



OFFICIAL HANSARD REPORT

COUNTY ASSEMBLY OF BOMET

THIRD COUNTY ASSEMBLY

ASSEMBLY DEBATES

Vol. 2 NO. 102

DAILY HANSARD

The Assembly met at the Main Assembly Chamber,

Dr. Joyce Laboso Centre at 2:30 p. m

Third County Assembly- Second Session

Wednesday Afternoon 22nd November, 2023

(The Assembly met at 2:30 p. m in the

County Assembly Mini Chamber at County Assembly Buildings)

[Hon. Temporary Speaker (Hon. W. Kiprotich) in the Chair]

PRAYER

Hon Temporary Speaker (Hon. W. Kiprotich): Hon. Members, I welcome you to this afternoon's sitting.

PAPERS

THE REPORT OF THE COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES ON THE BOMET COUNTY CONTROL OF STRAY DOGS BILL, 2023

Hon. P. Ronoh (Kipsonoi Ward, UDA): Hon. Temporary Speaker, thank you. I beg to lay the following Paper on the Report of the Committee on Agriculture, Livestock and Fisheries on the Bomet County Control of Stray Dogs Bill, 2023.

Hon Temporary Speaker (Hon. W. Kiprotich): Proceed.

(Hon. P. Ronoh laid the Paper)

Hon Temporary Speaker (Hon. W. Kiprotich): That becomes the property of the Committee on Business and Rules for deliberation.

QUESTIONS AND STATEMENTS

Hon Temporary Speaker (Hon. W. Kiprotich): Hon. Members, overleaf of the Order Paper, there are Questions and Statements that are due today.

1. Comprehensive Statement sought by Hon. Josphat Kipkirui on 26th September 2023 directed to the Chairperson, Committee on Lands, Housing and Urban Planning on the total number of casuals engaged by the department for the last two years and the reason why the said casuals have not been paid their wages since May 2023.
2. Question raised by Hon. Eric Kirui on the 18th of October 2023 concerning the recent recruitment by the County Public Service Board. You will recall that this was rescheduled yesterday to today so that the Member can be present during the time of response.
Chairperson, Committee on Lands, Housing and Urban Planning, proceeded to respond.

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): Hon. Temporary Speaker, thank you. I rise to respond to the Question by Hon. Josphat Kipkirui on 26th September 2023 from the Chairperson, Committee on Lands, Housing and Urban Planning on:

- i. The total number of casual workers engaged by the department for the last two years;
- ii. Criteria of employment of casuals;
- iii. List of all casual worker in the department, area of residence and specific work;
- iv. The reason why the casual workers have not been paid their wages since the month of May 2023;
- v. Whether the procurement plan was in place and if it was followed; and
- vi. Why there is a huge variance in payment rates.

Hon. Temporary Speaker, the Committee wrote a letter on 11th October 2023 that requested the department to avail a comprehensive report to the Assembly on the issues raised. In the letter dated 23rd October 2023, the CECM responded to the Questions as follows:

On the first Question, the Department engaged a total of 609 casuals in the Financial Year 2022 – 2023 and 391 casuals in the Financial Year 2023 – 2024. The CECM submitted that the employment of these casuals is done in a consultative manner through the engagement of the following stakeholders:

1. Town/ market management committee
 2. Sub-county town administrator
 3. Chiefs and sub-ward administrators
 4. Village elders
 5. Area Member of County Assembly or representative of his/her office
- Minutes are attached.

The casuals identified should meet the following requirements:-

1. They must be bonafide residents of the specific ward of operations
2. They must be committed to work within the prevailing terms
3. They must be available for their duties all through the month

Once agreed upon by the stakeholders, the list is then compiled and taken to the Director in charge of Urban Planning for further action.

On Question three, the distribution of composed 300 casual workers among the urban centres, markets and towns were arrived at as a result of the departmental meeting held on 11th October 2022 and based on the growing urban population there resulted a need to effectively manage solid

waste with reference to Urban Areas and Cities Act. Minutes are attached. The number has however increased owing to the following reasons.

1. The need to maintain the 17 surveyors who were offering critical services in their respective sub-counties but whose contract with the County Government of Bomet expired in December 2022
2. The upgrading of Sotik town to a municipality and Mulet, Ndanai and Mogogosiek markets to town status
3. The need to achieve equity among the wards across the county.
4. The construction of the county fire station requires the engagement of additional casual workers
5. The ever increasing population can result a need for increased human resource.

The list of casual workers currently engaged is attached.

Hon. Temporary Speaker, the payroll for the month of May and June has been prepared and processing is underway for the payment of two months. The payments for the months of July up to date have not been processed due to unavailability of funds.

On whether the procurement plan was in place and if it was followed, the department has procured a plan that guides the operations within the department. The procurement plan is used in the day to day operation of the department.

There is a huge variance in the payment rates since the entitlement of individual casual workers is based on the revised rates, the regulation of which the General Amendment Order, 2022 as per the Kenya Gazette Supplement No. 114 on the regulation of Wages of Particular Indemnities and in consideration of the categorization under the Urban Areas and Cities Act.

Hon. Temporary Speaker, since the issue of non-payment of casual workers cuts across all the wards within the county, the Committee held a meeting with the CECM and representatives from the department and resolved the following:

- i. Since the budget for the payment of casuals is currently domiciled in the Public Service under the Department of Administration and is broadly being used to pay other casuals under other county departments, those budgetary needs may not have been evidently captured during the budget making cycle. There is need to have a budget for payment of casuals domiciled within the Department of Urban Planning for efficient management of the casuals needs.
- ii. Outsourcing of sanitary services should be outsourced for easy management.
- iii. Casual workers should only be engaged if necessary when funds are available.

- iv. The Committee resolved to allocated more money for payment of casual workers in the Supplementary Budget.

That is the report from our Committee, Hon. Temporary Speaker.

Hon Temporary Speaker (Hon. W. Kiprotich): Hon. Joseah, thank you for that report. Hon. Josphat Kipkirui, you have your time to reply.

Hon. J. Kipkirui (Singorwet Ward, INDEPENDENT): Hon. Temporary Speaker, thank you for the opportunity. From the onset, I would like to thank the vice-chairperson of the Committee for this response. Earlier on, we were discussing a situation where we are now receiving incomplete or unreliable information. Not as per the Questions that were originally asked.

Hon. Temporary Speaker, I believe all these Members will agree that the response given by the vice-chair is shoddy. Reading through the report, I found out that the number of casuals highlighted here reduced and at some point it increased, as read by the vice-chair. I ask the vice-chair to later on clarify the contradictory statement that there was a reduction and that at some point there was an increase in the number of casuals that we engaged.

Secondly, these are people who expect the County Government to pay them so that they are able to meet their daily obligations. These are people who have children in school and the department has gone ahead to engage them without fulfilling their part. You can imagine working from May to November without pay. It is a painful experience. We have to rise and find a way of finding a lasting solution.

We appropriated funds to a tune of Ksh. 50 Million and the Chairperson, Committee on Budget and Appropriations, can later confirm if that is true, that was to be used in payment of casual workers. The report from the vice-chairperson says that the payroll for the month of May and June is ready for payment yet there have been disbursement in between and they have disregarded paying these casuals. If indeed we do not have the budget for casuals beginning July henceforth, why would the department go ahead and engage casuals, knowing well that there is no budget? I think this is an insensitive move that this Assembly should consider and provide a solution.

Hon. Temporary Speaker, going through the experiences of these casuals, they wake up early in the morning and perform duties that you, the Hon. Members can confirm that not any other person can do. They sacrifice their time to ensure that the county can be maintained to its standard in terms of cleanliness.

The report states that the list of casuals has been availed as an attachment but we have not seen that particular list.

(Hon. J. Samoei rose on a point of order)

Hon Temporary Speaker (Hon. W. Kiprotich): What is it, Hon. Joseah, now that you are supposed to be listening since you will have a right of reply?

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): I wanted to inform the Hon. Member that we have the attachments for all these questions, especially Question number one and three.

Hon Temporary Speaker (Hon. W. Kiprotich): He has a right to ask now that you have not submitted it to him.

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): Hon. Temporary Speaker, I did inform the Assembly that I have the attachment and is available for every Member who wants to peruse.

Hon Temporary Speaker (Hon. W. Kiprotich): As the order of Questions and Statements, you were supposed to invite him first in your meetings so that he can have the first hand information before. How will he go through the list of 300 staff now? Will it be possible?

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): It will be possible. I can give him to peruse while ...

Hon Temporary Speaker (Hon. W. Kiprotich): While what? Anyway, he has noted that you have the list. Proceed, Hon. Josphat.

Hon. J. Kipkirui (Singorwet Ward, INDEPENDENT): Hon. Temporary Speaker, he had indicated it as an attachment but had not mentioned that the list was available.

Hon. Temporary Speaker, the last time we engage the CECM in charge of Administration and the Chief Officer, they had informed this Assembly that they were going to outsource these services at the beginning of this Financial Year but we have not seen any efforts towards outsourcing these services.

Lastly, I wonder why we should domicile all the casuals in the Department of Administration whereas each department can engage their own casuals and budget for them. We need to have a debate on this and ensure that we have a solution on this matter.

To this point, this report by the Committee is unsatisfactory and unreliable. Thank you.

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

Hon. R. Cheptoo (Rongena/Manaret Ward, UDA): Hon. Temporary Speaker, I did not see the Secunder of this report before you give it back for the right of reply.

Hon Temporary Speaker (Hon. W. Kiprotich): Hon. Rosaline, this is only a Question. It does not need a Secunder.

Hon. Josphat, I wanted you to be clear so that the rest of the Hon. Members can know which part is unsatisfactory. You asked six questions. Out of the six, which question was not answered well?

Hon. J. Kipkirui (Singorwet Ward, INDEPENDENT): Hon. Temporary Speaker, to be particular, the statement that says that there are no funds for payment from July to date in unsatisfactory because how can the department engage casuals without budgetary allocation? That is wrong.

Hon Temporary Speaker (Hon. W. Kiprotich):Hon. Peter Mutai

Hon. P. Mutai (Sigor Ward, UDA): Hon. Temporary Speaker, thank you. I am confused when I hear my colleagues saying that the casuals have not been paid from the month of May while in Sigor ward, where I represent, casuals have not been paid from February. The vice-chair also talks of the month of May. This response is not updated, Hon. Temporary Speaker.

Hon Temporary Speaker (Hon. W. Kiprotich): Hon. Peter Mutai, the Committee is only responding to Question. In question number four, Hon. Josphat Kipkirui wanted to know the reason why casuals have not been paid their wages since the month of May. The issue of February is a different question all together and the vice-chair may not have the response since it was not part of the discussion.

Preferably, you will need to come up with a different Question because we cannot force the Committee to have an answer on the issue of February when it was not asked. Stick to the questions that were asked here. I hope you get me.

Hon. P. Mutai (Sigor Ward, UDA): Hon. Temporary Speaker, you are still confusing me because if the question was raised on May, yet the casuals from my area have not been paid from February ...

Hon Temporary Speaker (Hon. W. Kiprotich): Hon. Peter, take you seat as I explain to you. The Question was not asked on May. The Question was asked on 26th September 2023. According to Hon. Josphat, he wanted to know the reason why the casual workers have not been paid their wages since the month of May. The responses given are from May. If we have to go back to February, you will have to inform the Assembly that it is not May but February so that we can come up with a different Question or a direction from the Chairperson.

Otherwise, the response given captures the details as from May.

Hon. P. Mutai (Sigor Ward, UDA): Hon. Temporary Speaker, thank you. I am but are the casual workers raised by Hon. Josphat different from the cleaners from my ward. I will have to come up with a different Question on a different day.

(Hon. Peter Langat rose on a point of information)

Hon Temporary Speaker (Hon. W. Kiprotich): Hon. Peter Langat, whom do you want to inform?

Hon. P. Langat (Merigi Ward, UDA): Hon. Peter Mutai

Hon Temporary Speaker (Hon. W. Kiprotich): Hon. Mutai do you wish to be informed?

Hon. P. Mutai (Sigor Ward, UDA): Hon. Temporary Speaker, I do not need any information.

Hon Temporary Speaker (Hon. W. Kiprotich):Hon. Langat, take your seat. Hon. Peter Mutai does not require your information.

Hon. P. Mutai (Sigor Ward, UDA): Hon. Temporary Speaker, the issue of casual workers has become a big issue. The vice-chairperson has given some information on the variance on the payment. There is no clear criterion used in payment of these casuals. Another issue is the total number of casuals. The vice-chairperson has given 609 as the total number in 2022. This year, the number was reduced to 399 yet he claimed the need for services increased due to the upgrade of Sotik town to municipality.

(Hon. B. Langat rose on a point of order)

Hon Temporary Speaker (Hon. W. Kiprotich): What is your point of order, Hon. Langat?

Hon. B. Langat (Kembu Ward, UDA): Hon. Temporary Speaker, I do not know where Hon. Mutai gets these numbers from. As far as I know, we had 609 in the last Financial Year and 391 in this Financial Year. This makes a total of 1,000. It was not reduced.

Hon Temporary Speaker (Hon. W. Kiprotich): I will need to call Hon. Joseah to clear that matter. Hon. Langat could be confusing the Assembly more when he now brings in 1000 instead of 391. Hon. Mutai, talked of 399 but it could have been a typing error. It is 391.

Can Hon. Langat confirm if we are talking of 1000 casual workers, 609 casual workers or 391 casual workers?

Hon. B. Langat (Kembu Ward, UDA): Hon. Temporary Speaker, it is 391.

Hon Temporary Speaker (Hon. W. Kiprotich): Vice-chairperson, can you confirm?

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): Hon. Temporary Speaker, thank you for informing them. Hon. Temporary Speaker, the department engaged 609 casual workers in the Financial Year 2022/2023 and during this Financial Year they were disengaged and the department engaged another 391 casual workers.

Hon Temporary Speaker (Hon. W. Kiprotich): Can you answer what Hon. Peter said?

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): What we have is 391.

Hon Temporary Speaker (Hon. W. Kiprotich): In your response to question number 3, you indicated that the number has however increased owing to the reasons mentioned. That means they were increased from 391. Is that true?

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): Hon. Temporary Speaker, yes.

Hon Temporary Speaker (Hon. W. Kiprotich): Hon. Peter.

Hon. P. Mutai (Sigor Ward, UDA): Hon. Temporary Speaker, thank you. This people are suffering, Hon. Temporary Speaker. They go to work from morning to evening. In fact for casuals, they are supposed to be paid weekly not monthly but they have not been paid. We are heading to a different direction. We made a budget yet they say that everything that was in the budget was used. The vice-chairperson should clarify that. Thank you.

Hon Temporary Speaker (Hon. W. Kiprotich): Thank you. I can see that this matter is developing interest now that I see quite a number of Members rising up. Kindly go straight to the point when you get a chance to speak. Hon. Ernest, Member for Mogogosiek ward.

Hon. E. Rotich (Mogogosiek Ward, UDA): Hon. Temporary Speaker, thank you. I rise to contribute and ask the Committee to go back and do a better job than this. My colleagues have mentioned that what is in this report is contradicting. The CECM has told us that they have been able to increase the number of casuals and given reason why there is increment whereas they have given figures that to us is decreasing.

Hon. Temporary Speaker, the CECM, in this report, has told us that the reason he has not been able to pay these casual workers is because in some way they have used the budget to pay for the numbers that increased.

They said they have employed casuals in the new fire station. In my records, I have not heard of the commissioning of the fire station. How can we employ workers to a station that is not being used? Secondly, I am worried because the CECM has said that they have added the number of casuals in those markets that were upgraded to the status of towns. I can confirm that I am representing Mogogosiek ward where Mogogosiek was upgraded to town status and the information is not true. They have not added the number of casuals.

Just like my colleagues have said, these casuals leave from hand to mouth. The failure to pay them is an embarrassment. We ask the CECM to act swiftly and save the situation. I ask the Committee to go back and invite the CECM. We expect a better response than this. Thank you.

Hon Temporary Speaker (Hon. W. Kiprotich): Hon. Peter Rono.

Hon. P. Rono (Kipsonoi Ward, UDA): Hon. Temporary Speaker, thank you. I want to be careful so that I do not get confused. Hon. Temporary Speaker, I listened with due diligence as the Hon. Joseah read out the report of the Committee. I was keen on the Committee's recommendations and there is a weighty statement that he read.

He read that the department concerned used money appropriated for casual workers to pay for budget lines that may not have been captured during the budget making process. Hon. Temporary Speaker, allow me to take you to the Public Finance Management Act (No. 2 of 2012). I will be particular on Article 131 which talks about the County Assembly considering Budget Estimates.

In the law that gave birth to the Public Service, it is only the County Assembly that has the authority to appropriate money for budget lines that will be used in the County Government. Clause number 3 says that an Amendment to the Budget Estimates may be made by the County Assembly only.

When the CECM gives a report saying that they amended to accommodate some other people or they used money to pay for budget lines that were not captured, the CECM is overthrowing the County Assembly. If the County Assembly has appropriated money for paying casuals and six months down the line, they have not been paid. That is a disgrace. Where do they get the powers? The report is unsatisfactory and the CECM in charge is incompetent. There is no need to ask him to bring another report. Which other report do we expect from him? Hon. Temporary Speaker, there is a contravention of the law. Casuals are supposed to be hired for three months. They are discontinued and others are hired. These ones are hired for six months. Someone is sleeping on the job.

Hon. Temporary Speaker, we will adopt the report and recommend the Committee to censure the CECM. We are tired of people coming to our homes in the morning and asking money from us. They are not working for us.

(Hon. J. Samoei rose on a point of information)

Hon Temporary Speaker (Hon. W. Kiprotich): Hon. Peter has concluded his remark. For purposes of information to the Assembly, can you inform the Assembly, despite the fact that Hon. Josphat asked his question beginning May, whether the casuals have not been paid before May to the best of your knowledge?

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): Hon. Temporary Speaker, thank you. According to the report that we got from the CECM, the casuals were not paid for the month of September, 2023 and then they were not paid for the month of February 2023, it was September 2022 and then February 2023 and then May, they were paid for the

month of April but from May up to date they have not been paid. So I wanted to inform the honourable member from Kipsonoi.

Hon Temporary Speaker (Hon. W. Kiprotich): Maybe he will need to accept your information. Honourable Peter do you accept to be informed by honourable Joseah?

Hon. P. Ronoh (Kipsonoi ward, UDA): I accept Hon. Temporary Speaker.

Hon Temporary Speaker (Hon. W. Kiprotich): Very well go ahead honourable Joseah.

Hon. J. Samoei, Deputy Leader of Majority (Nyongores ward, UDA): That the budget for payment for casuals is currently domiciled in the public service under the department of administration so I think the CEC who should be disciplined by this house is the CEC administration, thank you Hon. Temporary Speaker.

Hon Temporary Speaker (Hon. W. Kiprotich): Very well, honourable members you've taken that, I wanted to give this opportunity to honourable Nathan.

Hon. N. Kibet (Kapletundo ward, UDA): Thank you Hon. Speaker I think I am also confused because when someone says I have not been paid because the funds are not available. I don't actually understand that because most of them are getting paid and I am happy because I am sitting next to the budget chair. I was asking myself as honourable members we passed a budget here and those people were factored I don't understand why maybe for the last financial year why they were not paid in the month of September then another month February. Why is that they are skipping some months. Is it that maybe someone is using that money for their own benefit or what?

I also concur with honourable Kipchirchir that the said CEC should be sent home. I think that is the best way because we cannot continue having the same problem. Personally I have casuals in my ward, Kapletundo almost daily they are calling me, at times even I fail to pick their calls because I don't have an answer to give to them. I remember when we were doing public participation for the ADP personally I was in Mogogosiek ward and that issue came up, in fact some people told me to inform the governor and I personally did that so this is a thorny issue which we as a house he need to deal with it immediately. If it means bringing an impeachment motion we can do it as a house to solve the issue because that is something that is in the budget but those people are not getting paid.

Those are the people who suffer a lot, some of them even cannot even afford food and we are denying them their right so we need to act as a house seriously and it should be immediately, thank you Hon. Speaker.

Hon. R. Ruttoh, Majority Whip (Chemaner ward, UDA): Thank you very much Hon. Temporary Speaker for giving me this opportunity just but to register my dissatisfaction on what

the vice chair has given, the chair has given. Though the report that the chair has given was from the CEC sometimes we ask ourselves if we are doing the right thing when we are in this honourable house Hon. Temporary Speaker because the challenges we are facing are from all the corners right from those who are employed by people whom we don't know to the challenges we have at the moment of development and other things.

Hon. Temporary Speaker it is the right time as we speak to come back and rethink on some of the departments which are not giving fruits to this county Hon. Temporary Speaker. For instance as said by this honourable house Hon. Temporary Speaker the department of urban is letting down this county. It is very embarrassing when somebody who has worked for more than nine months to stand in a function and demand for their rights in front of the CEO of this county or even the leadership of this assembly because every now and then before you come out of your compound Hon. Temporary Speaker you can have a very big queue of people who are employed demanding their rights and demanding from the wrong person, somebody who is doing oversight.

Hon. Temporary Speaker this is the right time for us to sit down, we are challenging the chair here for nothing because the information he is giving us he is sourcing from somebody. Right now the blame is now rolled to the department of administration which in my view we have to deal with the specific person first so that he can tell us who is doing this because I know when budget is forwarded to this house there must be some people in a department who sat down and discussed on the budget they want this house to approve Hon. Temporary Speaker and after approving it is just like when we have cooked, put on the table and just move outside you find the food in the table out of it and you cannot ask why because you have already put on the table.

Hon. Temporary Speaker this time round we have to sit down with these members without any betrayal because I know when it comes to such matters a lot of betrayal may arise and we need to square this issue because right now we have a lot of challenges. As we speak I talked to some of the employees who are making sure that our urban centres are daily cleaned, I was telling this afternoon we will be having a motion on the same and I know they are following at home right now and expecting good response from this house honourable Speaker.

So in my side I want to say that we are no longer going to say let's see because I am seeing the chair is giving us that the same CEC is requesting for another supplementary budget, to do what when we don't have the other one. So Hon. Temporary Speaker I support the direction we are heading of inquiry to know why this money we are budgeting are missing out, thank you Hon. Temporary Speaker.

Hon Temporary Speaker (Hon. W. Kiprotich): I don't know, is honourable Rosaline member for urban planning? No, honourable Langat are you member for urban planning? And you wish to contribute to it again? And honourable Victor I think you are member, maybe you'll come later the two of you will come later so that you can assist unless you want to come up with questions again. I'll give this opportunity to honourable Rosaline and I wish to see honourable Dennis Ngeno meanwhile.

Hon. R. Cheptoo (Rongena/Manaret ward, UDA): Okay thank you Hon. Speaker actually this is a serious issue which has really affected even us in our wards. These casual workers have done their part and following the response from the CEC he said that these people should be committed and available at work of which they have done their part. It is now the duty of the department to pay the money but where the problem is the money which has been domiciled in the department of administration. This is a concern where we are supposed to separate the casual workers and even separate the money to various departments so that we can be able to blame the right person. So this is a serious issue and we feel that these people should be given their money because remember these people are being paid the lowest cadre in the county and they are getting not more than Ksh. 10,000 following what they were paid in April and March. In my ward they were paid 7000 and the others were paid Ksh. 3,000 of which they are not following the amount which they agreed to pay, it was to be Ksh. 10,000 per person.

I have also a case in my ward why I have a mother who has a son who has been bedridden and normally she takes the boy to Longisa Hospital maybe twice a month, it is now a burden to me because every now and then she calls me, she requests for a vehicle where I am supposed to look for a vehicle to take the boy to Longisa Hospital of which it is now becoming a burden and very expensive for us and yet we budgeted for the money.

I am privileged to be one of the members in budget of which I am aware we put 60million for all casual workers and we also put 20million in outsourcing the collection of garbage and it is now 5 months down the line we haven't been informed the plan in the department of outsourcing this tender for the persons continuing collecting the garbage. Also, the dumping site has been an issue, I think the committee on urban will also have to explain to us which plans they have otherwise this is a serious issue and we cannot assume while we have taken the burden as MCAs thank you.

Hon. D. Kirui (Ndaraweta ward, UDA): Thank you Hon. Temporary Speaker for giving me this opportunity to contribute to the report that was brought forward by the committee on urban. Having heard the chair bring the report I feel that we don't have a problem with the Department of Urban, the problem lies with the Department of Finance and the Department of Administration. Hon.

Temporary Speaker the reason why I am saying the department, the CEC finance is in charge of budget making process and he is also in charge of advising other departments because when the budget-making process is done the CEC finance requests for all that is needed or the budget that is needed by the department so during budget making process the department of urban requested for 60million but we gave them 50 million but when we were done with the budget the CEC finance went and domiciled the 50 million in the department of administration. So we should not be leaning so hard on the Department of Urban, it is the Department of Finance and the department of Administration where the money was domiciled.

Secondly Hon. Temporary Speaker in my ward we agreed with the residents that where there is a casual worker we either prioritize widows, widowers or people who are abled differently to the job. Every time when I am coming from Nyongores I pass a shopping centre called Bondet, I have become a subject of ridicule because the person who is doing the cleanliness of the town is somebody who is a widow Hon. Temporary Speaker. I can quote what someone else told me that *'hata huyu mama mwenye hana mtu wa kukimbilia mnakataa kumlipa'* Hon. Temporary Speaker it is so painful because the same budget that we did here, the financial year has not even come to an end but there is no money to pay these casuals.

I want to thank honourable Kirui from Singorwet ward for asking this question because it has opened a Pandora of so many things. As I sit here in my desk I am tempted to think that there is something that is being done behind this money Hon. Temporary Speaker because we did a budget of 50 million then they reduce the casuals to 391, where is the balance of the amount that was supposed to be paid to the other casuals Hon. Temporary Speaker, I think there is something very sinister that is going on Hon. Temporary Speaker and it might look as if we are trying to castigate some CEC or CO but this is so painful and we should not take this lightly honourable members.

I want to request you Hon. Temporary Speaker that we should summon the CEC administration and CEC finance as soon as possible so that they can explain to us how money that was meant to be for urban went to administration and the CEC administration should tell us why he is spending money meant for urban. So Hon. Temporary Speaker I want to say thank you to the honourable member who asked this question and thank you honourable members because today we've spoken with one voice, today we've shown the residents of Bomet County that this is an honourable house that does its mandate but once we are done with budget making process there are people who feel they are superior than the assembly. And I think it is high time we take action and we the residents get to know that we are honourable members who are representing their interest so thank you very much Hon. Temporary Speaker.

Hon Temporary Speaker (Hon. W. Kiprotich): There are three more businesses ahead of us and I was thinking that whenever you get time kindly shorten it.

Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM): Thank you very much Hon. Temporary Speaker today I am very happy that this honourable house is coming back to its senses.

Hon Temporary Speaker (Hon. W. Kiprotich): Honourable Dennis I wish you substantiate your statement because you illusion that the house is coming back to its senses means that it has been senseless all along and you have to substantiate and if you cannot kindly withdraw.

Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM): We were wrong Hon. Temporary Speaker but we are now coming back to our position.

Hon Temporary Speaker (Hon. W. Kiprotich): You substantiate, you used the word sense and I will not allow that one to go that way.

Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM): I withdraw Hon. Temporary Speaker, as I was saying today is a great day for Bomet County and honourable members I am very grateful today that we are going in the right direction as the county assembly of Bomet. When the vice chair of urban planning was giving us the report on the questions raised by the honourable from Singorwet ward I noted some few things that we really need to look at keenly.

Number one Hon. Temporary Speaker is the issue of the list given to this house, I don't know where they get the list from because the list is like they just went somewhere and made some names somewhere and given to this house. I am not satisfied with the list, I don't know where the list came from. Hon. Temporary Speaker I was expecting a list which was pulled from a system because most of these names have even typing errors, I really need to see a list which is pulled out of a certain system Hon. Temporary Speaker.

Number two Hon. Temporary Speaker the list, is this list first the actual list or we have other people which are being paid, why consume the whole budget Hon. Temporary Speaker.

(Hon. E. Sang rose on a point of information)

Hon Temporary Speaker (Hon. W. Kiprotich): Whom do you want to inform honourable Ernest?

Hon. E. Rotich (Mogogosiek ward, UDA): I wish to inform honourable Dennis.

Hon Temporary Speaker (Hon. W. Kiprotich): Honourable Dennis take your seat, there should be no two members standing at the same time. Honourable Dennis I wanted to ask you if you need some information from honourable Ernest.

Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM): Because it is honourable Ernest I accept.

Hon. E. Rotich (Mogogosiek ward, UDA): Thank you I just wanted to put it correctly and inform the honourable Dennis that we want a list that is system generated, I wanted that to go in record.

Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM): I knew the information from Ernest would be good information Hon. Temporary Speaker that is why I gave him the chance. Maybe to put it clear, the list given to us is not system generated, it was cooked somewhere and we don't accept this kind of list because next time if we ask for another list they will just go bring a list from I don't know where.

Number two Hon. Temporary Speaker, I need to go today on record that there are some CECs who need to be brought to this house for questioning. The CEC for finance should be in this house, number two the CEC for roads should also be here and also the CEC for water, I need all these people to be brought to this house so that they can substantiate most of the matters which are eating us slowly in this house. Looking also to the list given to us by the vice chair urban planning committee, I didn't see the amounts being paid to these casual workers, they are just names and the ID numbers. Some even have no ID numbers, they have phone numbers instead.

Hon Temporary Speaker (Hon. W. Kiprotich): Summarize your point honourable Dennis.

Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM): My point is the list should first be system generated, second should have the amount of salary they are supposed to be given and the third one every worker should have their job description if it is a cleaner it should be well put that this is a cleaner and they earn a certain amount of salary.

Lastly Hon. Temporary Speaker I am also surprised that I have been here for almost one and a half years and from the list there is no single Kongasis member, just imagine. I want this to on record, I don't know if it is because I am coming from CCM that nobody should be employed from Kongasis, it is very embarrassing Hon. Temporary Speaker today that I learn that no member from Kongasis ward was employed as a casual worker, it is really embarrassing.

(Hon. J. Samoei rose on a point of information)

Hon Temporary Speaker (Hon. W. Kiprotich): Keep your point honourable Joseah because of time, I'll still give you time to reply.

Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM): Thank you Hon. Speaker for protecting me from the vice chair who wants to interrupt the information I was trying to give out to this house. Hon. Temporary Speaker as I conclude I wish the committee to go back and re-sit and give us more information and the right information so that we can have something to go and give to our electorates, thank you very much Hon. Temporary Speaker.

Hon Temporary Speaker (Hon. W. Kiprotich): The next speakers kindly take one minute each, I know time is moving and I know your concentration is vulnerable.

Hon. P. Langat (Merigi ward, INDEPENDENT): Thank you very much Hon. Temporary Speaker I am also in the line of those who are...

Hon Temporary Speaker (Hon. W. Kiprotich): You go straight to the point, it is now almost four.

Hon. P. Langat (Merigi ward, INDEPENDENT): I am seeing that this problem is now heading to my department that is administration and what I want to raise to this urban is that they are doing the budget and they also want the supplementary budget to be done now how do you do your budget for your members and can it can be used by other departments. For my case I gave a list for those who are at a low scale, my catchment areas for these urban workers when we are in this town of Bomet, the areas are from Chemomul, Raiya, all these parts of Kapsimbiri where you cannot even plant potatoes, you know it is a hardship area.

These people have been expecting to get their views here but imagine when we miss even a day after our salaries has been released, how do you feel, we have been yapping and yelling like monkeys, just for a day or two, now imagine these people are going for more than five months consecutively plus those two months of the other year. The total number of months these people are not paid are nine. I just wanted to inform honourable Mutai from Sigor that the total number of months are nine.

Maybe some of us are coming from areas where we can plant potatoes, imagine these surrounding areas expecting to get their pay and they go up to nine months without pay, what does that tell us? So I cannot expect that urban can do their budget and can be used by other departments. So I expect the urban department to stop because they have gone to the extent of asking about this problem and I told them how often do you do this budget, they said always now how do you do budget always and be used by other people. That is the question that I am raising to this urban department, thank you.

Hon. B. Langat (Kembu ward, UDA): Thank you very much Hon. Temporary Speaker for giving me this opportunity, I am one of the committee members on urban planning and housing. I want to thank honourable Kirui for raising the question to the committee. We got the opportunity to sit with the CEC in charge of this department. We raised a number of issues concerning the department on casuals and the problem was this budgetary issue. When they requested us 60million, we gave them 50million. The same allocation Hon. Temporary Speaker was allocated to the public service which we realised there are other departments which have some casual staff

but they are not giving out in terms of the allocation of these staff that is why the budget of casuals is being affected because it is domiciled in the public service. So the public service is using the same vote to pay these staffs which is not captured during budget making process in other departments that is the challenge this urban department is facing.

So in one of the recommendations which we gave is that during next allocation we need this department to have its own budget as the casuals of urban planning rather than teaming with the public service because other departments, finance and administration are not giving the actual casuals that they have in those departments, that is the main challenge which has affected our casuals in urban department.

Hon. V. Rop, Deputy Majority Whip (Nominated MCA, UDA): Thank you Hon. Speaker I also raised to table on the statements by the chair urban planning and housing. We had a fruitful engagement and discussion with the chief officer, the director urban planning and also the CEC over the said issue. After much deliberations Hon. Temporary Speaker we found that there are a lot of blame games, the blame was shifted from the department of urban planning to the department of administration, from the department of administration to the department of finance and Hon. Temporary Speaker though they are a lot of minor challenges I would like you to spare a minute for me to read out the functions of the office of the governor.

The governor is responsible for executing the functions and authority granted by the constitution and legislations, representing national and international events. Appointing and constituting the county executive committee members, submitting plans and policies for approval, consideration and much approvals. Hon. Temporary Speaker buck stops with us, we as the legislators we are a representative of the very many electorates and residents of Bomet County. Hon. Temporary Speaker article one gives us the power to represent the people. If the people are complaining to us, who are we yet to complain to. Hon. Temporary Speaker the buck stops at the governor, he is the CEO Hon. Temporary Speaker.

To end all the blame games let's bay for the blood or the aim of the governor. I have also heard a lot of phone calls from these people who haven't been paid ranging from the revenue officers, enforcement officers, casual laborers and also the ECDE teachers Hon. Temporary Speaker. What are we going to do here, they called me but I didn't have any response to them, the only thing I could say is that we are going to forward their challenges through this honourable house, what shall we do now, the people we are forwarding our challenges to are also shifting blames and games but what we are told is that when the president is around stop giving out or dishing money

to goons rather divert the same money meant for the goons to us to be paid as the wages for the casual laborers.

Hon Temporary Speaker (Hon. W. Kiprotich): Honourable Victor you are making a statement that is not substantiated in this house. If you are supposed to make an allegation, we don't deal with allegations, we only deal with statements that are factual and if you have evidence you can table but if you cannot substantiate you just protect yourself from using it.

Hon. V. Rop, Deputy Majority Whip (Nominated MCA, UDA): Hon. Temporary Speaker maybe I cannot substantiate at this moment but given some two three days I can bring forth a recording of the call that was given by one of the members of the public.

Hon. Temporary Speaker (Hon. W. Kiprotich): Until then don't use it.

Hon. V. Rop, Deputy Majority Whip (Nominated MCA, UDA): I stand guided

Hon. J. Samoei, Deputy Leader of Majority (Nyongores ward, UDA): Thank you Hon. Temporary Speaker I thank my fellow members from the committee Hon. Langat and Hon. Victor at least they have assisted me because these members were very tough. So it is my humble request that I answer some few questions to honourable member from Kongasis that salaries or any worker should not be publicized until the department gets express permission from the workers.

Also he was claiming that he doesn't know who employed people who are working in his ward. I understand people working in Makimeny and Olbutyo are bona fide residents of Kongasis ward so it is upon him to go and interrogate them and ask them who gave them the jobs. So with that few remarks...

Hon Temporary Speaker (Hon. W. Kiprotich): Before that honourable Joseah, I heard you very well while you read out the response and you protected the member from Kongasis. In point number two where Josphat asked you the tenure of employment, you answered that the area member of county assembly is one of the two individuals who are concerned. Can you confirm that?

Hon. J. Samoei, Deputy Leader of Majority (Nyongores ward, UDA): I confirm that Hon. Speaker. By then when the recruitment was being done the honourable member from Kongasis and honourable member from Siongiroi and I think honourable member from Sigor ward, I think they were called by county administrator to submit the names but they ignored. I think the village elders and sub county administrators did that job well.

(Hon. D. Ngeno rose on a Point of order)

Hon. D. Ngeno, Deputy Minority Whip (Kongasis ward, CCM): Hon. Temporary Speaker I wish your indulgence in this that honourable member is alluding that the list of employees for

casuals was done by members of this county assembly and also I wish to know where the list, members who are alluded to be working from Kongasis, Makimeny and Olbutyo are, I want to see the list.

Hon Temporary Speaker (Hon. W. Kiprotich): I think during the answering by the vice chair, he has said that the list is attached so I will direct that all members should have that list.

(Hon. E. Rotich rose on a Point of order)

Hon. E. Rotich (Mogogosiek ward, UDA): Hon. Temporary Speaker you know I would wish that you protect the honourable members, those who are absent and those who are in because the honourable member alluded that they ignored the call and yet he was not the one who called. Is it in this report that the honourable members did not take the call because we don't want the honourable members to be accused and the electorates are watching?

Hon. R. Ruttoh, Majority Whip (Chemamer ward, UDA): Hon. Temporary Speaker I am also surprised because my role as a member of county assembly representing Chemamer ward is to do legislation, oversight and representation. I just want to request the vice chair to withdraw the statement that there were some members of the county assembly who were employed because right now I have been asked who did I employ from Chemamer because I did not get such information Hon. Temporary Speaker.

Hon Temporary Speaker (Hon. W. Kiprotich): Hold on honourable members let honourable Dennis conclude his point of order.

Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM): Hon. Temporary Speaker as I was saying honourable vice chair allude that there are some employees from my ward.

(Hon. E. Kirui rose on a Point of order)

Hon. Temporary Speaker (Hon. W. Kiprotich): Honourable Eric he is up on a point of order, order two.

Hon. E. Kirui (Kimulot ward, UDA): Hon. Speaker I think this is a matter of urgency to this house, I want to bring to your attention on the standing order number 30 that we are on a risk of running out of time and I want to request you in view of this that you direct the deputy leader of majority to give a procedural motion so that we are able to operate within the limits of the law.

Hon. Temporary Speaker (Hon. W. Kiprotich): Honourable members it is now approaching 4:30, the time as by the standing orders. I don't know if the deputy leader of majority is armed with the motion?

Hon. J. Samoei, Deputy Leader of Majority (Nyongores ward, UDA): Thank you Hon. Temporary Speaker I beg to move a procedural motion that pursuant to standing order number 3c

this county assembly resolves to extend its afternoon sitting of Wednesday 22nd November 2023 until the business appearing in the order paper is dispensed with. I urge honourable members we still have a business pending before this house so I urge the honourable members to debate and approve this motion. I request honourable majority whip to second.

Hon. Temporary Speaker (Hon. W. Kiprotich): Honourable Joseah let me correct you, you talked about 3c, it should actually be 30, 2-part a.

Hon. J. Samoei, Deputy Leader of Majority (Nyongores ward, UDA): I had corrected it Hon. Temporary Speaker it is 30, 2 part a, thank you.

Hon. R. Ruttoh, Majority Whip (Chemamer ward, UDA): Thank you very much Hon. Temporary Speaker, before I second I want to laud this honourable house for a vigorous contribution on the statement raised by one of our members and therefore because of the time which is almost running out I therefore second the procedural motion because we still have other businesses ahead of us that we need to go through. I therefore second the motion, thank you.

Hon. Temporary Speaker (Hon. W. Kiprotich): Honourable members I propose that pursuant to standing order number 30 part 2 this county assembly resolves to extend its afternoon sitting of Wednesday 22nd November 2023 until the business appearing in the order paper is dispensed with. Honourable members I put the question that pursuant to standing order number 30 part 2a this county assembly resolves to extend its afternoon sitting of Wednesday 22nd November 2023 until the business appearing in the order paper is dispensed with.

Question put and agreed to

Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM): Thank you very much Hon. Temporary Speaker...

Hon. Temporary Speaker (Hon. W. Kiprotich): Now that the time has been extended I would direct that the quorum should be well taken care of for this particular matter.

Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM): Thank you Hon. Temporary Speaker, as I was asking the honourable member, vice chair of urban planning that Kongasis was not well represented in the list given as in number one there was no member of Kongasis ward. Number two out of 391 casual employees how many are from Kongasis because I can't trace even a single member...

Hon. Temporary Speaker (Hon. W. Kiprotich): Honourable Dennis I think that answer you may not be able to get it immediately but I will allow in my direction that you be served with the list otherwise you may not get it immediately despite the fact that he has said he has attached. I will direct that all members should be having that particular list. What is it honorable Josphat.

Hon. J. Kipkirui (Singorwet, INDEPENDENT): Allow me Hon. Temporary Speaker by the time you gave me an opportunity to delve on this matter Hon. Temporary Speaker I could not look at the list of the casuals Hon. Temporary Speaker. Allow me Hon. Temporary Speaker to mention a few issues that have risen here Hon. Temporary Speaker, one we have just been served with the list that is not accompanied with the payments instead they have just given a schedule as per the current wages that were circulated from the office of the CS Hon. Temporary Speaker. We have a situation that we would not want to have it not cleared in this house Hon. Temporary Speaker. You will find that a casual in Singorwet ward Hon. Temporary Speaker being paid a different figure than another member who is serving the same duty Hon. Temporary Speaker in another ward. Hon. Temporary Speaker, plead with you Hon. Temporary Speaker that as you give your ruling Hon. Temporary Speaker kindly consider the weight of this matter so that all the issues that these members have mentioned Hon. Temporary Speaker be well taken care of Hon. Temporary Speaker. We are demanding that justice be served to these particular people Hon. Temporary Speaker who have sacrificed their time and effort for the sake of the rest of the members of Bomet county Hon. Temporary Speaker. Lastly Hon. Temporary Speaker, I want to bring to this house that if someone is supposed to take responsibility Hon. Temporary Speaker, we should not be able to transfer the burden to another person Hon. Temporary Speaker. (*inaudible*) from Singorwet Hon. Temporary Speaker to kind of give a perspective that it is the mistake of the department of administration and urban Hon. Temporary Speaker in my own feeling is not very wrong Hon. Temporary Speaker. This is because it is the department of urban that is engaging these casuals and not the department of administration. If they have to further engage these casuals Hon. Temporary Speaker, let them engage knowing that they do not have a budget for the same and lastly I want to request that going forward, the department should not be coming up with a statement that members of the county assembly were involved in the recruitment of these casuals Hon. Temporary Speaker and yet a member is very clear here that he was not even aware of a single member from his ward Hon. Temporary Speaker and very last Hon. Temporary Speaker, Bomet town Hon. Temporary Speaker which is the heart of this county Hon. Temporary Speaker carries the largest number of casuals. Speaker that is 106. In my own opinion Hon. Temporary Speaker, all the wards should be well represented in this Bomet town because this is our town; we demand that in subsequent recruitment of casuals Hon. Temporary Speaker, all the wards should be represented at the town. Very last Hon. Temporary Speaker, let us ensure that going forward, the appropriation of funds to these casuals should be well taken care of and that is my point to the chair of budget. Thank you Hon. Temporary Speaker.

(Hon. V. Mutai Rose on a Point of order)

Hon. V. Mutai (Nominated MCA, UDA): Hon. Temporary Speaker it is my concern that my colleagues here have raised issues of the casual laborers Hon. Temporary Speaker. I just only want to add the last one Hon. Temporary Speaker that as we also budget Hon. Temporary Speaker for the same in terms of their wages, we also need to relook at their safety Hon. Temporary Speaker. Most of them are working in most of hazardous areas Hon. Temporary Speaker so budget on the same should be allocated for their protective gear Hon. Temporary Speaker. I once also met some of the casual laborers here on town working with their naked hands Hon. Temporary Speaker yet they are collecting garbages that were drawn from different places Mr. Space so that will risk their lives and also that will subject them to some unknown diseases Hon. Temporary Speaker. One last one also Hon. Temporary Speaker is that during the submission by the chair urban Hon. Temporary Speaker he really noted that the criteria for employment for these casual laborers was through an engagement of a number of stakeholders Hon. Temporary Speaker one is the office of the member of county assembly but it is to my astonishment here Hon. Temporary Speaker that the members of the county assemblies representing the 25 wards were not involved Hon. Temporary Speaker to mean that what was said in the senate Hon. Temporary Speaker is true that the executive is having a serious and erroneous typo Hon. Temporary Speaker. Thank you.

Hon. Temporary Speaker (W. Kiprotich): Honorable Joseah proceed.

Hon. J. Samoei, Deputy Majority Leader (Nyangores ward, UDA): thank you Hon. Temporary Speaker first let me applaud the members who contributed to this report. To me Hon. Temporary Speaker, I think the problem lies with the department of urban, department of administration and finance department. As I earlier requested during morning session, I would like to request this afternoon again that the CEC administration, CEC Finance and CEC Urban should appear before the committee of the whole house Hon. Temporary Speaker so I seek your directive on that Hon. Temporary Speaker thank you.

Hon. Temporary Speaker (W. Kiprotich): Thank you very much honorable members having deliberated on that particular issue on the question raised by honorable Josphat Kipkirui, member for Singorwet and has taken the better part of this afternoon and of course the assembly is doing its role of representation and oversight and having listened to all of you concerning this particular matter, therefore direct as follows:

1. That the list of all casuals to be in possession of all honorable members within a period of 2 days. This is including the members who are representing youth and including the member who is

representing persons with disabilities so that list should reach all members of all wards including special groups. That includes youth, women and persons with disabilities.

2. I will direct the office of the deputy speaker as it was directed yesterday that a CEC should appear before all members. This afternoon I direct the office of the deputy speaker that he constitutes the committee of all members being the chair of chairs and invite the following members of executive: CEC in charge of finance, CEC in charge of Lands and CEC in charge of Administration to be part and parcel of the committee of the whole within a period of seven days. *(Applause)*. Stand guided honorable members and by these honorable members you are also given notice to be present. The office of the deputy speaker will give communications for that particular event.

Thank you. Honorable Ernest.

Hon. E. Kipkemoi (Mogogosiek ward, UDA): Hon. Temporary Speaker I rise to seek a question from the chair person committee of finance, ICT and economic planning on what flagships the county government is currently undertaking. In his response, the chairperson should list all the ongoing flagship projects and budget for the said projects.

Hon. Temporary Speaker (W. Kiprotich): Honorable Ernest before you table it, I want you to strike out ICT because I think the chairperson for finance is of economic planning but ICT is outside. So kindly strike out ICT and read again.

Hon. E. Kipkemoi (Mogogosiek ward, UDA): Hon. Temporary Speaker I arise to seek a question from the chair person committee of finance and economic planning on what flagships the county government is currently undertaking. In his response, the chairperson should list all the ongoing flagship projects and budget for the said projects. I beg to table.

Hon. Temporary Speaker (W. Kiprotich): Very well. You can table and as you table, that statement by honorable Ernest Kipkemoi member for Mogogosiek. I will not direct until you table it honorable Ernest because it is not yet a product of the house. It now stands committed to the committee on finance and economic planning and should be brought back within a period of 14 days. What is it honorable Eric Kirui, member for Kimulot?

Hon. E. Kirui (Kimulot ward, UDA): Thank you Hon. Temporary Speaker I want to seek leave if you permit me Hon. Temporary Speaker. I know my statement on the order paper might have passed but I want to seek leave from your desk Hon. Temporary Speaker if you permit me to table the report Hon. Temporary Speaker.

Hon. Temporary Speaker (W. Kiprotich): You can iron out the nature of the report that you wish to table.

Hon. E. Kirui (Kimulot ward, UDA): I would like to table a report on the county executive committee member for finance ICT and economic planning request to the county assembly for input, clarification or observation on the contents of Bomet county pending bills report for the financial year ending 2022.

Hon. Temporary Speaker (W. Kiprotich): Very well, I wanted to know the nature. Now you can table. You can read afresh and then I will give you permission.

Hon. E. Kirui (Kimulot ward, UDA): Thank you Hon. Temporary Speaker I oblige. Hon. Temporary Speaker I would like to table the report of the county executive committee member for finance, ICT and economic planning request to the county assembly for input, clarification or observation on the contents of Bomet County pending bills report for the financial year ending 2022 - 2023. Hon. Temporary Speaker I beg to lay.

Hon. Temporary Speaker (W. Kiprotich): Proceed and that report by honorable Eric Kirui, Chairperson Budget and appropriations stands committed to house business committee for deliberation. Honorable Joseah.

Hon. J. Samoei, Deputy Majority Leader (Nyangores ward, UDA): Hon. Temporary Speaker I seek leave to lay the following papers: Department of Agriculture, Livestock and Cooperative development policy 2023.

Hon. Temporary Speaker (W. Kiprotich): Very well proceed. You start again you were only seeking leave. I already gave you leave to do it.

Hon. J. Samoei, Deputy Majority Leader (Nyangores, UDA): Thank you Hon. Temporary Speaker I beg to lay the following paper: Department of Agriculture, Livestock and Cooperative development policy 2023. I beg to lay.

Hon. Temporary Speaker (W. Kiprotich): Honorable members this is a policy on cooperative development and I would therefore direct that the policy be handled by the committee on Agriculture, Livestock and fisheries and honorable chair agriculture you are very aware that the house is proceeding on recess therefore I do not want to limit your time but just to put you on notice that the house is proceeding on recess and you should act on that.

Hon. P. Ronoh (Kipsonoi ward, UDA): I oblige honorable chair.

Hon. Temporary Speaker (W. Kiprotich): very well. Honorable Josphat.

Hon. J. Kipkirui (Singorwet ward, Independent): Hon. Temporary Speaker I seek a comprehensive statement from the chairperson of the committee on energy, environment, water and natural resources concerning the utilization of funds allocated to climate change in the

approved budget for the fiscal year 2023 – 2024. Specifically, I am seeking detailed information on the expenditure of the following allocation:

1. An amount of Ksh 60 million designated for climate change and resilience categorized as county allocation.
2. An allocation of Ksh 136 million designated for climate change adaptation labeled as returns.
3. An allocation of Ksh 11 million for IDA, Kenya climate change institutional support abbreviated as CCIS.

Further, the chair to provide comprehensive information on why the department responsible for the climate change unit has not submitted a report on implementation of the county climate change plan and other climatic change response actions and impacts of the county assembly for review, discussion and debate as required by Article 40 of the Bomet County Climate change act 2021. Mr. Speake I beg to lay.

Hon. Temporary Speaker (W. Kiprotich): Kindly read again the first sentence.

Hon. J. Kipkirui (Singorwet ward, INDEPENDENT): Hon. Temporary Speaker I said that comprehensive statement from the chairperson of the committee on energy, environment, water and natural resources concerning the utilization of funds allocated for climate change in the approved budget for the fiscal year 2023 – 2024.

Hon. Temporary Speaker (W. Kiprotich): Very well, you can now table.

Hon. B. Langat (Kembu ward, UDA): Hon. Temporary Speaker I need some clarification from you Hon. Temporary Speaker.

Hon. Temporary Speaker (W. Kiprotich): I will give it to you. Thank you honorable members that statement sought by honorable Josphat Kipkirui stands committed to the committee on energy, water and natural resources and should be dealt with within a period of 14 days. Honorable members the statement that honorable Langat wishes to be clarified is that the policy has been brought here by the CEC in charge of Agriculture and actually should stand committed to the committee on cooperatives.

Hon. B. Langat (Kembu ward, UDA): Of which I am the chair Hon. Temporary Speaker.

Hon. Temporary Speaker (W. Kiprotich): I now take it back from Agriculture to cooperatives. That correction should be taken into consideration. Honorable Peter Ronoh.

Hon. P. Ronoh (Kipsonoi ward, UDA): Thank you Hon. Temporary Speaker. I rise to respond to a statement that was raised on 18th October by the honorable Eric Kirui member representing Kimulot ward who brought forth a matter concerning the recent recruitment conducted by the

county public service board for various county departments and specifically the member raised questions regarding the following:

1. What criteria was employed to ensure that the job grades were distributed equitably across all the county wards to promote fair and equitable sharing of job opportunities.
2. Why the county public service board disregarded the approved recommendations of the Adhoc committee of the second assembly pertaining the absorption of staff already serving in similar positions.
3. Why the county public service board failed to priorities the hiring of an individual with a disability t a position previously held in the department of social services instead, opting to hire a new candidate in the same role.
4. Elaboration of the mechanisms used by the county public service board to verify the authenticity of documents submitted by candidates in terms of their educational qualification from various institutions.
5. Why the county public service board recruited individuals who are close relatives even when it is known that some of them have integrity issues in their former places of work including active cases under investigation.

Hon. Temporary Speaker, the committee requested clarification from the county public service board through a letter Ref: Bomet County Assembly 13/09/135. Pursuant to a committee resolution. The county public service board responded on the 17th of November 2023 via a letter that its reference has been written on the report and the following are the responses from the county public service board together with the committee's comments:

1. Criteria employed to ensure that the job grades were distributed equitably across all the county wards to promote fair and equitable sharing of job opportunities.

The board is guided by law in the entire recruitment process. The county government's act provides a guideline to guide from the time of advertisement to the time of appointment as follows:

- a) In reference to section 65 (1) which says that in selecting candidates for appointment, the county public service board shall consider :
 - i. Standards, values and principles set out in article 10, 27 (IV), 56 (c), 232 (i) of Kenya constitution 2010. I can recall clearly Hon. Temporary Speaker that article 27 is within the bill of rights and talks about discrimination against race, age, sex, etc.
- b) The prescribed qualification for holding or acting on the office including academic.
- c) Experience and achievements attained by the candidate as prescribed in the advert.
- d) Conduct of the candidate in view of any relevant code of conduct, ethics and integrity.

e) The needs to ensure that at least 30% of the vacant posts at entry level are filled by candidates who are not from dominant ethnic community in the county. The need for open and transparent recruitment of public servants and individual performance.

In determining whether an appointment promotion or resignation has been undertaken in a fair and transparent manner, the overriding factors shall be merit, fair competition and representation of the diversity of the county.

Hon. Temporary Speaker in ensuring compliance with the law, the board invited applications through advertisement and other modes of communication so as to reach as a wide population of potential applicants as possible and especially persons who for any reason have been or may be disadvantaged. It is thus the responsibility of individual applicants to make application, the board carries out selection and interviews on the basis of merit, fair competition and representation of the diversity of the county. The ability to meet qualification to hold an office meet the requisite experience and achievement of the candidate, the conduct of the candidate in view of the relevant code of conduct, ethics and integrity and individual performance squarely lies with the candidate.

Committee Comments.

The committee noted that the board's response to the afore mentioned issue aligns with the provisions outlined in the law. It is essential to clarify that the honorable member requesting the statement was misinformed and in asserting that job grades and promotions should be distributed equitably as this assertion lacks equal grounding. Section 65 (2) of the county government act explicitly stipulates *"in determining whether an appointment, promotion or re-designation has been undertaken in a fair and transparent manner, the overriding factors shall be: merit, fair competition and representation of the diversity of the county"*. It is crucial to emphasize that diversity as envisioned in the aforementioned section encompasses not only geographical representation but also include gender, ethnic and age diversity.

2. Whether the county public service board disregarded the approved recommendations of the Adhoc committee of the second assembly pertaining the absorption of staff already serving in similar positions.

The board received the approved adhoc committee which was lastly implemented and in regard to item (h) which was concerned with staffing in the county, the board conducted a suitability test for the permanent casuals and was unable to recommend their placement in the public service for lack of credential documents in regard to their initial appointment and academic documents and in the same question the committee acknowledges that substantiation is needed for both the ascertain and

the response provided by the county public service board. After a thorough examination of the adhoc committee report,

(Hon. V. Rop rose on a point of order)

Hon. V. Rop, Deputy Majority Whip (Nominated Member, UDA): The report being read by honorable Kipchirchir Hon. Temporary Speaker is not available to the honorable house.

Hon. Temporary Speaker (W. Kiprotich): Honorable Peter Ronoh can you confirm that the members have that report.

Hon. P. Ronoh (Kipsonoi, ward UDA): The report Hon. Temporary Speaker was deferred yesterday to today and it was shared a day before yesterday through the wall that we all access. Hon. Temporary Speaker it is there.

Hon. Temporary Speaker (W. Kiprotich): Can the member who sought the statement confirm that he has seen the statement on behalf of the members?

Hon. E. Kirui (Kimulot ward, UDA): Hon. Temporary Speaker I have not seen it. The report that I have here is one that was handed over to me as a hard copy by committee clerk while I walked in here. Thank you Hon. Temporary Speaker.

Hon. Temporary Speaker (W. Kiprotich): The rest of the members. Honorable Josphat can you confirm that you have seen the report.

Hon. J Kipkirui (Singorwet ward, INDEPENDENT): I have not seen.

Hon. Temporary Speaker (W. Kiprotich): Honorable Peter Ronoh, can you substantiate your statement. Yesterday we delved in that particular matter for long saying that the house cannot be deceived. Can you confirm that your committee shared this particular document to the honorable members one day before yesterday as you allude.

Hon. P. Ronoh (Kipsonoi ward, UDA): Hon. Temporary Speaker, I have greatly read the standing orders and in no time have I seen a section that says that the bonafide way of sharing documents is WhatsApp but Hon. Temporary Speaker because it has been entrenched and was widely accepted from time Hon. Temporary Speaker that is the media that was used. Unless there is another media, the I will say if it s not through WhatsApp, then I can confirm that it was not shared.

Hon. Temporary Speaker (W. Kiprotich): Can you quote the sender or you quote the time?

(Hon. P. Mutai rose on a point of order)

Hon. P. Mutai (Sigor ward, UDA): Even if it means that we do not have in standing order, the member should have given us even the hard copy Hon. Temporary Speaker.

Hon. Temporary Speaker (W. Kiprotich): Honorable Peter you need to know that after 2019 Covid period, the issues to do with information in WhatsApp, SMS became official. Members if you are invited via an SMS, that is an official invitation so honorable peter, you are very aware that the honorable members do interact with this particular information in their forum whether it is in emails, WhatsApp, that is an official channel.

Hon. V. Rop, Deputy Majority Whip (Nominated Member, UDA): Hon. Temporary Speaker, honorable Felody has just shared the report to the WhatsApp group.

Hon. Temporary Speaker (W. Kiprotich): So can honorable Kipchirchir Withdraw his statement if it is true that he knew that this statement was shared 24 hours before today as he is alluding or can quote the sender of that particular time. I can confirm that honorable Felody has just shared the report right now at 1638 hours.

Hon. P. Ronoh (Kipsonoi ward, UDA): Hon. Temporary Speaker I am aware that the matter was deferred midway yesterday and no member had said that the statement was absent.

Hon. Temporary Speaker (W. Kiprotich): I think it is because it had not been answered. I am the one who requested the chair to defer for purposes of the statement seeker to be present this afternoon.

Hon. P. Ronoh (Kipsonoi ward, UDA): Hon. Temporary Speaker I am also checking and it is coming to my attention that it was shared in the committees' page. Hon. Temporary Speaker I seek your indulgence you can still defer it to another day. I was reading on behalf of the chair.

Hon. E. Kirui (Kimulot ward, UDA): Hon. Temporary Speaker I do not know which standing order but I can read from the body language of honorable Kipchirchir that he is finding it difficult apologizing to the chair and he is just trying to play around with words and even the last statement that he has made looks like he is just trying to be rude to the chair.

Hon. Temporary Speaker (W. Kiprotich): I read you and honorable Peter instead of you apologizing you want the indulgence of the speaker. Can you confirm that you have said something that is wrong to the honorable house that the statement was shared earlier and now that you have known it was shared in your group, you easily apologize.

Hon. P. Ronoh (Kipsonoi ward, UDA): Hon. Temporary Speaker, I am not in all the WhatsApp groups Hon. Temporary Speaker. I only appear in the WhatsApp groups of the committees that I sit so when I saw it in the committee on labour, I was made to believe that it was equally shared around the same time to the other committees and if that was not so, Hon. Temporary Speaker then I apologies though I am also not aware whether it is the chair who should be sharing Hon. Temporary Speaker.

Hon. Temporary Speaker (W. Kiprotich): Accepted though using a very long route. Honourable members I wish to know from you whether want that particular statement to continue. What is it honourable Bernard

Hon. B. Langat (Kembu ward, UDA): Yesterday Hon. Temporary Speaker I messed up on WhatsApp and you censured me. For you to be fair, kindly follow the procedure.

Hon. Temporary Speaker (W. Kiprotich): You need to respect the chair honourable Bernard and the punishment and the reward is different from one hand to the other. You need to know that one

Hon. R. Ruttoh, Majority Whip (Chemamer ward, UDA): The speaker who was there yesterday Hon. Temporary Speaker has no mood compared to what you have at the moment Hon. Temporary Speaker so the mood of the speaker who was there yesterday is not the mood of the chair who is with us at the moment Hon. Temporary Speaker.

Hon. Temporary Speaker (W. Kiprotich): if you meet a judge in the morning and you meet a judge in the afternoon, those are the different individuals. I wanted to know from the honourable members whether answering of this statement can continue when you have not read this. If I can get two honourable members and then I can be able to give a ruling on the same.

Hon. E. Kirui (Kimulot ward, UDA): Thank you Hon. Temporary Speaker I know I am the one who sought the statement Hon. Temporary Speaker and from what I see and the weighty questions, and sharing on this platform and expect the members to contribute objectively will be unfair because expecting a member to be following the conversation of the report whole time to dissect what has been put in that report honourable speaker will be unfair. I think it will be only fair because of the weighty matters that I raised from my statement Hon. Temporary Speaker that we can as well request this answers to be given at a time when all members will have read the report and understood very well and we can contributed all of us very well. Thank you Hon. Temporary Speaker

Hon Temporary speaker (W. Kiprotich): Honourable Erick now that you sought the statement can you give the timing like when it can appear in the order paper again, tomorrow afternoon is okay for you?

Hon. E. Kirui (Kimulot ward, UDA): Tomorrow afternoon can be okay honourable speaker.

Hon .Temporary speaker (W. Kiprotich): Okay I now direct that statement once again appear in the order paper for the final time tomorrow afternoon.

MOTION

Hon Temporary Speaker (W. Kiprotich): Honourable members you will recall that in the order paper there was a motion that was interrupted and the reason for interruption came after the deputy speaker sought for more time to give a ruling and the honourable members I have the ruling with me and I will be able to deliver this ruling on that particular motion. This is the ruling given on the 22nd November today 2023 and honourable members you will recall that the deputy speaker undertook a ruling concerning the motion before this assembly moved by honourable Dennis Ngeno on behalf of the chairperson committee on public investments and public accounts committee. Honourable members to Jog your memory a bit, the motion sought to co-opt two members namely honourable Ernest Rotich and honourable Josphat Kipkirui to the public investments and public accounts committee to undertake a grand inquiring to establish the systematic issues within the Bomet water and sanitation company limited that have greatly affected supply of water and sanitation services within the county and to propose actionable recommendations within one month upon the adoption of the committee report which was actually adopted in this house on 18th October 2023 at 2:30 PM. So members I want you to be doing some calculations there. The committee actioned that it will only be one month. Honourable members from 18th October to date, one month is actually passed. Honourable members the county assembly standing orders number 198 (2) (c) provides the functions of PIC/PAC to include: The examination in the contest on the autonomy and efficiency of the county public investments are being managed in accordance with sound financial or business principles and prudent commercial practices. Honourable members it is my considered opinion that the issue at hand squarely lies within the purview of the PIC/PAC committee. Further, standing order 188 of the county assembly standing orders allows a non-committee member to participate in the business of another committee but that member shall not be entitled to vote. Honorable members you will recall that we are all able to attend any other committee. The virtue that you are a member of this county assembly, gives you the lee way and the liberty to participate in any sitting of any committee the only difference is that you will not be able to take a vote but your contribution is well taken care of. In addition, I will therefore want to urge the honorable members who have been mentioned here, honorable Josphat Kipkirui and honorable Ernest and all of us whenever you have a committee sitting, any committee, you are free to attend. Honorable members in addition, 30 days have elapsed after the committee's report was adopted to form a special committee and I do not recall an extension of time being sought in this assembly. Having captured your concerns regarding this motion, I rule that this motion be withdrawn pursuant to standing order 64 of the county assembly standing orders which reads that after the question has been proposed on a motion, the motion shall be deemed to be in

possession of the county assembly and such motion shall not be withdrawn without the leave of the county assembly. Honorable members, the motion as it stands is time bad and therefore I will not allow further debate on the subject matter. I therefore direct that pursuant to standing order 198 of the county standing orders, the committee on PIC/PAC do carry on their oversight role and table a report to this county assembly within a period of 30 days. Members are encouraged to participate in this pursuant to standing order 188 which provides for attendance by non-members. Honorable members I thank you. The motion is withdrawn. Honorable members I have a message here from the office of the governor that Her Excellency Dr. Dorcas Rigathi Gachagua will be in Bomet County tomorrow and will be meeting people with disabilities and widows at the Governor's auditorium. You are all invited as honorable members to the event which will take place tomorrow at 2 PM.

ADJOURNMENT

Hon. Temporary Speaker (W. Kiprotich): Honorable members this house stands adjourned to tomorrow 23rd November 2023 at 2.30 PM.

The Assembly rose at 4.50 pm.