

BOMET COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 14th March 2017

The House met at 9.30 am

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

PRAYERS

❖ COMMUNICATIONS FROM THE CHAIR

Hon. Speaker: Hon Members, welcome back from the short recess. I hope you had sufficient times to interact with the electorates and your family members alike. I know it is a campaign period and I believe you utilized your time well.

Secondly, during the period one of our members, Hon. Taplelei lost her mother and I have been informed that the funeral is today and wish that we should be able to condole with the family. We send our condolences messages to the family of Hon. Taplelei and we wish God would give the family strength during this trying moment.

Thirdly is that after the session we shall have a Speaker's Kamukunji where we will discuss pertinent issues.

I thank everybody for the cooperation so far and for the few weeks before we go on long recess, I wish to remind members that in the following week there shall be a legislative summit at Mombasa organized by the senate and the County Assemblies Forum (CAF). This will be the second legislative summit and as you are aware that Governors usually have devolution conference, the county assemblies and senate have legislative summit.

This is one of the key issues we would discuss because as an assembly we can have our own stand to display the milestones achieved and the best practices that other county assemblies can learn from us. I therefore wish to request that we discuss these issues and others at the speaker's Kamukunji.

Thank you.

❖ STATEMENTS

Hon. Speaker: Hon. Members, there are some pending statements.

There was a comprehensive statement sought by Hon. Wilson Keter on 23rd November, 2016 from the chairperson committee on Gender, Culture and Social services on the Implementation of Old person's stipends and NHIF contributions schemes. In particular the Hon. Member wished to get clarification as to the reasons behind the continuous and unnecessary delays in the remittance of the NHIF contributions which has greatly affected the beneficiaries since they cannot access medication The Statement was committed to the Committee on Gender, Culture and Social services. So, chairperson Gender, Culture and Social Services?

Hon. W. Mosonik: Thank you very much Hon. Speaker, I first of all wish to welcome the remarks that you have made to the effect of the recess period even though '*the ground is moving very fast*'. This is so because this is a campaign so different from the other campaigns done before. This year's campaign is so expensive and competitive.

To react to the statement of the committee, today I admit that the committee and I as the chairperson cannot handle this issue anymore because the department has an acting CEC, Mr. Rachel Ngeno, because the CEC who used to be there has resigned for the campaigns. I have a letter from the acting CEC addressed to my committee through the Clerk and this is the letter that was written on third march 2017 though it delayed reaching the committee. Hon. Speaker, the reference of the letter was invitation to consultative meeting on a statement. Moreover, it reads:

Reference is made to your letter dated 28th February 2017, Ref; BCA/GOV/GC&SS/13/2/16 (62) on the above matter. The department of social services, youth affairs and sports is currently without a county executive member because the CEC resigned recently. I therefore wish to seek for an extension as the department undergoes transition period until a new County Executive Committee Member is appointed to take up the matter.

Hon. Speaker, as earlier said by a member, I want to agree that '*the ground is moving*'. That is why we do not have an Executive Committee Member. Therefore, I am requesting Hon. Speaker, for the sake of time, may be you can appoint another committee to take up the matter. I can agree that, as of now, it will take time before I come up with a conclusive answer due to the shape up of the department. So Hon. Speaker, that is my request and if not possible, I request for more time.

Hon. Speaker: Hon. Wilson Keter?

Hon. W. Keter: Thank you Hon. Speaker. I am surprised to hear from the Chairperson for Gender, Social Service that the business of this County government of Bomet cannot move on because the CEC has resigned. In addition, I am surprised to hear from the

chairperson that even though last week before went on recess; I mentioned that we should give this statement to another committee. I wish to agree with him that this time he has accepted, nonetheless, I want some clarification from the chair whether the businesses of this County from the executive side will stand if the CEC is not there.

Hon. Speaker, I accept and agree with to let us give to another committee maybe the committee on implementation, to deal with it. Thank you Hon. Speaker.

Hon. Speaker: Hon. Samson

Hon. S. Towett: Thank you Hon. Speaker. I am also shocked that the absence of a CEC really can stop all the activities from happening from a department. Hon Speaker, I thought when you are talking of Executive committee member (CEC) leading a department, we have other officers in that department handling day-to-day activities of that department. Therefore, whether the CEC is there or not, the work of that department must continue because we have other officers.

I do not understand how the chairperson, Gender, Culture and Social Services can say they were not able to access information that was required to answer this statement. Hon. Speaker, this statement, I believe has been in the committee for quite some time before the CEC left. If you look, when the statement was sought, it was in the month of November, which is more than five months down the line. In addition, even if the CEC resigned a month ago, I believe she must have addressed this issue and the answers should be with the committee.

I am also surprised that the chairperson is asking for this statement to be referred to another committee. The question I am asking myself is, if the current committee cannot access the information to answer these questions, if this statement is referred to another committee, where will the committee get the answers. Mr. Speaker, I think the committee should be a bit more serious and try to answer this statement. What is it that held the committee for this long from answering the question within the five months they have been having this statement. They are now asking for the transfer of this statement to another committee, why did not they ask for the same within one or two month after this statement was given to them?

Hon. Speaker, I think the chair should really come out more clearly instead of being economical with the truth. Thank you.

Hon. Speaker: Honourable chairperson, let me have the letter that you received so that I can be able to go through it.

Hon. Mosonik, I think there are two very fundamental issues that you have raised. Number one, I find it quite weird that a committee is seeking that a statement be moved from their committee to another committee. This is so because the functions of the committees in this house are well defined and there are some very specific issues that can be raised. The statement was committed to you on 23rd November 2016, which is almost five months down the line. I am aware that the CEC resigned recently, and even if any CEC resigns, he or she does not go home with the information. There has to be a list of people who can be able to give out the answers to this statement. So I am not convinced unless there are other compelling reasons that you are saying you cannot be able to do as a committee.

I am going to direct that if the CEC is not there, the committee should proceed to request for information and not only request because this statement has stayed for quite some time, but to summon the acting Chief Officer (CO) and the County Secretary (CS) to appear before your committee within seven days and bring an answer to this house within fourteen days.

All of us should be able to be clear because it is not fair to wait for five months and then you request that the statement be referred to another committee. In some circumstances, I have referred to various committees because of laxity but you need to summon the acting CO of this department and the CS and as you are summoning they need to forward the information to you in advance. You have 14 days to deal with the matter. Hon. Mosonik I hope you have no problem with the direction.

Hon. W. Mosonik: Thank you very much Hon. Speaker. I have no objection but a member of the same committee contradicts what we have been deliberation on. The seeker Hon. Keter is a member of the committee but maybe he has seen that I am not doing. I want to let him know that it is not the chairperson who is not doing it but members, him included. I want to accept that you give me more time so that I can follow the same direction that you have given.

Hon. Speaker: Hon. Keter

Hon. W. Keter: It is in order, Mr. Speaker. I do not know where my contradiction is coming from or is it because the chairperson was coming from the short recess.

Hon. Speaker: You will summon the two officers within seven days so that you bring the answers to the House in fourteen day's time. I will give proper direction in any other statement because we cannot keep on waiting.

Next statement was sought by Hon. Ngetich

(Interruption)

Hon. W. Mosonik: Can you direct that Hon. Keter be exempted from attending that meeting because he is a member of the committee.

Hon. Speaker: The reason as to why he cannot be exempted from that meeting is because he needs to ask questions and cross examine those who will appear before the committee and the only thing he cannot do is sign the report of the statement

(On a point of order)

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

Hon. R. Serbai: Mr. Speaker, I request that you give clear direction regarding the statement seekers .Whenever we ask statements and I am invited to that particular committee what am I going to do yet I was asking that particular statement from a certain Committee. If it happens that I am just going there and to sit and ask questions then what is the purpose of bringing that answer to the floor of the House. It is wrong for the committee to go and look for the answers

Hon. Speaker: Hon. Serbai the problem is that you stepped out when these issues arose and it was very clear that most of the issues can be cleared at the committee stage because the committee members will not exhaust everything and for the purposes of bringing a comprehensive answer to the House we have given direction that the statement seeker attend the committee meeting so that when the officers from the County Executive appears before the committee he/she can have time to interrogate so that the issues are handled conclusively.

The next statement was sought by Hon. John Ngetich from the chairperson Education, Vocational Training, Youth Affairs and Sports. I am not seeing the chairperson, Hon. Keter

Hon. W. Keter: Thank you Hon. Speaker. I thought the chair was in but I heard he is not in and he had all the answers. Let me seek to answer in the afternoon

(On a point of order)

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

Hon. W. Mosonik: Is it in order for the vice chairperson to disagree and say he cannot give the answer yet he has been sitting in the committee. When the chairperson is absent the vice chairperson or any member can answer on behalf. This is what was happening in my committee yet in his committee he is failing to answer.

Hon. Speaker: Hon. Keter

Hon. W. Keter: Hon. Speaker I think the chairperson Gender, Culture and Social Services is having a different war apart from the statement because we have only one copy with the chairperson and that is why I have requested to respond to it in the afternoon.

Hon. Speaker: Hon. Ngetich

Hon. J. Ngetich: Thank you very much Hon. Speaker. I agree with Hon. Keter that he response to it in the afternoon sitting.

Hon. Speaker: Hon. Ng'etich have you been given a copy.

Hon. J. Ngetich: Yea.

Hon. Speaker: This is a house of procedure and you need to respect. You cannot just answer "yea".

The next statement was statement sought Hon. Leonard Kirui on 18th January, 2017 from the chairperson committee on Labour and Public Service concerning the current over-employment in the County Public Service;

In the Statement, the Chairperson should indicate;

- (i) The Current wage bill in Bomet County Executive; (The Committee should invite the CEC finance to shed light on the level of compliance with the Court ruling on Court Case N0.73 of 2016 Kenneth Kiprotich & Other Vs The Governor Bomet County & others). Section 25 of the Public Finance Management Regulations sets County expenditure on wages at 35% of County public revenue.
- (ii) The number of employees that have been employed in Bomet County executive from the Year 2013 to date; (The Committee should invite the County secretary, Mr. Jonathan Soi, the acting County Secretary and the Director Human Resource to shed light on this issue)
- (iii) The number of employees that have passed through the County Public Service Board since the Year 2013 to date.

Hon. R. Langat: Thank you very much Mr. Speaker. We have requested for this answers or information from the County Public Service Board and Executive but up to now, we have not received this information, nonetheless, we are pursuing it and hope that we are going to get so that we present to this honorable house.

Hon. Speaker: I am not seeing Hon. Leonard Kirui and so that people get serious on their work I will direct that the committee should summon the relevant persons because this thing had arose and you had indicated you had not received the statement.

My direction will be that you proceed to summon the CEC and the CPSB. You summon Jonathan Soi because I am seeing his name, the acting County Secretary, the County Human Resource and the CEC Finance to shed light on those issues.

You need to indicate to them the information you want and it should be within seven days and you bring an answer to this House within 14 days.

Hon. Serbai?

Hon. R. Serbai: Thank you Hon. Speaker. I am interested with this statement given that the acting County Secretary has been going round my ward telling people that I have brought a motion to be discussed in the House demanding the employees of this County to be sent home.

The same acting County Secretary has been using County resources to campaign in my ward against members of Jubilee party. Indeed, there has been rampant employment to that effect as said by the acting County Secretary who is incompetent in that office. I thus request the chairperson of the committee that I be enjoined.

Hon. Speaker: Hon. Serbai you are contradicting yourself, you want to be part of the committee and earlier on you had said when you are seeking a statement you are not allowed to go to the committee.

What is your point of order hon. Serbai?

Hon. R. Serbai: I am not the seeker of the statement but I am an interested party and the reason is that I have a message in my phone which is in relation to this statement and the Standing Orders provide that any member may attend any committee. I am neither a statement seeker nor a member of that committee.

Hon. Speaker: Hon. Serbai you can put it in writing so that I can commit it to the committee so that when they are answering the answer they can be able to include.

My direction is that you can put the issues that you have raised in writing and I commit it in the afternoon. You are free at any given time to appear before the said committee.

Hon. P. Siele: It is in order that Hon. Joyce can sit next to you at any given time. Hon. Siele.

Hon. P. Siele: Thank you Mr. Speaker for this chance. I think you are still contesting for the Senate seat and I have passed the message to my people in my ward that whenever they see you campaigning in my ward they should welcome you. There is no need for you to come to our wards; it is enough for us to campaign for you.

Hon. Speaker: Hon Siele I want to be on record. First, you are saying I was still vying for the Senate, I can assure you I am still on the same course but it seems you only want Hon. Joyce to go to the upper House and I remain here.

(Laughter)

What I am simply saying is that I am a very good friend of yours. What I meant is that you are more active compared to when you came.

Next is statement number four, which was sought by Hon. Evelyn Chepkemoi on 21st February 2017 from the Chair committee on Gender, Culture and Social Services on the appointment of the Chief Officer department of Gender, Culture, Social Service, Children and Sports.

The Hon. Member wanted to be informed specifically on the following;

Why has Mr. Daniel Ngeno who was approved by the Assembly during vetting, for the position of the Chief Officer on 18th November, was not appointed by the governor and who was awarded the same position. Hon. Rose statement Number 4?

Hon. R. Boiyon: Thank you Mr. Speaker we sat as a committee. We have written to the executive and we are waiting for answers so that we can respond. Thank you.

Hon. Speaker: You have 14 days so that you can respond to it.

Hon. R. Boiyon: Thank you Mr. Speaker.

❖ MOTION

Hon. Speaker: There was this motion that was supposed to be moved by Honourable Taplelei and I had indicated in my communication that honourable Taplelei is bereaved and she made formal request to my office that the said motion be removed from today's order paper and the House Business Committee will allocate another day and time when it will be discussed. Honourable Korir?

Hon. J. Korir: I wish to seek leave for procedural Motion.

Hon. Speaker: Proceed.

Hon. J. Korir: I beg to move this motion that pursuant to standing order No. 30(3) (b) this County Assembly resolves to meet today Tuesday 14th March 2017 at 11.00 Am instead of 2:30 Pm. Mr. Speaker the intent of this Motion is that, we have the honourable Member, that is Hon. Taplelei Rotich, who lost her dear mother and the burial is scheduled for today. This is to allow the family of this County Assembly to go and mourn

with relatives' friends and community at large. I urge the members of this County Assembly to approve this motion so that we can go and mourn with our Colleague today in the afternoon. I request Honourable Big Five to second.

Hon. D. Rotich Big Five: I wish to support the motion by Honourable Korir that we adjust our sitting so that we can go and mourn with our Colleague as we have been told earlier that Hon. Taplelei was the one handling the issues concerning her mother. I support the motion.

Hon. Speaker: Thank you Honourable Big Five. It is now my turn to propose the question that pursuant to standing order No. 30 (3) (b), this County Assembly resolves to meet today Tuesday 14th March 2017 at 11.00 Am instead of 2:30 Pm.

It is now open for debate.

If there is no one to contribute, I can then proceed to put the question.

I now put the question that pursuant to standing order No. 30 (3) (b), this County Assembly resolves to meet today Tuesday 14th March 2017 at 11.00 Am instead of 2:30 Pm.

(Question put and agreed to.)

Hon. Speaker: Thank you Honourable Members. I want to request the House Business Committee and the Speaker's Panel and Procedures and Rules' committee that we will be able to meet today after this morning sitting. The Privileges committee had some pending business to be able to clear which is long overdue. We can be able to meet after this session. I had also requested that we meet in a Speaker's Kamukunji immediately after this session. Kindly inform the other members that the Motion that we sit at 11.00 Am has been approved, so that they cannot be there in the afternoon thinking that the sitting is there.

❖ ADJOURNMENT

Hon. Speaker: Honourable Members there being no other business to be transacted, this House stand adjourned until today 14th March 2017 at 11.00 am.