

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES

(OFFICIAL REPORT)

DAILY HANSARD

Tuesday 22nd February, 2022

PLENARY

BOMET COUNTY ASSEMBLY

OFFICIAL HANSARD REPORT

Tuesday 22nd February, 2022

*The Assembly met at the Main Assembly Chamber,
Dr. Joyce Laboso Centre at 9:00 a.m*

[Hon. Speaker (Hon. Nelson Mutai) in the Chair]

PRAYER

Hon. Speaker (Hon. N. Mutai): Sergeant-at-Arms, ring the Quorum bell.

The Quorum Bell was rung

Hon. Speaker (Hon. N. Mutai): Hon. Members, we now have the requisite quorum.

COMMUNICATION FROM THE CHAIR

Morning Prayer Breakfast

Hon. Speaker (Hon. N. Mutai): Hon. Members, there will be a morning prayer breakfast hosted by the Executive and thereafter a congregation prayer in the Assembly as from 11.00 a.m. I urge all of you to be present. This is the moment that we should be closer to God. Immediately after, there will be a luncheon at a local hotel. I therefore urge all of you to create time between now and then to attend. Thank you.

MOTION

REPORT OF THE COMMITTEE ON FINANCE, ICT AND ECONOMIC PLANNING

ON BOMET COUNTY ANNUAL DEVELOPMENT PLAN 2022/2023

Hon. Speaker (Hon. N. Mutai): Hon. Koech.

Hon. A. Koech: Hon. Speaker, I am a Member of the Committee on Finance, ICT and Economic Planning and I do not know if it is in order to move the Motion on behalf of the Chairperson. I ask for your indulgence.

Hon. Speaker (Hon. N. Mutai): I direct that you proceed to move the Motion.

Hon. A. Koech: Hon. Speaker, I beg to move the following Motion;

That pursuant to the Standing Order no. 193 (5), this County Assembly adopts the Reports of the Committee on Finance, ICT and Economic Planning on Bomet County Annual Development Plan 2022/2023 laid on the Table of the Assembly on Wednesday, 9th February, 2022 and pursuant to section 126 of the Public Finance Management Act (PFM), approve the Bomet County Annual Development Plan 2022/2023 with amendments.

Hon. Speaker, this is an important document. The document contains what we intend to do in 2022/2023 in all the County Wards. It is imperative for the members to adopt this report so that the executive arm will continue with their roles.

It is a budgetary document that will enable us to allocate the resources to various areas so that the fund allocated to the Bomet County government is properly utilized for the benefit of the people of Bomet. It will also aid the Members in carrying oversight roles. I therefore request the Members to adopt the Report.

I request Hon. H. Chepkorir to second the Motion.

Hon. Speaker (Hon. N. Mutai): Hon. Hellen.

H. Chepkorir: (*Hon. Member seconded*)

Question of the Motion proposed

Hon. Speaker (Hon. N. Mutai): Hon. Members, you may now debate. Hon. Serbai.

Hon. R. Serbai: Hon. Speaker, for the first time in about nine years, I oppose the Motion. The Mover used the word “imperative” meaning it is a must to be approved.

Secondly, the Committee should tell us what has been implemented in the financial year 2021/2022. There is nothing implemented. How then can we debate on the County's Annual Development Plan 2022/2023? Can the Committee table in the House what Plan was implemented in 2021/2022?

A number of the newly constructed ECDEs centres have not been paid for to date. It means we have had our county in a negative status. This is the third year without implementing. The Public Finance Management Act provides that the implementation of the budget must be utilized as approved by the County Assembly. Can the Committee bring the report showing that the budget was utilized as approved by this County Assembly?

Can any Member tell me the roads within the county that have been completed? Are there any ECDEs centres? If any, I am ready to support the Motion. I am also ready to support the Motion if there are water projects that have been completed as well. How can I approve an ADP that I do not know who will implement?

Hon. Speaker, we were sent here and the law is clear. One of the roles that are supposed to be played by the County Assembly is representation. I am representing my people in opposing this Motion because the previous ones were not implemented. I am also representing my electorate in carrying out an oversight. If I am mandated to carry out oversight and I approve an ADP that cannot be implemented, then I am contravening the law.

I urge in good faith through your Chair that if the Mover can be given time to consult with the Executive's department of finance and other relevant departments to tell us the number of projects so far implemented. If he comes back with a good report, we can approve.

Applause

I oppose the Motion until the Mover can convince me that the current ADP was implemented.

Thank you.

Hon. Speaker (Hon. N. Mutai): Hon. Minority Leader.

Hon. Leader of Minority (Hon. A. Maritim): Hon. Speaker, I rise to oppose this Motion. When doing a business, there is a balance brought forward when balancing the books. We approved the budget in this County Assembly for 2020/2021 but nothing was implemented. Totally nothing was implemented. There is no single project that was undertaken. If anybody can prove me wrong, he can table papers on any work that is being done.

Hon. Speaker, we have started a scenario whereby we have become a rubber stamp for the Executive for their devil deeds because if a budget is passed in this House and nothing is implemented, do we have any moral spirit to proceed before getting the value?

(Hon. R. Serbai rose on a point of order)

Hon. Speaker (Hon. N. Mutai): What is your point of order Hon. Serbai.

Hon. R. Serbai: Hon. Speaker, is the member in order to use un-parliamentary language? Is 'devil deeds' parliamentary?

Hon. Speaker (Hon. N. Mutai): Hon. A. Maritim, can you withdraw?

Hon. A. Maritim: Hon. Speaker, I also need to be told when you use an adjective to describe something. I believe most of us need to know when adjectives are being used. Mr. Speaker, Sir, I think...

Hon. Speaker (Hon. N. Mutai): Hon. A. Maritim, you are out of order.

Hon. A. Maritim: Hon. Speaker, let me withdraw.

Hon. Speaker (Hon. N. Mutai): Thank you. You can now proceed.

Hon. A. Maritim: Hon. Speaker, Sir, that is exactly what I wanted to say because it is immoral for all of us to pass the next budget without looking at what has been done. Thank you.

Hon R. Serbai rose on a point of order

Hon. Speaker (Hon. N. Mutai): What is your point of order again Hon. Serbai.

Hon. R. Serbai: Hon. Speaker, Sir, the member who is opposing the Motion is diverting. We are discussing finance and not budget.

Hon. Speaker (Hon. N. Mutai): Thank you. Stand guided Hon. A. Maritim.

Hon. A. Maritim: Hon. Speaker, this is a report that oscillates towards the budget, unless you do not understand what I am talking about.

Hon. Speaker (Hon. N. Mutai): Hon. A. Maritim, are you aware that preparing a budget is different from the County Annual Development Plan?

Hon. A. Maritim: I am aware, Hon. Speaker, Sir. The implications of the Annual Development Plan are budgetary issues because it is one of the budget making processes since you have to look at what to do vis-à-vis the resource envelope.

Hon. Speaker (Hon. N. Mutai): Hon. Kirui.

Hon. W. Kirui: Mr. Speaker, I think the Hon. Member from Nyangores is quite in order because this is a budget process. I do not see any issue when he opposes. This is a budget document. Thank you.

Hon R. Serbai rose on a point of order

Hon. Speaker (Hon. N. Mutai): Hon. Serbai.

Hon. R. Serbai: Hon. Speaker, I have been in this House for long and you are also a lawyer. There is a difference between budget and Annual Development Plan (ADP). ADP concerns only what is needed to be done. Though it constitutes the main budget, it is a different document comprising of different things including the recurrent and many other things. When you talk about budget estimates, then you are justifying nothing to discuss even including the money put on operation and maintenance because the budget includes all.

Hon. Speaker, Sir, this Motion has actually been moved by a different committee. So we are not discussing budget but on the number of projects that were supposed to be done. The two documents are different.

Finally, Hon. Speaker, because you are a lawyer, there is a certain case in India when someone was convicted to a death sentence. However, because the sentence was written, “Kill him not leave” without a comma. Then, when he was being escorted, Hon. Speaker, somebody told him that he was free since it said, “Kill him not, leave”. This changed the whole statement. Thank you.

Hon. Speaker (Hon. N. Mutai): Hon. Kirui.

Hon. W. Kirui: Hon. Speaker, Sir, thank you. I rise to support the Motion to approve the Bomet County Annual Development Plan 2022-2023 with Amendments. I know the committee sat and considered this matter well. As per the saying, I want to be categorical in citing the PFM Act, where when a new government comes in place, it is upon the new Assembly to align and have a Supplementary Budget and align the appropriation with the manifesto of the winning Governor.

Hon. Speaker, I think we need to approve this ADP since we will have an opportunity. I believe all these members will come back, to align the same ADP to the manifesto of the Governor at that time and I believe it will be the same Governor.

Hon. Speaker, Sir, I support this Motion.

Hon. Speaker (Hon. N. Mutai): Hon. Philip Korir.

Hon. P. Korir: Asante sana, Mheshimiwa Spika kwa fursa huu. Nimesimama kupinga haya maneno ya uratibu wa mipango wa kila mwaka kwa sababu mimi kama naibu mwenyekiti wa hii kamati sikuhudhuria mkutano wakati kikao kilikuwa kinaandaliwa. Sababu nyingine ni kwamba miradi ya maendeleo katika wadi yangu ya Kipreres ya mwaka uliyopita hauonekani wazi.

Hon. W. Kirui rose on a point of order

Hon. Speaker (Hon. N. Mutai): Hon. Weldon Kirui.

Hon. W. Kirui: Hon. Speaker, Sir, I have the report here and the Hon. Vice-chairperson signed it. He is not in order to say there is something that he forgot, yet this document was with the committee for the longest time possible. Hon. Speaker, we cannot be taken for granted. We are not here to joke because if he signed then he has nothing to say. He has supported the document and should likewise support the motion as it is.

Hon. Speaker (Hon. N. Mutai): Hon. Kiprotich.

Hon. W. Kiprotich: Hon. Speaker, Sir, I think Hon. P. Korir should tell the House the reasons why he failed to attend the meeting. If indeed he did not, can he substantiate whether he was invited and failed to attend and whether he was paid for it.

Hon. Speaker (Hon. N. Mutai): Hon. Chepkwony.

Hon. J. Chepkwony: Hon. Speaker, Sir, thank you. I rise to seek clarification whether, firstly, Hon Korir is dressed in the right code in the House.

Hon. Speaker (Hon. N. Mutai): Hon. P. Korir, can you exit the Chamber. Sergeant-At-Arms, can you effect my directives.

Hon. P. Korir and Hon. D. Kipkirui left the Chamber

Hon. Speaker (Hon. N. Mutai): Hon. Maritim.

Hon. A. Maritim: Hon. Speaker, Sir, we are in a scenario where the hunter becomes hunted. Hon. P. Korir was in this Chamber without a tie together with the Majority Whip but no one mentioned the latter yet he was also improperly dressed. When Hon. P. Korir asked a question touching on the performance, his dress code was noticed. I think these were tactics to chase him away to avoid contribution in this House. Hon. P. Korir also went ahead and said that he never signed the document. Hon. Korir stated clearly, he didn't sign the document and we want to see the authenticity of that document whether it is proper Mr. speaker because if one of the members of that committee claims that he never signed the document and when you see the document the signature is there, so we need to investigate it. This is a serious issue because if we discover there are some people signing on behalf of others, this is criminal and a serious action should be taken. Let's look at whether somebody else signed on his behalf.

Hon. Speaker (Hon. N. Mutai): Hon. Davis.

Hon. D. Kipkirui (Chief Hhip): Mr. Speaker, on the same we are aware that the committee was paid. They went to Kisumu for 4 days and were paid, if indeed the said member didn't sign. Let us also ascertain whether he was paid.

Hon. Speaker (Hon. N. Mutai): Hon. Serbai.

Hon. R. Serbai: Mr. Speaker experience is the best teacher, there is nothing wrong when one sign such a document because we need to read first the entire document. There is what we call minority's opinion Mr. Speaker and there is nothing wrong for one to sign but if he was actually a view of a minority opinion then he has the right to sign there nothing wrong Mr. speaker. The signing has nothing to do with payment for example I am the chair of Public Accounts and Investment Committee and if you just go back to the PAC Mr. Speaker, Hon. Jane was voted as one of the minority's opinion, but she didn't sign and she was paid, what's wrong with that? As per the standing order and as per the law one has to sign and the minority opinion has to be there to show that the person was not actually lying with what was actually being discussed. There's nothing wrong Mr. Speaker.

Hon. Speaker (Hon. N. Mutai): Hon. Philip Korir do you now disown the signature appended on the document? Hon. Korir.

Hon. P. Korir: Asante Mheshimiwa Spika, Kwa hiyo ripoti, mimi kama naibu mwenyekiti wa hii kamati, kwa kutia sahihi sio kumaanisha nimekubaliana na hiyo ripoti. Mimi nilitia sahihi kuonyesha kwamba nilihudhuria hiyo mkutano lakini maneno ya bajeti ni tofauti. Nakataa kwa sababu nilienda Wadi ninayowakilisha nikaona maendeleo ya mwaka uliopita haikufanyika. Sikuwa na nafasi ya kupeana maneno ya miradi ya maendeleo ya watu wa wadi ya Kipreres kwa sababu hawajafanya ile ya mwaka uliopita. Naomba waheshimiwa wenzangu kuwa wakati huu ni wa kutumikia wananchi

waliotutuma kuwasimamia. Maendeleo ilifanywa tu wakati marehemu daktari Joyce Laboso alikua gavana.

Hon. Speaker (Hon. N. Mutai): Honourable Korir, on the page on membership and ownership of the report just before you appended your signature it reads; we the members of finance, ICT and Economic Planning committee hereby affix our signatures to this report to affirm our approval. Please confirm its accuracy, validity and authenticity.

Hon. P. Korir: Mheshimiwa spika, sijaona hiyo ripoti. Nataka kuona Kama sahihi ni yangu kwa sababu kuna hati mingi ya kutia sahihi.

Hon. Speaker (Hon. N. Mutai): Hon. Kiprotich.

Hon. W. Kiprotich: Mr. Speaker, honourable Serbai is a senior member in this House. Honourable Philip Korir has claimed that he did not append his signature and he has now come up to say that he signed the document. You can sign and oppose the document. This is to say we wrote the report as a committee but I oppose it. We need to respect everyone's opinion. Honourable Speaker, I am looking at it on a wider perspective but what if we oppose this document completely? Will we have to wait for another 6 months so that we bring it back to the House as required by the Standing Orders?

Honourable Serbai said if we can still have another sitting that is informal where we will discuss about it and be brought back to the House.

Hon. Speaker (Hon. N. Mutai): Hon. Lenny Ngeny.

Hon. L. Ngeny: Thank you Hon. Speaker. I am happy that all Members are given chance to give their views on this report. I would like to advise any Member and Hon. Philip Korir that the next time you throw stones ensure that your house is not made of glasses. When you go against the wave they start looking at you with microscopes. I am happy to raise this point when I am formally dressed. This document needs more time until we agree on it. The ADP of this year is our work.

Hon. Speaker (Hon. N. Mutai): Hon. Chepkwony.

Hon. J. Chepkwony: Honourable Speaker they usually say if you see a frog hoping when there is no rain, if you try look around you may find a snake chasing it. These members may be aware of something. We are not against anyone here. ADP is a section of what we had passed sometimes back. The last part of the County Integrated Development Plan that was programmed for the entire 5 year term. Even after nomination we still have members of budget committee sitting in line with the same. I beg that we defer it.

Hon. Speaker, Sir, I thank Hon. R. Serbai for looking into the same without any fear. This will not mean that you are against the government. I have always mentioned that being close with

those in the Executive should not be seen as a compromise. We wanted peace and we found it. We were elected on a platform of real change. People wanted to see something different from the past.

Hon. Speaker, Sir, let us give time to this ADP. Using your own wisdom, Hon. Speaker, Sir, allow us to discuss on it another time. Thank you.

Hon. Speaker (Hon. N. Mutai): Hon. Kelong.

Hon. J. Kelong: Hon. Speaker, Sir, thank you. I have looked at this report and it is not pleasing in some departments. If you look at the department of youth and sports where I Chair the committee responsible, it is not pleasing because every time money is being reduced. Last time we had about Ksh. 95 million being shared by two departments, that is; the department of Social Service and the department of youth and sports.

Youths have always had complains yet we keep reducing their money. I see roads department has been allocated a lot of money.

Hon. W. Kiprotich rose on a point of order

Hon. Speaker (Hon. N. Mutai): Hon. Kiprotich what is your point of order?

Hon. W. Kiprotich: Hon. Speaker, Sir, thank you. I seek your guidance on what Hon. J. Kelong is talking about. We are still debating on whether we are discussing this document and also awaiting your ruling as a result of the many options that the Members have given. Hon. J. Kelong is already discussing on the document yet you haven't given a ruling on whether we are deferring the Motion or not.

Hon. R. Serbai rose on a point of order

Hon. Speaker (Hon. N. Mutai): Hon. Serbai.

Hon. R. Serbai: Hon. Speaker, Sir, thank you. We have Standing Orders in this House. When you have given a chance to a Member, the other Member ceases to stand but I see unique things happening in this House. When Hon. W. Kiprotich is raising a point of order, Hon. J. Kelong is contributing and both are standing. One is supposed to sit when the other is standing.

Hon. Speaker (Hon. N. Mutai): Thank you. I hope you are all guided. Hon. Langat.

Hon. A. Langat: Hon. Speaker, Sir, thank you for according me an opportunity to make my contribution.

Hon. Speaker (Hon. N. Mutai): Hon. A. Langat, resume your seat. Hon. J. Kelong had not finalized on his bit. Hon. J. Kelong, be specific and go straight to the point.

Hon. J. Kelong: Hon. Speaker, Sir, as Hon. W. Kiprotich has said, if we have to defer it and then we can discuss on it later then I agree.

Hon. Speaker (Hon. N. Mutai): Hon. J. Kelong, thank you. Hon. A. Langat, proceed.

Hon. A. Langat: Hon. Speaker, Sir, thank you. I almost agree with the Members. Instead of throwing the baby with the bathwater, let us give it time. I am not a Member of the Committee on Finance, ICT and Economic Planning but I see smoke which makes me believe that there is fire. That is why we need more space to interrogate every aspect.

Hon. Speaker, Sir, I congratulate Hon. A. Koech for standing in on behalf of the Chair. I did not know that Hon. P. Korir is the Vice- Chair. I know the procedure that in the absence of the Chair, the Vice-Chair can Move the Motion but because of his reservation he was unable to stand and Move the Motion.

Beyond this, Hon. Speaker, Sir, these are just symptoms. There is much more that meets the eye and that is why being an Hon. Member in this House we need to give it time. It will take you a solomonic kind of wisdom for you to salvage the situation.

I have interest on this. We need to make an informed decision so that when we pass this document we will have done it to the best of our ability as an Honourable House and also represent our people adequately. I support the idea that we defer so as to have a proper consultation.

Hon. Speaker, Sir, thank you.

Hon. D. Kipkirui: Hon. Speaker, Sir, thank you. I am here on behalf of my good people of Longisa Ward. This is an important document that will assist us making the budget of 2022 – 2023. I conquer with the Hon. Members who have spoken that we defer. We are all busy campaigning but our people still expect us to discharge the mandate that they gave us.

Hon. Speaker, Sir, I request that you give a ruling on this document because we need it. These Members have no malice. They are not against the document but want a perfect document for the benefit of the people of Bomet County. I suggest that we defer it. Thank you.

Hon. A. Maritim rose on a point of order

Hon. Speaker (Hon. N. Mutai): Hon. Maritim. What is your point of order?

Hon. A. Maritim: Hon. Speaker, Sir, thank you. Is it in order for the Hon. Member to say, “I request your Table?” Do we request the Table or we request the Chair?

Hon. Speaker (Hon. N. Mutai): Hon. Davis.

Hon. D. Kipkirui: Hon. Speaker, Sir, I withdraw. It is the Chair but the Table is also next to the Chair.

Hon. Speaker (Hon. N. Mutai): Hon. A. Koech, do you have anything to say?

Hon. A. Koech: Hon. Speaker, Sir, as the Mover of the Motion, I beg you give me permission to give a of right of reply.

Hon. Speaker (Hon. N. Mutai): Hon. A. Koech, I am about to make a ruling. Are you contributing?

Hon. A. Koech: Hon. Speaker, Sir, I want to make a personal contribution as a Member of Mogogosiek Ward. I stand a chance to contribute on the same Motion that I Moved.

Hon. R. Serbai rose on a point of order

Hon. Speaker (Hon. N. Mutai): Hon. Serbai.

Hon. R. Serbai: Hon. Speaker, Sir, thank you. I do not know what is wrong with the House today. No Member is allowed to tell the Speaker, “I am giving you permission”. Who are you to give the Speaker permission? The Speaker makes the ruling. You cannot stand to give the Speaker permission. The Speaker has all the powers to give any ruling on the discussion of the day since he is the moderator.

Hon. Speaker (Hon. N. Mutai): Hon. R. Serbai, thank you. You are right. Hon. A. Koech stand guided. I want to rule unless you have something else to say.

Hon. A. Koech: Hon. Speaker, Sir, I stand to be heard as well and I thank you for giving me this opportunity. I never said I am giving you permission. The Hansard is clear.

Hon. Speaker, Sir, I never took the responsibility of the Chair of the Committee of Finance, ICT and Economic Planning without asking you for your indulgence. It is on record. I asked for permission to Move since it was going to die if I didn't. You called for the Chair a number of times. Hon. P. Korir was in the House but he never said a word. You continued to call until I was persuaded by the Whip to Move the Motion so as to save it. Hon. Speaker, Sir, I never had any malice against Hon. P. Korir as the Vice-chair of the Committee.

Hon. Speaker, Sir, it is imperative that we all look at this document intensively. It is important to all of us in different areas. Since it is important, I agree with the Members that we defer it to another time to allow us to discuss.

Hon. Speaker, Sir, thank you.

Hon. Speaker (Hon. N. Mutai): Hon. A. Koech, thank you. I want to rule. I thank you, Hon. A. Koech for taking that step as a Member of that Committee.

I make the following directions with respect to the Notice of Motion before the House. I direct that instead of passing or rejecting the Motion as it is, the issues raised should be addressed forthwith by the relevant department and in particular the implementation matrix of 2020/2021. I also direct that the House Business Committee slots a date and time for further consideration of the Motion.

Hon. A. Maritim rose on a point of order

Hon. A. Maritim: Hon. Speaker, Sir, thank you. I rise to salute your wisdom. You have saved the situation. Thank you.

ADJOURNMENT

Hon. Speaker (Hon. N. Mutai): There being no other business, this House stands adjourned to Tuesday, 22nd February 2022 at 2:30 p.m.

House rose at 10:20 am