

REPUBLIC OF KENYA



COUNTY ASSEMBLY OF BOMET

FIRST ASSEMBLY- FOURTH SESSION

---

BUDGET AND APPROPRIATION COMMITTEE

9<sup>TH</sup> REPORT

ON THE CONSTRUCTION OF MODERN ASSEMBLY CHAMBER AND  
OTHER ASSOCIATED FACILITIES



*tabled on 26/04/2016*  
*[Signature]*

Budget and Appropriation Committee Report

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# 1 PREFACE

## 1.1 Background

**Mr. Speaker Sir,**

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

**Mr. Speaker sir,**

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

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

## 1.2 Mandate of the Committee

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

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

*e) Evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.*

### **1.3 Examination of the proposed construction of the modern County Assembly Chamber and other associated facilities**

**Mr. Speaker sir,**

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

**Mr. Speaker sir,**

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

### **1.4 Acknowledgement**

**Mr. Speaker sir,**

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

Mr. Speaker sir,

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







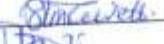

Signed Benard Ngeno.

THE HON. BENARD NGENO

CHAIRPERSON, BUDGET AND APPROPRIATION COMMITTEE

Date 14/2016.

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

No.	Name	Position	Signature
1.	Hon. Benard Ngeno	Chairperson	
2.	Hon. Reuben Langat	Vice Chairperson	
3.	Hon. Leonard Kirui	Member	
4.	Hon. Samwel Bor	Member	
5.	Hon. Josphat Kirui	Member	
6.	Hon. Philiph Siele	Member	
7.	Hon. Andrew Maritim	Member	
8.	Hon. Wilson Keter	Member	W.K
9.	Hon. John Molel	Member	
10.	Hon. Leah Kirui	Member	
11.	Hon. Samson Towett	Member	
12.	Hon. Julius Korir	Member	
13.	Hon. Robert Serbai	Member	

## 2 VIEWS AND OPINIONS OF THE PUBLIC AND OTHER INTEREST GROUPS

**Mr. Speaker Sir,**

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

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

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

### **2.1 Written Memoranda**

Written Memoranda were received from the following;

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

#### **2.1.1 Emikwen Community Development Programme (ECODEP) Bomet**

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

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

- xi. The world over, people pride themselves in construction of landmark buildings and structures. These land marks leave a lasting impression in the minds of state/county quests or tourist. The county Assembly modern Chamber will be the county's first architectural land mark master piece.
- xii. Proper legislation cannot be done without a well-equipped county assembly library. The current facilities have no space for setting up and equipping of a modern library with adequate references for ease of legislation.
- xiii. There is need to prioritize meals safety and security of county assembly members. The need for a proper county assembly kitchen and dining facilities cannot be overemphasized which former St. Michael dilapidated structures cannot accommodate.

### **2.1.2 Memorandum by former Member of Parliament, Konoin Constituency**

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

The following is an excerpt of his concerns;

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



- iii. ***Lack of enough committee rooms:*** *The county assembly has various committees to handle respective matters as mandated by the constitution. The current committee offices are inadequate and small in terms of space. I learnt that various committees have to queue in order for them to have meetings. Additionally, the rooms are so small such that members have to squeeze in order to accommodate the whole committee members. The new chamber should ensure every committee will have its own room equipped with recording devices which will provide conducive environment for proper processing of committee business. Cases of data loss/recordings will also be minimized.*
  
- iv. ***Lack of Assembly debating chamber:*** *The current makeshift chamber is not only inadequate for members of the county assembly to ensure proper debate but it also does not provide adequate space for public to follow proceedings. I was made to understand that on a number of occasions, visitors who come to the county assembly including school pupils and students to follow proceedings for learning purposes were being forced to split classes in order for them to be accommodated. I am however optimistic that the new chamber will address the issue.*
  
- v. ***Inadequate space for public participation:*** *I noticed that the current assembly ground has no ample space for conducting efficient public participation. Public participation is a constitutional requirement on matters affecting county residents such as bills. The Assembly should therefore provide for adequate space within the assembly grounds to accommodate members of the public during such forums.”*

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

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

The organization also supported construction of the following offices;

- i. Office of the Speaker complete with Secretarial space; PAs, protocol officer’s, legal researcher’s

- ii. Clerks office with secretarial space, PA's office, open office with various work stations, Clerk's boardroom.
- iii. Committee rooms, ICT department, Assembly Library and other offices

#### **2.1.4 Representative from Bomet Youth Organisation**

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

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

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

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

#### **Recommendations**

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

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

### **2.1.5 Bomet Teachers Community**

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

The teachers recommended the following;

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

## **3 COMMITTEE FINDINGS AND OBSERVATIONS**

**Speaker Sir,**

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

### 3.1 Consent and Court order

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

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

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

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

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

### 3.2 Annual Development Plan for 2016/17 financial year

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

Strategic Objective	Measurable Objective	Performance Measure	Estimate 2016/2017	Public Comments	Approved allocations
County Assembly	Construction of Modern County	Project design completed,	398,634,000	Approved	398,634,000

<b>Infrastructure Development</b>	Assembly Chamber, offices, Committee rooms	percentage status of completion			
	Purchase of land for residential buildings (5 acres)	Acquisition of land title deed	5,000,000	Approved	5,000,000
	Construction of county Assembly residential buildings (Phase 1)	Project design completed, percentage status of completion	30,000,000	Approved	30,000,000
	Installation of solar panels	Number of solar panels acquired	600,000	Approved	600,000
	Construction of ward offices (10. No.)	Number of ward offices constructed	50,000,000	Approved	0

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

### 3.3 County Fiscal Strategy Paper 2016

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

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

### **3.4 Joint Task Force Report**

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

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

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

## **4 COMMITTEE RECOMMENDATIONS**

**Mr. Speaker Sir,**

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

1. Having considered the space required as per the designs, public views and the task force report recommending construction in parcel A for putting up the proposed modern Chamber and associated facilities, the committee therefore settled for a minimum of 5.5 acres in parcel A.

2. That construction of the County assembly Chamber and other associated facilities be divided into three phases in line with public views as follows;
  - i. Phase one- Construction of Modern Chamber
  - ii. Phase two- Construction of administrative and members offices
  - iii. Phase three- other facilities including Health Club, restaurant and residential buildings
3. That the County Assembly Service Board should prioritize construction of the first phase of the project- Modern County Assembly Chamber ahead of offices and other facilities
4. That the County Assembly Service Board should move with speed to the tendering stage of the project as **Ksh. 113,381,707** has already been allocated in the approved Medium Term Fiscal Strategy Paper 2016/17 financial year for County Assembly infrastructure development which should be provided for in the Budget estimates 2016/17 f/y and appropriated for in the Bomet Appropriation Act 2016.
5. That the Assembly where necessary should allocate more resources via supplementary budget up to Ksh. 200 million in order to complete the first phase of the project.
6. That the County Assembly Service Board should present the proposal before senate for consideration of a special allocations being a support from National allocations to counties over and above the normal allocations.
7. That public procurement and disposal Act should be adhered to in all stages of the project.
8. That local contractors should be considered where possible within the law in line with the request by the members of the public
9. That any amount of funds which may remain from Ksh. 10 million allocated in f/y 2015/16 for facilitation of public works design works and associated expenses should urgently be used to construct an ablution block, associated works and gate to serve in the meantime in the current Assembly premises