



OFFICIAL HANSARD REPORT

COUNTY ASSEMBLY OF BOMET

THIRD COUNTY ASSEMBLY

ASSEMBLY DEBATES

Vol. 2 No. 101

DAILY HANSARD

The Assembly met at the Main Assembly Chamber,

Dr. Joyce Laboso Centre at 9:30 a.m.

Third County Assembly- Second Session

Wednesday Morning 21st November, 2023

(The Assembly met at 9:30 a.m. in the

County Assembly Mini Chamber at County Assembly Buildings)

[Hon. Speaker (Hon. C. Korir) in the Chair]

PRAYER

QUESTIONS AND STATEMENTS

Hon. J. Samoei, Deputy Leader of Majority, Deputy Leader of Majority (Nyongores ward, UDA): Thank you Mr. Speaker, the report that I have I think I read yesterday and I request that you give the honourable member who requested for this statement to give out her views.

Hon. Speaker (Hon. C. Korir): That was honourable Catherine?

Hon. C. Chepngetich (Nominated MCA, UDA): Thank you Hon. Speaker, allow me first to say that the statement which I raised is for the interest of market traders whom they raise large amount of revenue collection to the county government. Mr. Speaker I commend the committee for the elaborate report done. The work was shoddy, this is ironical, it is uncalled for because as you are all aware that his Excellency the governor wants to leave his legacy time and such work should not be expected.

My take Hon. Speaker is that I don't understand how the traders are supposed to operate without electricity; these traders operate past 7pm trying to meet their basic needs for their families. How does the department do suppose they operate? Number two the market is not friendly to persons with disabilities contrary to the spirit of our constitution.

Mr. Speaker the committee further observed that there is no collection point for storm water and no access roads to the market stalls. My question the Mr. Speaker why would the department term the project as complete whereas some scope of work such as electricity and mechanical works were not done. Why did the department accept the site to be handed over to them yet some scope of works is still pending?

Mr. Speaker the county has expended 50 million to shoddy work. Finally, Hon. Speaker I feel that the committee recommendation is wanting considering the amount of money spent on that project. The committee should specify the timelines given to the relevant department to comply

because they didn't serve this august house with the written documents or an M.O.U to show the final answer to that matter. I totally disagree with this response, thank you Hon. Speaker.

Hon. Speaker (Hon. C. Korir): Thank you very much honourable Catherine, so you disagree with the report? Okay vice chair of the committee what is your take on that?

Hon. J. Samoei, Deputy Leader of Majority, Deputy Leader of Majority (Nyongores ward, UDA): Thank you Mr. Speaker, I think we had a consultative meeting with the CEC, CO and other people in that department and we concluded that the market sheets were observed not to be addressing what the traders need. It was agreed that some wall on the cubicles shall be dismantled to provide ease of access. The peripheral works shall be fitted with steel grills to provide additional hanging space for the vendors. There shall be installed additional floodlight for dark spots and lighting points in all indoors spaces. Access for ramps shall be installed at the entrance of every stall so that the PLWDS can access those stalls easily.

Another conclusion Mr. Speaker we agreed that we give more time to CEC to see to it that the project is fully functional; so I think we shall be monitoring on and on maybe after every two weeks the committee shall be visiting the market to access if there is any progress.

(Hon D. Kirui rose on a Point of information)

Hon. Speaker (Hon. C. Korir): Just before you give the point of information, who do you want to inform?

Hon. D. Kirui (Ndaraweta ward, UDA): The house Mr. Speaker.

Hon. Speaker (Hon. C. Korir): Just a minute then, honourable Catherine the honourable vice chair has just given their conclusions, you disagree with those conclusions or what did you mean?

Hon. C. Chepngetich (Nominated MCA, UDA): Thank you Hon. Speaker I mean the committee did not supply this house with the timelines, written documents showing that they are following for that matter and how can we accept that they will follow and we don't have something to show us Hon. Speaker.

Hon. Speaker (Hon. C. Korir): So you want a commitment from the committee?

Hon. C. Chepngetich (Nominated MCA, UDA): Yes.

Hon. Speaker (Hon. C. Korir): Okay, vice chair.

Hon. J. Samoei, Deputy Leader of Majority, Deputy Leader of Majority (Nyongores ward, UDA): Mr. Speaker I think we are going to invite the CEC to our next committee meeting so that he can write a letter to commit himself, thank you Mr. Speaker.

Hon. Speaker (Hon. C. Korir): Okay thank you, so you wish to inform the house, members do

you wish to be informed? How many are of that pinion that they want to be informed? Proceed honourable member.

Hon. D. Kirui (Ndaraweta ward, UDA): Thank you Mr. Speaker the issue that the vice chair for urban is talking about is a project that was done by World Bank. The project is complete and is ready to be handed over to the county government from the World Bank. He is now telling us that they are planning to do other extra work, where will they get money to it?

Secondly Mr. Speaker the report that was tabled that the vice chair is talking about, he is saying that they had a meeting with the CO and the CEC Mr. Speaker. It seems the committee or the vice chair has gone to bed with the executive Mr. Speaker and this should tell us what they are planning next on where they are going to get the money to finance the project Mr. Speaker, thank you.

Hon. E. Kirui (Kimulot ward, UDA): Thank you Mr. Speaker for this opportunity, I want to echo the sentiments by honourable Dancel on the same response by the honourable vice chair, honourable Samoei on the response to the question sought by honourable Catherine and I am baffled that the vice chair to the committee would just give a lackluster response to a very serious question, this is a 50million worth of a project that has been given out to the county and we expect good work. For him to look like he has money in his pocket to just go fix the lights or do the ramps. It is a casual answer Mr. Speaker and it is a starting on our oversight so that we don't get casual. I think we need to delineate the work of the assembly to the level that we are not working for the executive; we are here to provide oversight.

So as honourable members and members of the committee, I do not expect an answer from a committee to look like we want to be looking like we are shielding the executive. I think it is good and very fair to this house if an honourable member gives a plain answer that this was not done and we demand that people who are responsible on that project be held responsible for one the misappropriation of funds because when we appropriate funds then they utilize it well but when we come here and a question has been put forth and the answers we are getting are the ones like the vice chair has given, Mr. Speaker we demand more.

We demand more because we are in jeopardy of losing more funding from World Bank, this county has lost a lot of opportunity in the past because we've played very low in terms of implementation, we've taken just for a ride that someone can just wake up, a CO can just expend money without sticking to the scope of work and now when we get a report like this and with all due respect to the vice chair I would expect that maybe he gives an answer not looking like he is defending the people who implement the project but give us as it is so that this house makes a

decision on how we will deal with it from there, thank you Mr. Speaker and I request for your direction on the same.

Hon. Speaker (Hon. C. Korir): Thank you very much honourable Eric Kirui. Just to inquire, the report that you have, can I have a look at it? I think I concur with the members though the report is given as it is, it doesn't meet the threshold of a good report. I would expect the same project, we be given the photos of how it is now, the areas where there were challenges I would direct the committee to still go back to that project and confirm how it is. So for the benefit of the other members, you see we are discussing something that we've not seen probably the seeker of the question, the person who has the question and probably the committee members are the only ones who've seen. I would urge you to go and enrich that document so that we have a better understanding of what is here.

Honourable Dancel from what you've given you are not also satisfied with what the committee has done. It is a project of 58million so what is this that is worth 58 million, was there value for money? I think that is what honourable Eric is trying to put across that apart from what was done being shoddy it could be there was no value for money. I would wish the committee to go back and reassess that project. So you have another two weeks to look into, thank you very much, next question.

(Hon W. Kiprotich rose on a Point of Order)

Hon. W. Kiprotich (Chepchas ward, UDA): On the same order of statements and questions I think Mr. Speaker if care is not taken then we are going to reduce this house to what one individual once said that we will be reading compositions instead of answers. Mr. Speaker I think you need to give a firm ruling that the questions raised by the honourable members are not mere rhetoric they are actually questions that require answers and if these proper answers are given then even what happened yesterday in senate could not be seen because we could be having answers earlier than usual.

Mr. Speaker I would request that maybe you do a refresher course specifically for that particular part alone, thank you.

Hon. Speaker (Hon. C. Korir): Interesting, that is very interesting honourable Wesley. The same sentiments that you are raising today were raised by honourable Langat here. He was also asking why is it that we make recommendations and gives out directions for the departments to follow and yet they don't and I think honourable Peter Ronoh read actually the constitution and the standing orders.

As this house we have the powers to discipline all those officers, it is within your purview to do

that.

Hon. V. Ngetich, Leader of Minority (Siongiroi ward, CCM): Thank you Mr. Speaker, let me just congratulate honourable vice chair for the said stalls. Let me just say one thing, and I am here for the record, I don't think and I don't wish that even me as member for Siongiroi ward or either even if I am in charge of something, I would just defend someone for the incompetence that they are holding in their respective offices. I did not expect the honourable member from Nyongores to just cover up the mess. When you are told 58 million and when you go to the ground and see actually what that thing that has been done, you will be ashamed of yourself. I wish even the same project was in Nyongores so that we ask the people for Nyongores is that the value.

(Hon J. Samoei rose on a Point of Order)

Hon. J. Samoei, Deputy Leader of Majority, Deputy Leader of Majority (Nyangores ward, UDA): Hon. Speaker, when I read my report yesterday, the Hon. Member from Siongiroi was not around. Allow me to only read the findings of the Committee:

1. The work done was shoddy and the contractor did not incorporate a design that satisfied the needs of the traders.
2. Movements of persons with disabilities were not considered during the construction. The proposed ram that was in the initial plan was omitted.
3. The Cabro works are done although the traders opined that it was substandard.
4. No connection to electricity.
5. No collection of storm water.
6. No access roads to the market stalls.

These were the findings of the Committee.

Hon. K. Ngetich (Siongiroi Ward, CCM): Hon. Speaker, those are the findings. Before you even go to the recommendations, you can see that these stalls are not even worth Ksh. 20 Million.

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

Hon. V. Rop (Nominated Member, UDA): The contract sum was Ksh. 58 Million inclusive of a supply of a skip loader and installation of flood lights. It was not just for the building of the stalls.

Hon. K. Ngetich (Siongiroi Ward, CCM): As I conclude, I think the Hon. Members here have just known that we need to take this seriously. For the Third Assembly to be known for good things and be in good books, let us rise to the occasion. It is in this Assembly that I did not

recommend that the CECM for Finance for that position. That is why we have that mess right now.

I know we were bullied especially for those of us who were against the CECM. These are now the fruits. Thank you.

Hon. Speaker (Hon. C. Korir): Hon. Josphat Kipkirui

Hon. J. Kipkirui (Singorwet Ward, INDEPENDENT): Hon. Speaker, thank you for the opportunity. I join my colleagues in commenting on the report by Hon. Samoei. There is an emerging trend that the reports given to us by the respective departments are shoddy. It is high time you declared to the Assembly which reports are admissible to this Assembly because as Hon. Kiprotich has said, we are reading reports that do not give us enough information.

Earlier on, someone had stated that it is important for this Assembly to have a Committee on Implementation. That Committee is supposed to follow up on the recommendations done by the sectoral committees. I am challenging this Assembly to consider the setting up of that Committee so that we keep track of all the reports that Committees have come up with. If we proceed in this manner, we may miss the point because as we ask questions, we ask on behalf of the people and we require enough information that can guide us to know that there is always value for money.

Most of the projects that have stalled still have valid contracts yet they were supposed to lapse after 6 months of stalling. Those contractors are still yet to appear in the site yet money has been spent. Give us direction on this so that we keep track of events as they occur. Thank you.

Hon. Speaker (Hon. C. Korir): Hon. Langat.

Hon. P. Langat (Merigi Ward, INDEPENDENT): Hon. Speaker, thank you. This project is in my ward and I was present when the Committee on Urban Planning came. I am not ready to launch this project with the Governor because what is on the ground is not pleasing. In fact, the business men and women have come up with a funny structure on site which they prefer over the one of Ksh. 58 Million. I cannot allow this to happen in my ward. Thank you.

Hon. Speaker (Hon. C. Korir): Hon. Ernest

Hon. E. Rotich (Mogogosiek Ward, UDA): Hon. Speaker, thank you for allowing me to contribute. For once I stand with my fellow Hon. Members in condemning this response by the CECM in charge. As my colleagues have put it, if we do not take this seriously, this House will be taken for a ride. I wish to quote what the CECM in charge of Finance once said when he was being vetted. He was asked why he has never brought a Financial Bill to this Assembly and he said that he did not bring it because the Second Assembly did not do their work seriously. It is on record.

Today, we are swimming in the same ocean. Hon. Speaker, we do not want to be judged as an Assembly that passes resolutions for the sake of passing. I saw some rankings that Bomet County was ranked with 100 percent corruption. We do not want the effects of vice to find its way to this Assembly. We need to stamp our authority.

Look at the amount that was spent on the construction of that market stall. A whopping Ksh. 58 Million. What I know about donor funding is that they have serious parameters of ensuring that they put up proper projects. In the case of Bomet, I do not think that the donor will agree to the shoddy work that was done. If need be the contractors that did that work should not be given any other work within the County Government of Bomet. Let us stand together so that we deal with this issue once and for all. Thank you.

Hon. Speaker (Hon. C. Korir): Hon. Vincent

Hon. V. Mutai (Nominated MCA, UDA): Hon. Speaker, thank you. I rise to cement what my colleagues have said concerning the projects that have been done by the county government. This is one of the projects, among other projects, that have been done shoddily. Members have always raised issues on the shoddy projects. This one was supported by a donor that the Department of Urban Planning has been benefited a lot from through the Kenya Urban Support Program. The Department of Health has the Mother and Child Wellness Centre done by the donor. If we are not careful, the County Government of Bomet will lose money since most of the flagship projects are all donor projects.

Hon. Speaker, allow me to encourage this Assembly not to join hands with the Executive because we heard them say that most of the errors are typing errors. As an Assembly, we do not want typing errors. We need to work diligently under the rules and regulations. Thank you.

Hon. Speaker (Hon. C. Korir): Hon. Vincent, thank you. Hon. Dennis.

Hon. D. Ngeno (Kongasis Ward, UDA): Hon. Speaker, thank you for granting me this opportunity to contribute to the statement raised by Hon. Catherine on the issue of the stalled project in Merigi Ward. We are talking of a whopping Ksh. 58 Million and not Ksh. 5.8 Million. Yesterday, I was lucky to be in the Senate and I realized that what I have said in this Assembly is true. I witnessed a typing error of Ksh. 224 Million. Hon. Speaker, this Ksh. 58 Million we are discussing on will soon be a typing error. Before we go there, we need to rise as an Assembly and face the people who are in charge of these projects.

Hon. Speaker, who is the CECM in charge of Trade? I am surprised that we are seated discussing someone who is almost squandering Ksh. 58 Million. We need to rise and face the challenges of the county and face these people who want to misuse this money. Hon. Speaker, we need to form

a Committee to look keenly at this issue. I am not in a good mood today. Just allow me to sit. Thank you.

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

Hon. Speaker (Hon. C. Korir): What is your point of order, Hon. Samoei?

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): As we conclude this report, it is my request Hon. Speaker that we summon the CECM for Lands, Housing and Urban Planning and the CECM for Trade to appear before the Committee of the Whole Assembly.

(Hon. K. Ngetich rose on a point of information)

Hon. Speaker (Hon. C. Korir): Do you want to be informed, Hon. Samoei?

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): Yes, I do.

Hon. Speaker (Hon. C. Korir): Proceed, Hon. Kibet.

Hon. K. Ngetich (Siongiroi Ward, UDA): Hon. Speaker, I must thank the Member representing Nyangores for reminding us to summon the two CECMs. I hope Hon. Speaker, you will order more juice because the other time Hon. Chepkuto was here, she took a whole bottle of *Del Monte*.

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

Hon. E. Kirui (Kimulot Ward, UDA): Hon. Speaker, thank you. When I listen and follow through the conversation of this matter, however weighty it is, it looks like the Hon. Members are not aware that this project was not done this financial year. It is a project that has been paid. We are looking at money that has gone to the drain. As we speak we need to speak on a point of information that the contractor in question has been paid this money. This calls for urgent action. Secondly, when the Vice-chairperson rises and says “Thank you for allowing us to call the CEC”, I think we are never curtailed by anything to invite them even during report writing Mr. Speaker. It then gives the information that even the report that has been given to us is short of good information because the CEC and the CO should have been invited to the committee and maybe the whole house Mr. Speaker no one is curtailed to inviting the CECs and the COs at any point in time whenever they feel like they need more information Mr. Speaker. So those are the few things I wanted to make a clarification that this bill has been paid and the action for recourse should be now and if there is anything that needs to be done Mr. Speaker is to also invite the world Bank to have a conversation with them so that we get any information. What did they want to achieve when they gave the county government of Bomet the money? Is it what they were looking at? Is it something that they can benchmark with other counties that they have funded previously? So we would not only expect them to invite the CEC and the CO but also the people

who were involved in payment, the people who were in leadership by the time the contract was taken on board and also the team from world bank Mr. Speaker so that we get clear information and this house gets into action Mr. Speaker. Thank you for the opportunity Mr. Speaker.

Hon. Speaker (Hon. C. Korir): Thank you very much. We have deliberated so much on this and we still have business.

Hon. D. Kirui (Ndaraweta ward, UDA): Mr. Speaker it seems that these honorable members have not understood the reason why we are asking about that project. The reason is Mr. Speaker, since this project is handed over by World Bank; the report is going to be used to get another allocation for the next project. That means we will get another top up of money that is beyond 58 million. Probably they will give Ksh. 100 million or Ksh. 70 million. So before this Ksh. 70 million is given again to the county government of Bomet, what will we do as a house to stop us from getting that money before we get to know the information about the Ksh. 58 million Mr. Speaker. That is what we are asking the chair.

Hon. Speaker (Hon. C. Korir): Thank you very much for informing the house. I think that rests the matter for now. So vice chair, you have just made recommendation that you call both of them, that is the CEC trade and the CEC Urban to the committee of the whole house. I hope the deputy speaker has noted that so proceed on that but again the report that should come here for the members to have a look at it should have pictures. Let us see what exactly we are talking about there so that the questions that were asked earlier meets the threshold of a good report for this house.

(Hon J. Samoei rose on a Point of Order)

Hon J. Samoei, Deputy Majority Leader (Nyangores ward, UDA): I can request the whole house to visit it because it is just across the fence Mr. Speaker. They can go and see for themselves Mr. Speaker.

Hon. Speaker (Hon. C. Korir): But you see honorable vice chair, are trying to challenge the chair's directions?

Hon J. Samoei, Deputy Majority Leader (Nyangores ward, UDA): No Mr. Speaker.

Hon. Speaker (Hon. C. Korir): What I have just said is let us support with pictograms. It is a report for this house. For now, and future. So we must document what is there. He reports that should be coming to this house are quality reports. I am just asking you to ensure that the report that reaches this house is an enhanced one. Otherwise I urge all the members also to take time and visit that project and mind what honorable victor had mentioned earlier that the project includes a skip loader and I do not know what else he had mentioned but a skip loader is part of

the contract. So that rests the matter let us proceed to the next question. If there are no questions we will proceed to the next order.

MOTION

Hon. W. Kiprotich (Chepchas ward, UDA): Honorable speaker I have a motion which I gave notice some weeks ago and Mr. Speaker, my motion delved on around five issues: One was the county executive was supposed to check on the issues of comprehensive fleet management policy and I was also requesting he house to approve this motion so that the policy will encompass all aspects related to the accountability and maintenance of county government vehicles which I was looking at the heavy machinery which the county government acquired. I was also urging the house on number three that the county government should ensure that this formulated policy includes clear provisions for effective control, utilization, safeguarding, and management of all county government vehicles and in particular the plant machinery. On number four Mr. Speaker, I was urging the house to also lay out the responsibilities of drivers, machine operators and transport managers and finally, I was supposed to urge the house that once the fleet management policy is developed, it should be submitted to the county assembly. Mr. Speaker, during this time, and I thought the drafters of the law knew it that there is a need for notices of motions first before the real motion comes into place, I have found out the following:

That the transport has other transport policies of 2019 and I think my friend and neighbor honorable Eric Kirui knows this because he served in the same department. In that particular transport policy Mr. Speaker, it can talk about the government vehicle registers, disposal of such particular vehicles, the use of heavy equipment, leasing and purchase of equipment, just the one that we purchased for example, it also has a provision on accidents and how those particular accidents in the machinery should be dealt with, it also has what is referred to as the auto accident report form, it has what is referred to as the claim of travel for those who are travelling, it has appendices of the A vehicle running costs. Mr., Speaker chapter 2 (3) of the policy is talking about fleet management system which I was urging the county to have it in my first part. Honorable speaker I also noticed that the new machinery has actually come with their own fleet and those particular machineries are being managed using that particular fleet. Mr. Speaker I have the following documents:

I have a document which is referred to as equipment daily utilization schedule and I have one for motor grader 2130, 0023 – 0024. I also have one for the TATA tipper 36CG 082A just as a sample of what I have. Mr. Speaker I have also found out that each department has its own vehicles, maintenance funds allocation, its own fuel allocation fund and its own fleet

management the one that I was talking about and fleet management deals with fuel usage, service, insurance, and equipment movement control and it produces what is referred to as auto reports. Honorable speaker having said that and using standing order 57 (1) which says a notice of motion may be withdrawn by the member who gave the notice but notice of the same motion may be given again by either the same or any other member. The drafters of the law knew that some information could come by and if need be, then the motion could be withdrawn. Using this standing order Mr. Speaker, I wish to withdraw my motion based on the above issues that I have said. Thank you.

Hon. Speaker (Hon. C. Korir): Thank you very much honorable Kiprotich. However, I would like you to share the documents that you have mentioned with all the members.

Hon. W. Kiprotich (Chepchas ward, UDA): Very well I forgot; I wanted to ask for your permission that table them and since I do not have the physical copy, allow me to table online so that it can also inform the committee in charge so that they can be able to now fast tract the issues of oversight and the issues of maintenance.

Hon. Speaker (Hon. C. Korir): Permission granted on that. Thank you very much. I want to urge the members I have just seen that when it comes to standing orders, you all struggle. I do not know whether you have the standing orders in soft copy.

Hon. W. Kiprotich (Chepchas ward, UDA): It is there and I even have it.

Hon. Speaker (Hon. C. Korir): Kindly share with the members so that you can have it in your tablets. Everybody to have his or her standing orders on the tablet. Again I have noted with concern that most members come without the tablet. I think in the next sittings I will ask the Sergeant at Arms to confirm that every member entering the house has a tablet. From what I have seen, most members are not aware of what business we have today so on that note, that tablet is actually meant for you to use while in the chamber. The reports that are shared are shared online isn't that so? Having that tablet is very important, we will ensure that every other time that you are coming to the chamber, you have your tablet so that we can revisit all the reports that we have done before, the questions or other order papers that we have expense over time. Otherwise, I think we are all good to go and we do our best. I like the fact that you have now noticed from what happened yesterday and the proceedings that you saw in Nairobi by the senate, one fact is very clear; the senators are ahead of the county assembly. I would have loved to go through what PAC/PIC of this house found out before the senators found out. PAC/PIC of this house of which honorable Dennis was in, I want to thank you; you were able to travel however you were not dressed honorably while there. Let us hope it was the first time and you

will not repeat again. There was a point when the chair asked whether the honorable members of the house are in and we saw you there. I want to loud you and honorable Dennis Busienei for having attended there. I would urge you honorable Dennis to share with the members the experience while you were there and let us learn from the proceedings that happened yesterday. We have a serious duty. I have seen in social media what they are writing. The spirit of the people is different and they want business to be done correctly so I would urge all of us to rise to the occasion and we do what we were elected or nominated to do in this house. Thank you very much.

ADJOURNMENT.

Hon. Speaker (Hon. C. Korir): Hon. Members this house is adjourned up to 2.30 PM today in the afternoon.

The Assembly rose at 10.35 am.