have led to the cancellation of interviews for the shortlisted candidates, vide a publication in the Daily Nation of 30th June 2015, by the Public Service Board, also aware that the process has lead to misuse and wastage of public funds, further aware that the member of the public have been raising queries with the criteria used in shortlisting community assistants, this Assembly resolves that the County Assembly Committee on Labour and Public Service to investigate into the manner in which the shortlisting of the Health Officers and Community Assistants was done and the reason behind the cancellation of the interviews of the Health Officers.

July 7, 2015

Hon. Speaker: Thank you. It is now the property of the House. The House Business Committee will allocate date and time for debate.

ADJOURNMENT

Hon. Speaker: Let me meet you briefly outside and since there is no further business, the House is adjourned until Tomorrow at 9.a.m.

The House adjourned at 5.33 p.m.