



OFFICIAL HANSARD REPORT

COUNTY ASSEMBLY OF BOMET

THIRD COUNTY ASSEMBLY

ASSEMBLY DEBATES

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 29th November, 2023

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

County Assembly Mini Chamber at County Assembly Buildings)

[Hon. Deputy Speaker (Hon. L. Rotich) in the Chair]

PRAYER

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Members, you are welcome to this afternoon's sitting.

QUESTIONS AND STATEMENTS

STATEMENT ON THE VALIDITY OF THE OFFICE OF THE LEADER OF MINORITY IN THE COUNTY
ASSEMBLY OF BOMET

Hon. C. Langat (Boito Ward, UDA): Hon. Deputy Speaker, thank you. I rise to seek a Statement.

Hon. Deputy Speaker, Sir, whereas the Standing Order No. 19 expressively defines who a leader of the minority is, equally Article 108 of the Constitution of Kenya, 2010 provides that there shall be a leader of the majority party and a leader of the minority party. Being a ranking Member in this House and actively subscribing to the ideals of the UDA party, the Secretary General of my party on March 14th, 2023 announced that among the parties that merged with UDA is Chama Cha Mashinani party (CCM).

Under the Political Parties Act, the Registrar of Political Parties gazetted the dissolution of Chama Cha Mashinani and transferred their records, assets, liabilities, rights and obligations to UDA, including their entitlement to the Political Parties Fund under Section 25 of the Act.

It is therefore imperative to note that based on that official pronouncement, members of UDA and members of Chama Cha Mashinani belong to one coalition. Standing Order No. 18 states that the largest party or coalition of parties in the County Assembly shall elect a Member of the County Assembly belonging to the largest party or coalition of parties to be the Leader of the Majority Party.

Based on the above-stated facts, I wish to be informed of the following:

1. What constitutes a minority party numerically?
2. Does a party that has only two elected Members enjoy equal rights to hold an office shadowing the office of the Leader of the Majority that has a membership of over twenty Members?

3. Is the office of the Minority Leader in the County Assembly of Bomet still recognized as an established office and if yes, there is a substantive office holder of that office?

I beg to table as I wait for your direction and guidance, Hon. Deputy Speaker.

(Hon. C. Langat proceeded to table the statement)

Hon. Deputy Speaker (Hon. L. Rotich): The Statement that has been sought by the Hon. Member is weighty and requires legal advice. In that case, therefore, I rule that the Speaker will give a direction on Wednesday afternoon.

QUESTION ON THE PROGRESS OF THE CONSTRUCTION OF NYANGORES WARD OFFICE

Hon. Deputy Speaker (Hon. L. Rotich): There was a Question that was raised by Hon. Joseah Samoei on 14th November 2023 regarding the Nyangores Ward office which has not been completed. That Question was committed to the Committee on Administration, Legal Affairs and Citizen Engagement and the Speaker had directed the Committee to give report of all the ward offices which have not been completed across the county. Hon. Chairperson.

Hon. P. Langat (Merigi Ward, INDEPENDENT): Hon. Deputy Speaker, thank you. I rise to respond to a Question sought by Hon. Joseah Samoei on 14th November 2023 regarding the Nyangores Ward office which has not been completed for over 10 years. The Committee was also directed to give a response to all the ward offices that are stalling within the county and the plans that the department has concerning the completion of these projects.

Hon. Deputy Speaker, Sir, the Committee sat on Thursday, 16th November 2023, and wrote a letter to the relevant CECM requesting a comprehensive report on the above issues. Hon. Deputy Speaker, the report was received on 28th November 2023 and is attached here. The Committee on its sitting today 29th November 2023 made the following findings and recommendations.

That;

1. The process of construction of ward offices started way back in 2013 and due processes were followed in the award of various tenders. However, most were not completed because of emerging issues encountered for over 10 years.
2. The Committee found out from the report that 13 ward offices had stalled including Chesoen, Ndaraweta, Longisa, Chemaner, Merigi, Kembu, Chebunyo, Kongasis, Nyangores, Mogogosiek, Chemagel, Rongena/Manaret and Ndanai/Abosi.
3. The following ward offices have not been started because there is lack of a parcel of land for construction: Kimulot, Embomos, Boito and Chepchabas. These are wards mostly from Konoin probably because they have been occupied by tea. We also have Silibwet Township, Singorwet and Mutarakwa ward offices.

4. Longisa ward office was abandoned and the contractor is out of the site because of capacity issues. Attached are the projections of years that these projects should be completed.
5. The Committee noted with concern that some ward offices including Kembu and Chebunyo among others have been vandalized. They recommended that all the ward office projects be manned by county enforcement officers.
6. The Committee noted that Rongena/Manaret and Ndanai/Abosi had stalled and the department was planning to complete in the year 2015.
7. The current budget for the completion of ward offices is KES 5.5 Million but the projects still need approximately KES 40 Million. The Committee recommends the ward offices be considered in the next budget.

In conclusion, the Committee found out that the response to the Question was elaborate and satisfactory as attached. As you may remember, Hon. Deputy Speaker, last week I mentioned that what is more important is not the comprehensive report but rather the implementation. As a Member of the Committee on Budget and Appropriation, I have seen the need for consideration of these ward offices so that there will be progress after the financial year.

I cannot be in a position to read all the statuses of ward offices and sub-county offices but the Hon. Members can grow through the list. Some are complete while some are not but I will monitor all of them during my tenure to see to it that all our offices are complete.

Hon. Deputy Speaker (Hon. L. Rotich): Thank you for that elaborate report. This was an emotive issue and I thank you for coming up with this report. Hon. Joseah.

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): Hon. Deputy Speaker, thank you. I applaud the Committee for the work they have done. They said the projected completion date for Nyangores Ward office is 2024 and that is just a few days ahead. The department needs to pull up their socks and complete the office as stated in their report. The report is elaborate and satisfactory.

Hon. Deputy Speaker (Hon. L. Rotich): Thank you. Hon. Josphat Kipkirui.

Hon. J. Kipkirui (Singorwet Ward, INDEPENDENT): Hon. Deputy Speaker, allow me to contribute to this serious issue on the stalled ward offices. I thank the Committee on Administration for following up on the Question that was raised. It is worth noting that most of the ward offices that were constructed in 2013 have remained stalled, some of them have been vandalized and have led to the non-utility of these projects which was allocated a lot and the value for money was not realized.

Hon. Deputy Speaker, this situation has rendered the staff who have been deployed in the ward to be non-effective and they openly faced difficulties. It is my humble plea that the department

should consider prioritizing this issue of ward offices so that in the near future we will have ward offices in various wards.

In Singorwet ward, we have not been able to have a ward office. We have various staff who have been recruited by the County Public Service Board and up to including the various administrators. They have been forced to utilize the sub-county office which houses more than 20 other staff from a different ward. They therefore, undergo various challenges in carrying out their duties.

I urge my fellow Committee members from the Committee on Budget and Appropriation to consider appropriating funds in the coming financial year so that the department can implement this. Otherwise, we should have information on why a contractor should be deployed to a given site and fail to complete the contract. It is high time that the department rise and ensure that as they award tenders, they should be accompanied by instruction on the time the contract should elapse. Otherwise, public money will be used and the value for that money will not be realized. I thank you for the opportunity.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Peter.

Hon. P. Ronoh (Kipsonoi Ward, UDA): Hon. Deputy Speaker, I rise as a rejoinder to voice my concern on the report that has just been tabled. The Hon. Chair did say that the report is comprehensive and at the same time said that it should not be comprehensive and there is no action. I also want to help him because he said he will follow up. He is almost appropriating himself powers of the Executive.

I have read the report and the Kipsonoi ward office does not have power, is not faced and landscaping is yet to be done. I did not see anywhere indicated that the same will be completed. Hon. Chair, because you said that you will follow up and make sure that it is done, kindly include Kipsonoi.

I believe the Hon. Joseah asked the Question to benefit all of us. In Standing Order No. 18 and 19 where the Assembly takes to the polls to elect the Leader of Majority and his deputy, that office stands for the Leader of Government Business. If the government is asking itself questions, some of us who are not in that position are worried. Where are we? Sometimes when the Chair of a Committee is defeated in giving details, the Leader of Majority chips in to help. Hon. Deputy Speaker, I do not know whether we still have confidence in the office that he holds or there is a problem.

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

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): Hon. Deputy Speaker, I rise to inform Hon. Peter Rono that I was asking this Question as a Member of County Assembly representing Nyangores Ward. The people who elected me wanted to know when this office will be completed.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Ruttoh.

Hon. R. Ruttoh (Chemamer Ward, UDA): Hon. Deputy Speaker, thank you for giving me the opportunity to contribute on what the chair on the Committee on Administration, Public Service and Citizen Engagement has given this Assembly. I am one of the Members who have been asking this Question because we have a lot of stalled projects in the department of Administration and Chemamer Ward is one of the affected areas. I believe what the chair has said concerning the follow up will do it seriously because most of the public are demanding to know the fate of their money allocated to those ward offices. Chemamer ward office was started in 2014 and we are told that it is almost at 90 per cent.

At the same time, when you go to that site, the area, as said by Hon. Peter, is an open area. You cannot believe that it is a ward office. What the chair had said will advise the department to allocate funds for fencing these ward offices and to do a serious follow up. The Chief Officer in charge of administration promised during the vetting process that he will ensure that the ward offices will be complete as soon as possible. I hope that spirit is still with him.

I ask the chair to assist us in doing a thorough work so that the community will benefit from these ward offices. I appreciate the report. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Ernest

Hon. E. Kipkemoi (Mogogosiek Ward, UDA): Hon. Deputy Speaker, thank you for the opportunity to contribute and ask the chair of the Committee on Administration, Public Service and Citizen Engagement to also consider Mogogosiek ward office. Hon. Deputy Speaker, in the submission of the chair on the stalled projects, I confirm that Mogogosiek ward office is ongoing. The contractor is on site though he had stopped at some point because of lack of funds.

Hon. Deputy Speaker, I would like to also ask the chair, since he has appropriated himself the responsibility of the Executive, to see to it that it is completed so that the people of Mogogosiek can enjoy the services offered in those offices.

Thank you, Hon. Deputy Speaker.

Hon. N. Kibet (Kapletundo Ward, UDA): Hon. Deputy Speaker, thank you for according me this opportunity to give my view. As the chair of the Committee read us the report, I checked the report that was sent to our WhatsApp group and in the report, the ward office at Kapletundo where I represent is 5 per cent complete. I do not understand what that means but I will seek for clarification later.

When I checked on Annex 4, it said that Kapletundo ward office is complete. There are discrepancies and let me give some clarification. The building is complete. It only does not have power and fencing has not been done. Mine was to assist the chair with that clarification especially from the ward that I represent and come from.

Hon. P. Langat (Merigi Ward, INDEPENDENT): Hon. Deputy Speaker, I would like to respond to...

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Member, you are according yourself time to speak. You will be given time as the last person. Hon. Dennis.

Hon. D. Ngeno, Minority Whip (Kongasis Ward, CCM): Hon. Deputy Speaker, thank you for the opportunity to contribute on the Question asked by Hon. Joseah. Before I contribute and because I sit in the same Committee, I can also give clarification to Hon. Nathan. As we were perusing the report, we noted the same issue raised by Hon. Nathan. The 5 per cent is supposed to mean the work that is remaining to be done. It is unfortunate that the error came in a time of errors. We are sorry for that.

Secondly, we are grateful for the Members who sat and came up with the report and I am a happy man today. It is only my request that when the supplementary budget comes in, please allocate funds to the department so that we are able to complete these ward offices. As it stands we only have around Kshs. 5.3 million for ward offices. We urge the Assembly to allocate more funds to the department.

Finally, from where I sit today, I realized that as an Assembly we need not to envy because anything that your neighbor is eating and does not come from your pocket, you are not supposed to envy at all. As I sit, I leave on word to the Third Assembly of Bomet. “*Tuache wivu*”. Thank you, Hon. Deputy Speaker.

(Laughter)

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Dennis, you are out of order to tell that to the Hon. Members. Kindly stick to the Question at hand.

Hon. D. Ngeno, Minority Whip (Kongasis Ward, CCM): Hon. Deputy Speaker, thank you. I come from a Minority Party and today in the afternoon sitting, the first Statement raised this afternoon was criticizing the CCM party. I will not sit in this Assembly and watch someone criticize a party which has built this county and has put the county to another level. Bomet stands today as an outstanding county because of our party called CCM.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Dennis, a ruling will be made. Kindly preserve your comment for that time. Hon. Busienei.

Hon. D. Busienei (Chemagel Ward, UDA): Hon. Deputy Speaker, I think Hon. Dennis is offended. He should retract and apologize. He said ‘*tuwache wivu*’ which means that this whole Assembly has some ‘*wivu*’. He should apologize. This should not be captured on the Hansard because that subject matter is going to be discussed and urge the Hon. Member to apologize to the Hon. Members.

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

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Eric

Hon. E. Kirui (Kimulot Ward, UDA): Hon. Deputy Speaker, I rise to contribute on a statement that has been made by Hon. Busienei. As a Member of this Assembly, I ascribe to the school of thought that we need to be truthful to each other and if I put my feet and head to where Hon. Dennis Ngeno rose from, I am not offended by his statement. In this Assembly, when an Hon. Member says a statement like the one said by Hon. Dennis Ngeno, then it is up to anyone to choose where they belong.

I do not know why he is abrogating himself to ...

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Member, kindly contribute on the Question at hand.

Hon. E. Kirui (Kimulot Ward, UDA): Hon. Deputy Speaker, thank you. I wanted to counter what Hon. Busienei said but on the Question at hand, I do not know why we have taken a turn by most Members representing various Committees to be the defenders of the departments where they chair. I am looking at this report and just from listening to Hon. Peter Langat who stood and said that Kimulot does not have land. We have a lot of land. The problem is that someone is insinuating that we lack land so that they don't do development.

I am thinking that what we need to do is go on a fact-finding mission to every ward. Bomet County must be leading in the amount of land in this country. They need to go back to those wards and identify whether there is land or not. To stand here and say that there is no land is a lie. There is a lot of public land. That is a statement to cover the lack of focus to do or implement the budget. I urge the Assembly not to adopt this report the way it is but to request the Committee to go back and do their work diligently. They will come up with a different report from this one.

I urge the whole Assembly to evaluate what the Standing Order provides. It mandates us to interrogate and investigate. So they need to go back to the wards and investigate and see whether the said land is there or not so that when they come here, they will not be reading to us report given to them by departments but something that they can own.

I ask this Assembly to reject this report and request the Committee to go back and do better homework. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): It is time to put that matter to rest. I ask the chairperson, the Committee on Administration, Public Affairs and Citizen Engagement to find out what has been raised by Hon. Eric on the issue of land in Kimulot Ward. Authenticate and report to this Assembly on Wednesday afternoon.

BILL

Second Reading

THE BOMET COUNTY GENDER EQUALITY AND WOMEN EMPOWERMENT BILL, 2023 (BILLS NO. 7 OF 2023)

(Resumption of Debate)

Hon. Deputy Speaker (Hon. L. Rotich): The Bomet County Gender Equality Bill has been moved by the mover. I ask the chairperson, Committee on Gender to have someone to Second.

Hon. E. Kirui (Kimulot Ward, UDA): Hon. Deputy Speaker, thank you. On behalf of the chairperson, I rise to Second as a member of the Committee. As you have mentioned, my chair had read and requested me to Second. Since this is a resumption of debate, I rise to Second. I rise to second the Bomet County Gender Equality and Women Empowerment Bill, 2023. Thank you.

(Question proposed)

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Monica

Hon. M. Manyei (Nominated MCA, UDA): Hon. Deputy Speaker, thank you. Despite undeniable gains in terms of legal and institution progress towards women empowerment, the Bill further seeks to help improve the social and economic welfare of rural women and women living with disabilities. I support the Bill. Thank you.

Hon. P. Ronoh (Kipsonoi Ward, UDA): Hon. Deputy Speaker, thank you. I rise to support that the Bill be read a second time. It is a requirement in law that once a Bill is introduced it passes through several stages and its reintroduction to the County Assembly for the Second Reading is because when it is read a first time, it is committed to a specific Committee, in this case, the Committee on Gender, Culture and Social Services, to carry out the remaining part of the Bill. They are to ensure that they are to conduct public participation and when there are amendments, they are introduced. I therefore support that the Bill be read a Second time.

(Question put and agreed to)

(The Bill was read a Second Time)

Hon. D. Busienei (Chemagel Ward, UDA): Hon. Deputy Speaker, I seek leave to table a Paper.

Hon. Deputy Speaker (Hon. L. Rotich): Proceed

Hon. Busienei, you came and were not able to table. Proceed to lay the document.

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

Hon. C. Langat (Boito Ward, UDA): Hon. Deputy Speaker, the Member should proceed to read the Paper he intends to table.

Hon. Deputy Speaker (Hon. L. Rotich): Thank you, Hon. Charles. The Member is being guided

Hon. D. Busienei (Chemagel Ward, UDA): Hon. Deputy Speaker, I beg to lay the report of the Committee on Lands, Housing and Urban Planning on the Bomet County Solid Waste Management Bill, 2023.

Hon. Deputy Speaker (Hon. L. Rotich): Proceed

*Second Reading***THE BOMET COUNTY SOLID WASTE MANAGEMENT BILL, 2023 (BILLS NO. 4 OF 2023)**

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Busienei

Hon. D. Busienei (Chemagel Ward, UDA): Hon. Deputy Speaker, I beg to move that The Bomet County Solid Waste Management Bill, 2023 (Bills No. 4 of 2023) be read for the Second Time.

The committee made several observations on the bill during the public participation exercise. The committee's final recommendation was based on the views by the members of the public, Kenya National Chamber of Commerce and Industry (KNCCI, Bomet Chapter) among other stakeholders. These observations guided the committee in making its final recommendation.

The committee recommendations were agreed upon by the committee members during a meeting to adopt the report held on 31st October 2023

Hon. Deputy Speaker, on behalf of the committee and pursuant to Standing Order No. 201 (5) (g), it is my humble pleasure to present the committee's report on consideration of the Bomet County Solid Waste Management Bill, 2023.

The Committee on Lands, Housing and Urban Planning is one of the Sectoral committees established under Standing Order No. 201 (5) (g) and deals with all matters relating to land survey and mapping, boundaries and fencing, housing, urban planning including planning in towns, urban areas, firefighting services and disaster management, cemeteries, funeral parlours and crematoria and refuse removal, refuse dumps and solid waste disposal.

The Bomet County Solid Waste Management Bill, 2023 seeks to provide mechanism for the realization of the Constitutional requirements under Article 42 on the right to a clean and healthy environment and Article 43 on health and sanitation, and implementation of section 2 (g) of the Fourth schedule on refuse removal.

The bill also seeks to facilitate and promote sustainable development in the country through effective and efficient solid waste management.

- I. Part 1 of the bill seeks to provide for preliminary matters such as terms used as well as objects of the bill.
- II. Part II of the bill seeks to provide for an effective and coordinated administrative mechanism and structure of solid waste management.
- III. Part III provides for solid waste handling procedures including classification and separation of the solid waste
- IV. Part IV provides for solid waste planning and zoning
- V. Part V provides for licencing mechanism for entities involved in collection, transfer, transportation and processing of waste.
- VI. Part VI provides for the enforcement of the bill

VII. Part VII provides for financing mechanism which include fees and charges

VIII. Part VIII provides for offences

Guided by Article 196 (1) (b) of the Constitution, the committee held a one-day public hearing on 26th October 2023 and received the following views;

On administration;

1. That, in addition to Sub County Solid Waste Management Committee, a Municipal Solid Waste Management Committee should be established.
2. That the Sub County Administrator is placed as the Chairperson of the Sub County Solid Waste management committee deputized by the town administrator.
3. That people with Disabilities (PWDs) be considered in the appointment to the Sub County Solid Waste Management Committee.

On allowance that the wording “may be paid” be replaced with “shall be paid”

On solid waste handling;

That a procedure for acquiring land for dumping waste/land fill be laid out clearly.

1. That technology be adopted in handling and recycling the waste, universities and other institutions of higher learning should partner with the county adopting new technologies.
2. That the public sensitized on waste collection and handling measures.
3. That prohibition of waste disposal to include Roads and Road reserves.
4. That a special waste collection method and charges be considered during the market days.
5. That a clear procedure and charges be considered on collection of animal carcasses.

Second schedule of the bill;

1. That the nature of businesses should be categorized based on the size, number of employees, location etc. to ensure fair levying of charges.
2. That time period for dumping waste be specified so as to control night dumping by individuals from neighbouring counties.
3. That education institutions and prisons be included in the second schedule.
4. That the charges proposed in the second schedule be part of the trade licence fees.
5. That Kenya Prisons Service, National Police Services and other government institutions be equally charged as military barracks.

The committee made several observations on the bill during the public participation exercise. The committee’s final recommendation was based on the views by the members of the public, Kenya National Chamber of Commerce and Industry (KNCCI, Bomet Chapter) among other stakeholders. These observations guided the committee in making its final recommendation. The committee recommendations were agreed upon by the committee members during a meeting to adopt the report held on 31st October 2023

Hon. Deputy Speaker, on behalf of the committee and pursuant to Standing Order No. 201 (5) (g), it is my humble pleasure to present the committee's report on consideration of the Bomet County Solid Waste Management Bill, 2023

I call upon the Deputy Leader of Majority to Second.

Hon. J. Samoei, Deputy Leader of Majority (Nyangores Ward, UDA): Hon. Deputy Speaker, I rise to Second the Second Reading of the Bomet County Solid Waste Management Bill, 2023 (Bills No. 4 of 2023). I Second.

(Question proposed)

Hon. J. Kipkirui (Singorwet Ward, INDEPENDENT): Hon. Deputy Speaker, thank you. I rise in support of the Second Reading of the Bomet County Solid Waste Management Bill, 2023. This Bill has come to this Assembly at the right time and we are in full support of a plan to ensure that solid waste within Bomet is well managed. It is prudent that we have a proper management plan of the waste, mostly in urban areas, so that we ensure that our environment and the community are well taken care of.

This Bill is important in the sense that upon its execution we shall have a law that guides the proper collection and ensure that we have the right procedure and a proper place for dumping of solid waste. I am in support of the Second Reading of this Bill. Thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Ernest

Hon. E. Kipkemoi (Mogogosiek Ward, UDA): Hon. Deputy Speaker, I thank you for the opportunity that you have given me to voice my support for this Bill. I must applaud the Committee on Lands, Housing and Urban Planning. I am also happy that the chair of the Committee for implementing what we learnt from Turkey. We once visited the country of Turkey, a city called Istanbul, together with the chair of the Committee. Istanbul is one of the cleanest towns in the world due to a proper solid waste management.

This Bill will help us to ensure that our county is clean and safe. Hon. Deputy Speaker, since this Bill will be able to address the issue of dumping of solid waste, I expect that it will assist in ensuring that as we find a place to dump this waste. It should include provision of an incinerator for the same. I hope this Bill will address on these issue so that we do not go back to what we used to do in the past. Thank you and I support the Second Reading of this Bill.

Hon. C. Langat (Boito Ward, UDA): Hon. Deputy Speaker, I rise to support that The Bomet County Solid Waste Management Bill, 2023 be read for the Second Time. The Bill met all the statutory requirements including public participation. I support this because it is a legal tool which will enable the county government in making our towns clean. We have been pressing the Executive to clean the menace of solid waste, not only in Bomet alone but in all our towns across the county.

I urge the Hon. Members to support the Second Reading of this Bill so that we give the necessary legal instruments to the county government. I support.

Hon. R. Ruttoh, Majority Whip (Chemamer ward, UDA): Thank you very much Hon. Speaker for giving me this opportunity to support what the chair Hon. Busienei has given us. This bill came at the right time because recently we approved the upgrading of our towns and centres therefore if these centres are not properly managed by the end there is nothing we are going to gain from the approved towns and centres Hon. Deputy Speaker.

For instance we have been seeing there is a lot of complaints in our county headquarter because of the garbage collection and therefore if this bill is approved and used prudently Hon. Deputy Speaker I know it will help all the complaints we've been having and more so if this bill is approved and adopted and implemented I know by the end we shall attract more investors in our county and therefore I stand to support this bill for the second reading Hon. Deputy Speaker, thank you very much.

Hon. Deputy Speaker (Hon. L. Rotich): I now put the question that the Bomet County Solid Waste Management Bill, 2023 (Bills No. 4 of 2023) be read for the second time.

(Question put and agreed to)

Hon. R. Ruttoh, Majority Whip (Chemamer ward, UDA): Thank you very much Hon. Deputy Speaker, following our order paper we still have a lot of business ahead of us and therefore I stand to move a procedural motion that pursuant to standing order 30, 2a this county assembly resolves to extend its sitting time until it concludes the business of the day. I therefore request the majority leader to second this procedural motion Hon. Deputy Speaker.

Hon. P. Kirui, Leader of Majority (Ndanai/Abosi ward, UDA): Thank you Hon. Deputy Speaker I take this opportunity to second the procedural motion that we extend this sitting because we still have more business remaining and given the fact that ahead of us we still have more business and soon we will be going on recess we feel that we clear the business that is there so that we will not be caught up by the time so I second, thank you Hon. Deputy Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): I now propose that pursuant to standing order 30, 2a this county assembly resolves to extend its sitting time until it concludes the business of the day. The floor is now open for debate.

Hon. E. Rotich (Mogogosiek ward, UDA): Thank you very much Hon. Deputy Speaker for giving me the opportunity to support that we extend our sitting time until such a time when we are done with the business. I also wanted to note and maybe pass a message of advice to the house business committee Hon. Deputy Speaker. I was looking at this order paper, it is so stuffed and yet in the morning the schedule was so relaxed so in future we want to advise the house business that they should look at what is appearing and put it appropriately and because Hon. Deputy Speaker we don't need to comment on what has not been brought to this house

now that one of the members of this house had notified us that they want us to discuss the leadership that sits in house business committee I think it will be a good talk owing to what Hon. Charles had put forward that we discuss the leadership that sits in this house, thank you very much.

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

Hon. C. Langat (Boito ward, UDA): Hon. Speaker the statement I sought is not about congestion neither am I challenging the leadership but it is about the issue touching on reconstitution of and the standing orders.

Hon. E. Rotich (Mogogosiek ward, UDA): Hon. Speaker because he has rose on a point of order on what I said I wish to respond that the leader of minority sits in a house business committee and what he was asking us is to look at the constitution of that house, thank you.

Hon. Deputy Speaker (Hon. L. Rotich): It is understood Hon. Member, you've not indicated whether you are supporting the motion at hand. Hon. Peter kindly sit first.

Hon. E. Rotich (Mogogosiek ward, UDA): I support the extension Hon. Deputy Speaker, I was only advising the house business in future because I look at this order paper it is full.

Hon. P. Ronoh (Kipsonoi ward, UDA): Hon. Speaker I rise to oppose the motion that this house extends its sitting until we are done with what is in the order paper. Hon. Speaker we only have one item and we have a whole thirty minutes. I don't know why, unless we are anticipating that we will be debating this for the whole time. Hon. Deputy Speaker it is your discretion, what will happen is that you will move the question and whichever will have it will determine. There is no need to extend, I oppose Hon. Deputy Speaker.

(Point of order)

Hon. R. Ruttoh, Majority Whip (Chemaner ward, UDA): Hon. Speaker is it in order for the Hon. Member to oppose the procedural motion as indicated because as per the standing order we are required to give a procedural motion thirty minutes to time. If in any case, we fail to complete what is in the order paper after the time elapses it will be a blame to all of us and therefore I can see that the Hon. Member is trying to oppose what the standing orders dictate not the procedural motion, thank you very much Hon. Deputy Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): I want to put the question because we want to save time.

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

Hon. E. Kirui (Kimulot ward, UDA): Before you put the question I want to read standing order number 30, 3 and it says notwithstanding paragraphs one and two the county assembly may resolve to extend its sitting time or to meet on any other time or to meet on any other day to transact business Hon. Deputy Speaker.

I particularly rise in section four which says a motion under paragraph three shall not be moved at least thirty minutes before time appointed for adjournment. Hon. Speaker I am reading this because Hon. Kipchirchir seems not to understand the standing orders, I am trying to just educate him so that he knows from where we sit that when the house leadership sits to extend the time, we are protecting this house so that we don't transact business outside the time stipulated in the standing orders Hon. Deputy Speaker, so why I am even interrupting you putting the question is because maybe by him opposing he might alter the decision of this house so I want to convince the house and I don't anticipate the next business but since I have the order paper we have a weighty report that we need to read in a short while. It might take a bit of time for our consideration and I urge the house that we extend our time of sitting to enable us to listen through the report, thank you Hon. Deputy Speaker and I support the extension.

Hon. Deputy Speaker (Hon. L. Rotich): Okay thank you Hon. Member it is prudent that the procedural motion is moved but it doesn't mean that the business at hand may require us to spend the whole of that time, it might end earlier so it doesn't matter. I now want to put the question propose that pursuant to standing order 30, 2a this county assembly resolves to extend its sitting time until it concludes the business of the day.

(Question put and agreed to)

Okay Hon. Members before we proceed I want to recognize the visitors who are in the public gallery and want to tell them that you are highly welcomed, they are members from Kimulot ward, you are highly welcomed and thank you for having the time to join us this afternoon. You will be required to follow the proceedings in silence and we are grateful to have you this afternoon, welcome. They are twenty three members, I have their names here but I will not be able to read all of them but you are highly welcomed.

MOTION

Hon. E. Kirui (Kimulot ward, UDA): Thank you Hon. Speaker I rise to move the motion THAT pursuant to Standing Order 199(3)(a) of the County Assembly Standing Orders, this County Assembly adopts the Report of the Committee on Budget and Appropriations on the County Executive Committee Member for Finance, ICT and Economic Planning Request to the County Assembly for input, Clarification or Reservation on the Contents of the Bomet County Pending Bills Report for Financial Year Ending 2022/2023 laid on the table of the County Assembly 22nd November 2023 at 2.30 p. m.

Hon. Speaker on...

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

Hon. C. Langat (Boito ward, UDA): Hon. Speaker I rise to seek for a deferral or rather a directory on this particular business before us because we got the report yesterday...

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

Hon. D. Ngeno, Deputy Minority whip (Kongasis ward, CCM): Hon. Speaker on which point of order is the member standing?

Hon. C. Langat (Boito ward, UDA): Standing order 105, 1 and 2.

Hon. D. Ngeno, Deputy Minority whip (Kongasis ward, CCM): Through your guidance Hon. Deputy Speaker kindly read for us the standing order.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Charles kindly conclude the point of order, you said it is 105?

Hon. C. Langat (Boito ward, UDA): 105, 1 and 2 Hon. Speaker, the reason why I seek leave for deferral is because we have not gotten time to interact with the document, the document is huge...

Hon. Deputy Speaker (Hon. L. Rotich): Let me read the standing order. A member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the chair may claim to move that the debate be now adjourned or in a committee of the whole county assembly that the chairperson do report progress. The debate on a dilatory motion shall be confined to the matter of the motion.

Hon. Member the debate has just been moved, it has not progressed so maybe you now seek to defer.

Hon. E. Kirui (Kimulot ward, UDA): Thank you Hon. Speaker I beg to...

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Eric kindly let us have Hon. Charles understand this standing order. The motion has not progressed.

Hon. C. Langat (Boito ward, UDA): And that is why Hon. Speaker I seek leave for your guidance because if the motion progresses it will delete my prayers.

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

Hon. E. Rotich (Mogogosiek ward, UDA): Hon. Deputy Speaker thank you for allowing me to inform the house. Hon. Deputy Speaker I wish to inform the house that this report that is about to be moved by the chair budget was shared to our emails yesterday at 10:00 so almost in 24hours or more we should be able to debate this, thank you very much Hon. Deputy Speaker.

Hon. N. Kibet (Kapletundo ward, UDA): Hon. Speaker personally I am not a member of budget committee but the report was shared yesterday, I have gone through the report and we should debate, maybe the Hon. Member is only lazy because some of us are ready.

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

Hon. J. Samoei, Deputy Majority Leader (Nyangores ward, UDA): I think this motion Hon. Deputy Speaker was slated to this afternoon by the house business committee and I know Hon. Charles is one of the members of house business committee. I think he is misleading this house.

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

Hon. C. Langat (Boito ward, UDA): Even in house business committee I raised a concern and minority view was captured. Hon. Speaker protect me from arguing my case, I am not doing it in bad faith, yesterday we got the report and you are alive to the fact that the whole yesterday we engaged the four CECs until almost midnight. I could be a slow learner, this morning we had business in the morning and this afternoon. We have not said the report is bad, we are not casting any stone or suspicion but we have only said...

Hon. Deputy Speaker (Hon. L. Rotich): Kindly take your seat Hon. Dennis, you are out of order.

Hon. C. Langat (Boito ward, UDA): It is only we are saying a deferral of even one day to tomorrow or next week so that we interact with this document.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Charles I agree with you but the motion has not been moved.

Hon. C. Langat (Boito ward, UDA): What is your advice Hon. Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): The motion to progress because I have not proposed the motion, it is at the point of proposing that you may seek leave.

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

Hon. D. Ngeno, Deputy Minority whip (Kongasis ward, CCM): Thank you Hon. Deputy Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): You are standing on which point of order?

Hon. D. Ngeno, Deputy Minority whip (Kongasis ward, CCM): 116 Hon. Deputy Speaker. I am afraid we've been chipping in on the issue of the document having been shared. Hon. Deputy Speaker this issue of the document having been shared is not reflected in any point of order in our order book so this issue of every other time raising that the members have not gone through the report should not be arising in this house, the report is supposed to be read by the motion mover and all the members react on the report, thank you very much.

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

Hon. R. Ruttoh, Majority Whip (Chemaner ward, UDA): I just want to know from you Hon. Deputy Speaker because I am seeing our minority whip misleading this house. It is of importance for every member to have the report earlier so that when they are contributing at the floor of this house they have the content of what is in the report so therefore I can only say that as per the request raised by Hon. Charles it is upon you to give us the direction but not a subject to the conversation of having the report earlier, it is prudent for this house to have the report earlier.

Hon. V. Rop, Deputy Majority whip (Nominated MCA, UDA): Thank you Hon. Deputy Speaker I think our majority whip is also out of order because Hon. Kiprotich was presiding

over the house recently when Hon. Kipchirchir was on the floor giving us an information on the issue of the committee on Labour, we didn't have the report, Hon. Felody posted the report on our WhatsApp group when the matter was being deliberated on and we continued deliberating on the matter, there is no harm, the report was sent yesterday, and we went through it so it can be prosecuted through, thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Motion mover kindly proceed.

Hon. E. Kirui (Kimulot ward, UDA): Thank you Hon. Speaker, I expected you to call out Hon. Charles on standing order number 116 on him raising a false point of order but nevertheless I proceed. I want to proceed with motion on the county assembly committee on budget and appropriations report on the County Executive Committee Member for Finance, ICT and Economic Planning request to the County Assembly for input, Clarification or Reservation on the Contents of the Bomet County Pending Bills Report for Financial Year Ending 2022/2023.

Hon. Deputy Speaker I take this opportunity on behalf of the committee on budget appropriations to present to the county assembly a report covering 2022/2023 tabled to the committee on 19th September 2023. I will not go ahead to read the members of the committee but I want to go specific to the mandate of the committee and standing order number 199 establishes the committee on budget appropriations with specific mandate to;

- i) Investigate, inquire into and report on all matters related to continuation, control, monitoring of the county budget.
- ii) Discuss, review the estimates and make recommendations to county assembly.

I want to centre mine on the investigating, inquire into and report on all matters related to coordination, control and monitoring of the county budget Hon. Deputy Speaker.

On the examination of pending bills via gazette notice number CXXV number 146 dated 13TH January 2023 his excellency the governor appointed a five member committee with a mandate to verify scrutinize and analyze and report on pending bills covering the period 2022 to 2023 and to make appropriate recommendations to the County Treasury on their payments or otherwise. The pending bills committee took about five months to conclude the report.

The County Executive Committee Member for Finance, via a letter dated 11th September 2023, submitted the pending bills report to the County Assembly for any input, clarifications or reservations on any contents of the report at the earliest possible time. The report was subsequently tabled and committed to the committee on Budget and Appropriation on 18th September 2023.

Owing to the weight of the matter, the committee reviewed the report in two separate retreats held to deliberate on the pertinent issues obtained and to ensure that it arrives at an informed

judgment. The committee also sampled and physically visited forty-nine listed pending bill's projects aimed at familiarizing itself on the actual circumstances in the ground.

Hon. Speaker the review of the pending bills revealed a revealed new key tool for the County Assembly's oversight. In fact, this is where rubber meets the road. The committee members deliberately visited a number of projects including those in far flung areas with limited access and unfavorable climatic conditions. Owing to the shortage of official transport, the members were forced in some of instances to use their private vehicles. The committee also held several lengthy sessions, sometimes burning midnight oil and sacrificing their weekends to accord the document the attention it deserved.

For this reason, Hon. Deputy Speaker I wish to sincerely appreciate my Committee members for all the sacrifices made and efforts accorded to the exercise. I also wish to recognize and appreciate in a special way all Hon. Members representing various Wards who heeded our calls to guide us to the sites of the projects sampled and visited.

On behalf of the Committee, I also wish to extend the committee's appreciation to the Assembly Administration for facilitation. The committee is also grateful to the members of the public who attended and assisted the committee during their site visits. Invaluable support from the aforementioned stakeholders greatly helped the committee to enrich its output.

On the overview Hon. Deputy Speaker I want to say this, pending bills, Hon. Deputy Speaker are unsettled financial obligations that occur at the end of a financial year as a result of failure to pay for goods and or services that have been properly procured. Delayed disbursements, revenue shortfall or overestimation, carryover works, reallocation as well as poor planning and or expenditure outside approved work plan are some of the key sources of pending bills in governments Hon. Deputy Speaker. The report enlists and categorizes the pending bills into eligible, ineligible, eligible subject to, retention, historical and pending support to cooperatives and VTCs. It also states the challenges and recommendations.

Eligible bills were defined as those that meets all requirement for payment whereas ineligible bills were defined as those that do not. They might be missing one or more required attachments; works were not or partly done; missing supporting documents; fraudulent claims and double claims among others.

Retention, normally 10% of the contract sums, pertains to claims which have observed defect liability period. The report listed the pending retentions which were due for payment at the time. The report listed and classified historical pending bills as those which accrued earlier than the year 2019 enlisted in the previous pending bills report but have not been settled to date.

The report also enlists pending support to county government entities. These were majorly unsettled commitments to Vocational Training Institutions and Cooperatives Societies. The

other category are the pending bills classified as, “in-eligible subject to”. The report clarifies that these are pending bills whose works done were proven but lacked proper documentation for processing of their payments.

Hon. Deputy Speaker since members have the report I will not go to the analysis but I just want to mention a summary of the overview of the pending bills. In the categories listed the eligible are at 897,932,521. The ineligible is at 130,262,512. The eligible subject to, is at 285,989,892. The retention is at 38,933,408. Pending support to the public entities is 49,190,133 and historical is at 34,694,488 giving a total figure of 1,436,228,604.

Hon. Speaker the report enlists 382 suppliers inn eligible pending bills category with a total of Kshs 897,932,521. However the committee carried further verification of the totals and noted that the correct amount is at 932,582,576. This clearly gives a difference of an arithmetic error that was given to us of 34million. The pending bills were understated by 34,650,055.

The rest of the analysis is with the report that has been shared to the Hon. members that details each department that carries the report and Hon. Deputy Speaker because of time I know I will not want to go to the details of the eligible and ineligible per department since it is in the report but I want to take this house straight to the analysis given on page 14 of the report and the committee sought to just do an analysis on the correlation between pending bills to the budget allocation through the supplementary budget.

There is a table that the committee made an analysis of the pending bills verse what was approved in the budget just to see whether the budget can be even able, the current financial budget that we are currently on can be able to absorb the pending bills Hon. Deputy Speaker.

What we’ve noted is the fact that when we did the analysis Hon. Deputy Speaker and this analysis is on page 19. If we were to do the analysis of the pending bills we would be lost because some departments would not be able to pay even for their bills even unto and including their operations and maintenance for the financial year. I want to say from this report the committee just sought to understand the whole genesis of the pending bills and I will take you to the history of the pending bills Hon. Deputy Speaker.

A report published by Auditor General (Annex 1), indicates that as at 30th June 2018, Bomet County had eligible pending bills to a tune of Kshs. 1,190,167,877 while ineligible pending bills were Kshs. 63,383,304. The County settled these debts to a tune of Kshs. 792,312,268 by 18th December 2019 indicating that the balances from eligible pending bills stood at Kshs. 397,855,609. The report defined historical pending bills as those which accrued earlier than

2019 and totaled to Kshs. 34,694,488. These means that the county settled a huge portion of the pending bills noted by the Auditor general report stated above.

It is therefore a huge concern that these pending bills has grown again over the last few years to one billion shillings negatively impacting on the County economy and the livelihood of the business community most of whom had high hopes that fruits of devolution would boost their trade.

Consultation and correspondences with the county Executive committee member for finance. Hon. Deputy Speaker Sir, The Committee on Budget and Appropriation via its own motion and pursuant to its mandate as per the standing orders wrote, via a letter Ref: BCA/13/12(1) dated 1st December 2022, to the County Executive Committee Member for Finance to furnish it with a comprehensive report on pending Bills as at the end of 30th June 2022. The committee indicated that the report should contain the following;

- I. Department which procured the works or service.
- II. Name of the contractor and or supplier.
- III. Nature of works.
- IV. Specific location of the project where it was undertaken.
- V. The contract value.
- VI. Local Service Order number for each.
- VII. Pending payment and
- VIII. The date the contract was awarded.

The committee also indicated that the report should reach the committee not later than 8th December 2022. In a rejoinder via a letter dated 7th December 2022, the CECM for Finance wrote back to the committee requesting for more time of four weeks to prepare the report. He argued that the completeness and comprehensiveness of the report requires more time for preparation and compilation by various departments and that they were in the process of constituting a pending bills ADHOC committee to audit the pending bills.

On 21st February 2023 following a resolution arrived on 20th February 2023, the Committee wrote, via a letter Ref: BCA/13/12/4(11), again to the CEC member for finance reminding him of the previous resolution to be furnished with the pending bills report. The Committee also asked the CEC member not to pay any pending bills until the Task Force on County Pending Bills complete their work and report submitted to the County Assembly.

The CEC wrote back to the committee via a letter Ref: CGB/TRE/22/5/7(2023) informing the committee that the pending bills report was not ready then and that it was still being processed by and ADHOC committee but was nearing its tail end. On 15th May 2023, the committee wrote, via a letter Ref: BCA/13/13/1(5), to the CEC to furnish it with a County Pending bills report, County Personnel data report and Expenditure report for the period from 1st July 2022

to 1st May 2023. The CEC member for finance responded via a letter Ref CGB/TRE/5(23) requesting for two more days to submit the information and on 22nd May 2022 via a letter REF: CGB/TRE/5/1(23) the CEC, submitted the County Pending Bills Report, ADHOC Committee gazette notice and expenditure report for the period 1st July 2022 to 1st May 2023. The pending Bills report was dated 26th April 2023. The total pending bills as per the report was KES. 1,080,571,024.

On 11th September, 2023 the CECM for Finance and Economic Planning via a letter Ref: CGB/TRE/22/6/9(2) submitted an updated pending bills report to the County Assembly stating that it was for sharing with the Members of County Assembly and relevant committees ahead of processing of payments in two weeks' time. He also stated that he would appreciate any input, clarifications or reservations on any of the items therein in the earliest time practically possible. The total pending bills in the updated report for all categories was KES 1,436,228,604.

The report was tabled and committed to the Committee on Budget and Appropriation on Tuesday of 19th September 2023. The committee during its sitting of 20th September 2023 reviewed the report and noted that the report did not indicate information on the period when the contracts were awarded. As a result, the committee via a letter dated 20th September 2023 Ref: BCA/13/3/1(20) wrote to the CEC member for finance to notify him of the shortcoming and its resolutions as follows;

- I. The CEC member for finance to defer the payments of all pending bills until the committee finalizes interrogating the report.
- II. That the CEC member for finance provides additional information on when the contracts were awarded.
- III. That the information should reach the committee by 26th September 2023.

The committee regrets that it did not receive any response from the CEC member on this letter. The committee however proceeded to interrogate the pending bills report and its contents. On 4th October 2023, it raised a number of issues requiring clarification. The committee via a letter Ref: BCA/13/13/1(21) wrote to the CEC member for finance a number of issues for clarifications. The committee indicated that the CEC member for finance response were required by 12th Thursday of October 2023. The Committee however do regret that the sought clarifications and response had not been received by the time of compiling this report.

The committee was taken aback and asked itself the real reason why the CEC submitted the pending bills report to the Assembly for input, reservation and otherwise and at the same time fails to cooperate upon further interrogation of issues arising from the report.

Hon. Deputy Speaker the committee also consulted the controller of budget and I want to say that on 11TH October 2023, the committee wrote to the Controller of Budget via a letter Ref:

BCA/13/13/1(22) informing her that it was at the time engaged in a thorough examination of the Pending Bills Report forwarded to the Assembly by the County Executive Member in charge of Finance. That in the pursuit of its mandate, the Committee had undertaken on-site visits to inspect a selected sample of projects and made formal requests for additional documentation from the CEC member for finance.

The committee further informed the Controller of Budget that it was deeply concerned that during the execution of the said critical duty, payments and requisitions were being authorized based on the Pending Bills Report yet on-site inspections uncovered serious discrepancies that cast doubt on the credibility of the report being used as a basis for payment. In light of the stated findings, the committee requested Controller of Budget to furnish the County Assembly with a comprehensive list of all payments and requisitions that had been executed in relation to the Pending Bills Report.

In a rejoinder via a letter Ref: COB/MBT/002/3/1(48) the Controller of Budget cited its establishment by Article 228 of the Constitution of Kenya 2010 and its mandate to oversee the implementation of the budgets of both the National and County governments by authorizing withdrawals from public funds when satisfied that the same is in accordance with the law, and the requirement to report to Parliament on budget implementation every four months. She however categorically stated that the Controller of Budget do not make payments. She submitted the following summary of the requisitions made by the County government of Bomet towards settlement of pending bills since the beginning of FY 2023/24.

Hon. Deputy Speaker I want to be able to read that quickly and I don't want to take a lot of time. The analysis that the controller of budget gave us is that on September 14th 2023 they released an amount of 174,808,141. On 20th of September 2023 they released 32,188,606, on 28th September 2023 they released 57,025,180 and 9th October 2023 they released 45,218,765. Within a period of one month Hon. Deputy Speaker the controller of budget had authorized the release of an amount to pay pending bills of Kshs 309,240,692.

The Controller of Budget further submitted that the role of approving payments of any nature for a government entity is a reserve of the respective accounting officers of the entity as provided for under the Public Finance Management Act, 2012 and therefore asked the committee to follow up on the details of payments made towards pending bills from the respective Accounting Officers of the County government of Bomet. Lastly, she asked to be availed with the final report after the review process being undertaken by the County Assembly has been concluded.

The committee was deeply concerned by the non-cooperative approach displayed by the Controller of Budget especially the flimsy excuse provided and her decision to withhold vital information that would have added immense value to the committee findings. How would the

committee obtain bipartisan information from the same County Treasury which was in charge of the production of the pending bills report and settlement of payments?

On the pending bills committee Hon. Deputy Speaker H.E, the Governor via a Gazette notice, Vol. CXXV No. 146 dated 13th January 2023, appointed a pending bills committee whose mandate was to scrutinize, analyze and report on pending bills between the financial years 2020 to 2022. The membership of the committee comprised of the following members: Mr. David Bett Former Banker who was the Chairman, Beatrice Laboso Director Procurement who is a member, Benard Kosgei Deputy Director Finance who is a member, Eng. Kipkemoi Ngeno Director Roads who is a member and Kirui Sammy Director Internal Audit and secretary to the committee on pending bills.

The terms of reference to the Committee includes;

- I. To verify, scrutinize and analyze all existing pending bills with a view to making appropriate recommendations to the County Treasury for payment or otherwise of accrued bills of financial years from unpaid pending bills by the close of financial year 2022 and those accrued bills of financial year 2022/2023.
- II. Develop a clear procedure and criteria for handling existing pending bills.
- III. Identify instances (if any) of fraudulent, corrupt and false claims against the County Government of Bomet and make appropriate recommendations.
- IV. Advice County Government on an appropriate arrangement of payment of verified pending bills.
- V. Advice on management of future bills and payables to avoid delay in payment.

Hon. Deputy Speaker, it is ridiculous that the pending bills committee was constituted in spite of the fact that the County administration did not change after the general election.

The committee wondered whether this was an admission of lack of trust, and capacity or just a pointer to incompetence of the County Treasury. These further cast doubts on the capacity of the internal audit function and monitoring and evaluation mechanism within the county government.

Analysis of the terms of reference indicates that it is no doubt that the pending committee's role was to interrogate pending bills in an exercise akin to audit as alluded to by the CEC member for finance. The committee on Budget and Appropriation notes that while the intention was good, the independence of the committee members could not be guaranteed. All the members of the committee, save for the Chairman, were staff who at one point or the other played key roles during tendering processes of the same pending bills they were tasked to audit. Evidently, the procedures governing conflict of interest were not adhered to. The committee should have at least included in its report pictures of all the listed physical projects. Real photos are quite persuasive in such circumstances.

Hon. Deputy Speaker quickly because I have so many projects that the committee managed to visit, the number is up to forty-nine and I know Hon. Members have had the privilege of looking at through but I would want to sample just the first ten since the report is in the public domain it can then be shared.

One when we visited Chain Link Fence at Youth Farmers' Fresh Produce Market that is in Longisa ward Hon. Deputy Speaker. There is a company that had been given the contract called Jaley Holdings Limited. The committee findings were very shocking and I will read the committee observed discrepancies in the pending bill report, noting that no chain link has been installed contrary to the claim. Additionally, the committee found that only 50 concrete poles were installed. Only 50 poles and this is someone claiming a total of 3.3 million from the county coffer and that is why we stand out to call it out because further, it was observed that the facility has been abandoned and subjected to misuse.

Number two Hon. Deputy Speaker is the construction of Kiptogoch-Teganda and Irwaga-Mogindo road which was given to a company called Caljas Enterprise Ltd in Merigi a total of 4,031,162 that is a contract sum. The Committee noted that the two roads were duly constructed; however, the local community informed the Committee that the construction was carried out by the CDF and the Kenya Tea Development Agency Hon. Deputy Speaker. This is a report presented top this house with a claim of over four million is being made to the county coffers and the road was done by CDF and KTDA Hon. Deputy Speaker.

On the third one Hon. Deputy Speaker, the one that we went to, and we were not looking for bad projects, we just sampled all of them. We went to Merigi construction of MUSO ECDE in Merigi given to S.SK Ventures Company. The committee noted that the contractor has not yet completed significant portions of the work. Additionally, there are noticeable infractions, including cracks in the concrete floor. Consequently, the Committee raises questions regarding the circumstances surrounding the validity of the pending amount. Though the structure is standing, it is incomplete but it is ready for payment.

The other one that we also went to Hon. Deputy Speaker is the construction of Kaminjeiwet-Leldok and Kapjonah-Arapchesimet Road by Turkey Limited in Chemaner a total of 4,139,995. The Committee observed discrepancies in the construction of the road, contrary to the claims in the pending bill's report. Information provided by members of the community revealed that the only work carried out was bush clearing, with no further activities undertaken. I know members have seen the pictorial representation of that road, there is no dumping, it is just red soil on the road and I had the privilege to visit.

There are other projects that we went to like the construction of Mogoma-Kosior Box Culvert by Weepfox Ltd in Kembu a total of 4,897,839 the Committee noted that the construction of

the culvert corresponds to the claimed amount, given the satisfactory state of the project. The community confirmed the committee's findings Hon. Deputy Speaker. This in essence tells you that whereas we have seen the majority of the projects that we visited had false claims, this one was constructed and the claim would meet the standard for that one.

Hon. Deputy Speaker this goes on and on, looking through the report and looking through most of the projects like when we went to Supply and Delivery of ceiling board to Sigor High School there was no trace of the 979-ceiling board in Sigor. When the committee went to the de-silting of Mwokyot water pan by Realscape Ventures Ltd in Sigor at total of 3.8 million being claimed. The Committee found the state of the project to be deeply concerning. Information provided by members of the community indicated that the de-silting of the dam began in May 2023, and surprisingly, the contractor left the site within one week, claiming the work was complete. Community members expressed dissatisfaction with the project's condition, especially given that the anticipated outcome was an oasis resulting from the undertaken works. Hon. Deputy Speaker that is 3.8 million being claimed by that contractor.

The committee also visited a number of projects, there is one in Kamungei called Beynes Enterprises Ltd it was supposed to construct Kamungei Tank and Distribution in Kapletundo Ward. Amount pending is Ksh.3, 636,160 Locals informed the committee that the tank was constructed under CDF. Renovations was the only works done by County Government (painting and reinforcement of basement.) And the tank is not operational due to failed intake works. So Hon. Deputy Speaker for painting and reinforcement someone is claiming 3.6 million from the county coffers.

There is also a road called Kapcharles-Kapkomanda in Embomos Ward Hon. Deputy Speaker by Stabtai Technologies Ltd pending amount is Kshs. 4,450,000. Project Status: The road remains incomplete with no gravelling and murraming completed. Claim Discrepancy: Nelibo Investments Ltd is asserting ownership of the same road, requesting Kshs. 1,256,860 under an ineligible category. This is a road that is just red soil with grass grown on it and Hon. Deputy Speaker there are two claimants on this road one claiming 4.4 million and another one claiming 1.2 million.

There is one Chepwango-Kiptiget-Kapchumo,Kapset JollyShana road in Kimulot Ward the Pending Amount: Kshs. 2,537,827.

The committee observed that the road does not meet the required standards, and the works are incomplete. Community Input: The community informed the Committee that undertook activities were limited to maintenance and patching, with no major construction undertaken.

Hon. Deputy Speaker because this report has been shared there are so many claims of works that have not been done and it was quite a shock to the committee that most of the claims that are being claimed and when the committee visited those places like construction of Kaposiriri

Pan by Jasper Enterprises in Mutarakwa claiming 2,136,940. The committee observed that the water pan was not constructed. The water pan is already overgrown with grass and there are pictures showing that, and the local residents are forced to manually dig or cut a section of the water pan to access water. The residents informed the committee that the reported work was carried out during the fiscal year 2018/2019. The committee maintains that the claimed amount of Ksh 2.1 million is unjustified.

Hon. Deputy Speaker I have so many of these projects and the report will be shared to the public and the members already can access it and read it. I want to go straight to the committee findings Hon. Deputy Speaker.

Our scrutiny of the Pending Bills Report has uncovered significant irregularities, pointing to a lackluster performance by the Pending Bills Committee. The gravity of these findings suggests that the Pending Bills Committee may not have approached its responsibilities with the requisite seriousness. While the intentionality of these shortcomings is not within the scope of this committee to determine, it underscores the importance of individuals appointed to such critical roles taking their duties with the utmost seriousness. The failure of the Pending Bills Committee to detect discrepancies in projects raises concerns about its overall effectiveness in carrying out the task assigned, particularly given its predominantly full-time staff composition. The failure of the Pending Bills Committee to authenticate capital projects significantly undermines the credibility of its resulting report. The Committee is perplexed by its inability to verify the authenticity of critical projects, such as the Youth Farmers Pack House and the Livestock Sales Yard in Kapkwen, both of which are conveniently located within a short drive from the county headquarters. The oversight in confirming fundamental details like the existence of a fence or the completion status of these projects raises doubts about the committee's diligence.

Upon closer examination of the evidence gathered during the scrutiny of the Pending Bills Committee's report, it becomes apparent that the Pending Bills Committee did not sufficiently confirm the execution status of projects listed as eligible or ineligible. The inability to ascertain the completion or accuracy of these projects renders the Pending Bills Committee's report unreliable as a basis for making payments. This unreliability, coupled with inaccuracies in the report, points to a lack of thorough investigation.

The revelation that a considerable number of sampled projects did not have the reported work executed further underscores the committee's shortcomings. Consequently, this Committee concludes that the Pending Bills Committee's report cannot be considered dependable, as it fails to provide assurance that the listed projects were executed as claimed. The report's unreliability and inaccuracy raise concerns about the effectiveness of the Pending Bills Committee's investigative process.

Hon. Deputy Speaker I do not want to dwell much on circumstances surrounding it, I want to go straight to critic's specific recommendation from the pending bills committee and one is on prioritizing of the pending bills. The committee raises doubts about the practicality of prioritizing pending bills without a consideration of the impact on departmental spending plans for the year. There is a legitimate concern that placing pending bills as the foremost item of expenditure might jeopardize approved budgetary allocations and hinder effective departmental planning. The committee emphasizes the need for more concrete recommendations that provide guidance on how to strike a balance between adhering to approved annual expenditures and addressing the accumulated pending bills. A more detailed approach is necessary to ensure that settling pending bills aligns with overall fiscal responsibility and does not compromise the planned allocations for various departments.

Number two Hon. Deputy Speaker is the Correction of Anomalies in Documentation. The committee questions the logic of recommending departments to correct anomalies in documentation, emphasizing that these documents should have been in place from the outset. On the Adherence to Budget Lines and Work Plans the committee regards this recommendation as timid, merely restating an obvious need for adherence to budget lines and work plans Hon. Deputy Speaker. On Procurement Procedures and Accounting Systems the committee regards this recommendation as falling short of providing a tangible solution. While emphasizing the importance of strict adherence to procurement laws, it merely states the obvious. The committee suggests that this recommendation should have delved into the root causes of why procurement can occur in the county without adherence to established laws. Despite legal requirements for all procurement to be lawful, the observed lapses raise questions about the effectiveness of the accounting systems in ensuring proper examination and checks for compliance.

Number five is ensuring Strict Supervision of Project Execution, the committee regards this recommendation as falling short of providing a tangible solution. While emphasizing the importance of strict adherence to procurement laws, it merely states the obvious.

Number six is Clear Naming of Projects, the committee interprets this recommendation as an implicit acknowledgment of fraudulent practices, wherein non-county projects are misrepresented for payment. This highlights a systemic issue in project categorization and payment authorization. The committee emphasizes the urgent need for concrete measures to prevent such misrepresentations in the future. It calls for robust safeguards and enhanced oversight to ensure accurate project identification, thereby averting fraudulent attempts to claim funds for work not undertaken.

Hon. Deputy Speaker on the Abandoned/Incomplete Projects, this recommendation tacitly acknowledges concerns about poor governance within departments, particularly regarding the

lack of rationale behind the abandonment of projects and the initiation of new ones without completing existing ones. On number eight Hon. Deputy Speaker on Distribution of Works among Prequalified Bidders, the committee interprets this recommendation as an acknowledgment of favoritism and potential illegality in the allocation of public tenders, especially in the selection of suppliers.

The ninth recommendation on Accountability for Fraudulent Claims. The committee fully acknowledges the necessity of holding individuals accountable for fraudulent claims but emphasizes a critical deficiency in specificity regarding the identification of county officers or individuals implicated in such activities. Notably, instances such as the false fuel claims attributed to Kalahari Petroleum Limited by the ICT, Water, Roads, and Education departments deserve thorough attention. The merchant disclaimed any knowledge of the claim, Hon. Deputy Speaker that is grave because someone has written in the books of the county that someone is owed money but the merchant himself denies that claim.

The tenth recommendation is Enhanced Revenue Collection. The committee concurs with the recommendation to improve revenue collection, highlighting longstanding concerns about the tendency to overestimate own-source revenue, which has contributed to the accumulation of pending bills. On Priority Payments for Retention Monies and Historical Pending Bills. The committee endorses the prioritization of retention monies and historical pending bills, urging the treasury to explore a practical balance that also takes into consideration both new and ongoing projects. It is essential to continuously settle the pending bills, especially those of a historical nature, while ensuring the smooth progression of current and upcoming projects.

Finally, Hon. Deputy Speaker the committee on budgets and appropriations committee final recommendation and this is the final bit. The County Executive Member, in sharing the pending bills report in his correspondence to the Assembly dated the 11th of September 2023, expressed an openness to receiving any “input, clarifications, or reservations on any of the items within the report at the earliest practically possible time.” The Committee believes that it falls within its purview to provide input on and address reservations regarding the Pending Bills Report. Consequently, the following are the inputs and reservations of the committee on the pending bills report.

1. Non-Reliance on the Pending Bills Report: The Committee issues a robust advisory, cautioning against reliance on the Pending Bills Report. Noteworthy deficiencies identified undermine the credibility of the said report. The Committee strongly recommends excluding the Pending Bills Report from consideration in any financial disbursements. This precautionary measure is deemed paramount to forestall potential financial inaccuracies and to ensure the prudent allocation of funds.
2. Establishment of a Dedicated Evaluation Team within the County Treasury: Recognizing the imperative need for accurate assessments of pending bills, the Committee strongly recommends

the expeditious reinforcement of the examination and the monitoring and evaluation team within the County Treasury. This bolstered team should engage in thorough on-site visits, meticulously verifying the presence and progress of projects outlined in the pending bills, along with scrutinizing the veracity of the goods and services rendered to departments as reported in the impugned pending bills reports. The exercise of such diligence is considered essential to instill confidence in the evaluation process of pending bills.

3. Special Audit to be undertaken on the Pending Bills by the Office of the Auditor General: In addition to the Recommendation (2 above) and given the serious credibility issues around the Pending Bills Report, an impartial and thorough examination can only be conducted by an independent entity. The Committee recommends the Office of the Auditor General to undertake a special audit to ensure transparency and restore trust in the assessment of pending bills and development expenditure for the financial year 2021/2022 and the first 4 months of the financial year 2022/2023.

Structured Budgeting and Phased Settlement Approach:

The County maintains its obligations to suppliers and the Committee recommends that all county departments allocate specific budgets for outstanding but genuine and verified pending bills. Departments should submit detailed payment plans and status reports to the County Treasury, with copies shared with the County Assembly. The phased settlement approach, based on a predetermined percentage of approved departmental expenditure, is proposed for systematic resolution of outstanding arrears.

Disciplinary Actions against Officers Involved in Fictitious Expenditure:

In light of the revelation of fictitious expenditures, the Committee strongly recommends decisive disciplinary actions against all staff who participated, directly or indirectly, in authorizing such deceitful transactions. This includes individuals associated with incomplete or non-existent projects, as meticulously documented in therein. The disciplinary actions are to be executed without exception, and the Committee emphasizes the urgency of this matter.

To ensure accountability, the Committee calls for a comprehensive report on the disciplinary actions taken against implicated staff. This report should be submitted to the County Assembly by the County Executive Committee (CEC) for Finance within 14 days upon receipt of this report. This timely disclosure is crucial for maintaining transparency and fostering confidence in the corrective measures being implemented to address the identified issues.

Strengthening controls within the treasury for enhanced financial management. In a strong caution to the CEC for Finance, the Committee highlights significant reservations concerning the prevalent issue of Pending Bills as a conspicuous signal of extravagant spending, neglect of prior financial planning, and sub-optimal revenue collection leading to unmet targets. The Committee emphasizes that these Pending Bills constitute a breach of the Public Finance Management Act, its accompanying Regulations, and various National Treasury circulars.

The Committee deems it imperative to underscore the gravity of this matter, asserting that such outstanding bills necessitate decisive actions against public officers, particularly accounting officers who have authorized unauthorized expenditures. The CEC for Finance, as the foremost accounting officer of the County, is specifically called upon to display courage and firmness in addressing this issue.

The Committee recommends that the CEC for Finance should take resolute action by revoking designations of Chief Officers as accounting officers, particularly those who flout established laws and regulations. Additionally, it is crucial for the CECM for Finance to implement corrective measures ensuring strict adherence to public finance management laws and fostering rigorous accountability among accounting officers.

Accountability by the Controller of Budget

The Committee expresses deep concern over the dismal performance of the Controller of Budget in Bonnet, particularly in authorizing expenditures outside the established budgetary framework. The Committee notes that the emergence of pending bills could not have transpired without the passive participation of the Controller of Budget, who seemingly failed to exercise due diligence before approving expenditures.

The Committee further observes a lack of proactive engagement by the Controller in responding to requests from the Committee regarding requisitions related to the pending bills. The Controller's aloof response raises significant questions about the commitment to transparency and cooperation in addressing the root causes of the pending bills. In light of this observation, the committee takes exertion to the uncooperative instances of the controller of budget which does not align with the spirit of collaboration needed for a comprehensive address to the pending bills issues. The committee believes that actions may merit further scrutiny and should be referred to parliament for appropriate action on the controller of the budget. Thank you Hon. Deputy Speaker and I want to request honorable Josphat Kipkirui, a member of this committee to second this report.

Hon. J. Kipkirui (Singorwet ward, INDEPENDENT): I second.

Hon. Deputy Speaker (Hon. L. Rotich): Okay thank you. I now propose the motion that pursuant to standing order 199 (3) (a) of the county assembly standing orders this county assembly adopts the report of the committee on budget and appropriation on the county executive committee member for finance, ICT and economic planning request for the county assembly for input, clarification and reservation on the contents of the Bomet County Pending Bills report for the financial year ending 2023/2024 laid on the table of the county assembly on 22nd November 2023 at 2.30 pm. The floor is now open for debate.

Hon. C. Langat (Boito ward, UDA): Honorable speaker, I indicated earlier that we have not gotten time to read the report. The document is very tedious, very voluminous and it could have

been fair if the report was deferred but however honorable speaker, listening and getting more information from the chair budget, necessitated me to raise more than three or four comprehensive statements to reinforce some caps. Otherwise honorable speaker, I allow the debate to go to the logical conclusion.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Peter.

Hon. P. Ronoh (Kipsonoi ward, UDA): Thank you very much honorable speaker. This house is a bit funny. The honorable member is taking another step by allowing the debate and yet he is not the chair. It is worth laughing Hon. Deputy Speaker. However, I am rising to support the adoption of the report that the budget committee has just read to us. Hon. Deputy Speaker, I only want to bring to the attention of the chair that the report is not binding as it is because the Public Finance Management Act right from Article 109 down to Article 118 outlines and loudly tells us the instruments by which the CECM for finance can address the county assembly. Of course, the report on the ad hoc committee is none of them and I am alive to the back page and the forwarding letter Hon. Deputy Speaker when he wrote to this assemble, he said I am just writing for your information so that you know that this is what is going on. We are waiting for the CEC finance to give us an expenditure report. That one will now be entrenched and it is acceptable here. The PAC/PIC will go through it and tell us whether some laws are flaunted, that is when we will deal with it. Hon. Deputy Speaker the PFM Act and because you did allow the honorable member to say that I am not conversant with the standing orders, you will also allow me to make mistakes because you did not reprimand the honorable chair yet you know I read these things and because you gave him the latitude to abuse me without substantiating, kindly allow me to make some mistakes on a benefit of the doubt. Hon. Deputy Speaker, the instruments that the law allows the CEC finance to address the county assembly; number one is the spatial plan which is a 10-year plan. Number two is the CIDP is the 5 year plan, the annual development which comes annually, and the county fiscal strategy paper when he addressed us and gave us the budget estimates were also listened to him through the finance bill and of course when we asked him to submit the expenditure report. Honorable speaker the more we continue staying with the pending bills, there is a vendetta out there. The contractors are made to believe that it is the county assembly which is sitting on their money which is not the case Hon. Deputy Speaker. So we need to allow this thing to go, let them be paid those which the committee and ADHOC committee have seen that they are eligible for payment, let them pay their money. Those that the committee found out that they did not do the work is not our problem but we will have to revisit this one when the expenditure report gets to this assembly. Honorable speaker I only want to raise a concern to a very particular item that was visited by the committee in my ward. I come from the highlands Hon. Deputy Speaker and there are several boosters; Safaricom, Airtel and the others and when one road called Bustait

and Jonathan Road is located in a sub location called Chebole but I have seen in the pictorials the booster the committee took the photo is in Kinyelwet Sub Location and they are saying there is no road. I do not know whether the contractor is there. It has been the norm that you declare who are the members of the gallery. This time round you just allowed them to sit down. You do not know who they are. Maybe one of the contractors is there and I see they are being denied payment and yet the pictorial here is showing me a booster in Kamureito which is in the Kinyelwet sub-location yet the Jonathan – Bustait road is somewhere called Chororoita. So I do not know how we are going to handle that Hon. Deputy Speaker but in this case, I want to allow the CEC and the likes to pay those that are eligible. Thank you, Hon. Deputy Speaker.

(Applause)

Hon. Deputy Speaker (Hon. L. Rotich): Okay thank you Hon. Member. I had indicated that the members in the gallery are from Kimulot ward. It could not have been possible that all the contractors come from Kimulot. Honorable victor.

Hon. V. Rop, Deputy Majority Whip (Nominated, UDA): Thank you honorable Speaker. I also rise in support of the report from the budget committee. The Budget Committee Honorable Speaker is the largest committee in this house that comprises 13 learned fellows Hon. Deputy Speaker of which the chair is a very respectable man in this county assembly Hon. Deputy Speaker and owing to the time that I have known him since 2013 Hon. Deputy Speaker, I know the report emanated from good brains. The report is a true reflection of what happened. The report also Hon. Deputy Speaker owing that this house is an honorable house Hon. Deputy Speaker that cannot condone lies nor innuendos Hon. Deputy Speaker so I am in full support of the recommendations that have been made by the budget committee and I am also Hon. Deputy Speaker one of the aggrieved members receiving phone calls always Hon. Deputy Speaker from contractors who have not been paid. Hon. Deputy Speaker it had been a thorn in the flesh, it has caused enormous disadvantages to the economy of Bomet owing to the capital flight and also owing to the poverty that is tending to grip into the contactors of Bomet Hon. Deputy Speaker so I am in support to the payment of the eligible, the ineligible and the ones that have been raised to be questionable Hon. Deputy Speaker to still be dealt with. On the issue of punishing the rogue staff, Hon. Deputy Speaker who colluded in stealing of public money or allowing projects that had not been done to be forwarded for payments Hon. Deputy Speaker also to be dealt with Hon. Deputy Speaker. Thank you, Hon. Deputy Speaker and I also besiege the honorable members that we adopt the report from the committee on budget and appropriation. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Ernest.

Hon. E. Kipkemoi (Mogogosiek, UDA): Thank you very much Hon. Deputy Speaker for the opportunity that you have given me so that I also rise to support this report by the committee

on budget and appropriation. Hon. Deputy Speaker, it happened that I am also a member of the same committee. Allow me Hon. Deputy Speaker to laud our able chair Hon. Deputy Speaker who normally do not brag but I want to take this opportunity to praise him Hon. Deputy Speaker. He is accomplished, he is a chartered, and a consummate CPA Hon. Deputy Speaker so I know this report is a good report that ought to be relied on by the executive. Hon. Deputy Speaker My concern on this report Hon. Deputy Speaker is that it is possible for pending bills to occur. We are not faulting the fact that there are pending bills in Bomet. It is possible to have pending bills even in our families we have those people who owe us money just the same way a government can be owed. My concern on this report is on one thing that is on poor planning, or expenditure outside the approved work plan. Some of the reasons that has made this pending bills to be where it is today Hon. Deputy Speaker is normal but one thing that after the passage of this report Hon. Deputy Speaker, we want the responsible person or the CECM concern Hon. Deputy Speaker to be brought to this house so that we discuss and see what to do. Hon. Deputy Speaker I have gone through this report and in page 18 Hon. Deputy Speaker, I was looking at the budget performance from 2019/2021. If you look at the most contributor of pending bills Hon. Deputy Speaker, that is the department of roads, public works and transport Hon. Deputy Speaker, the allocation in 2019 was at 2.8billion but they were only able to utilize 2.5 billion leaving almost 245 million that is in terms of the absorption rate Hon. Deputy Speaker. This leaves the question that even as we debate here in this house Hon. Deputy Speaker; the same department has a pending bill to a tune of 676 Million Hon. Deputy Speaker. It now points out the question that is the person in charge of that department following the procurement law Hon. Deputy Speaker? After the passage of this report, that needs to be dealt with and the committees in line needs to investigate and look into that matter Hon. Deputy Speaker. I have been tempted to look at the history of the pending bills Hon. Deputy Speaker. In 2019, and it is worth noting that the Administration has not changed since 2019. The same person sits in the same position Hon. Deputy Speaker. In 2019 before September, the pending bills were standing at 34,694,000 as it is noted that it is historical pending bills. What astonish me the most is that the pending bill was cleared and up to April 2023, the pending bills was at 1 Billion on 26th April. The same period was brought back to this house Hon. Deputy Speaker on September and the pending bill is at 1.4 billion Hon. Deputy Speaker. The rate at which this pending bill is growing is alarming Hon. Deputy Speaker and to report on some things before I dwell so much into the report is that if you look at what has happened even in the pending bills report that was brought to us, Hon. Deputy Speaker I think there is a very serious disease in our county and I do not know Maybe we have people who can assist us to really see how to that is the disease of typographical errors Hon. Deputy Speaker. We just witnessed a typographical error of 200 million at the senate Hon. Deputy Speaker. There is another one her Hon. Deputy Speaker if

you look at this pending bill. If you just add the figures that we have been given by the pending bills taskforce Hon. Deputy Speaker is that there is a typo error of 34,650,000. If we were to adopt this report Hon. Deputy Speaker just by face value, we were to lose 34,650,000 even without moving to look at whether it was eligible or subject to Hon. Deputy Speaker so I think that needs to be corrected and should not happen again in future. Hon. Deputy Speaker, if we were to allow the executive to use this pending bill's report to pay the pending bills, in case we shall allow them, Gender, Culture and Social Service department will stretch beyond the budget by 175% Hon. Deputy Speaker. It means we will have to wait for two financial years ahead of us Hon. Deputy Speaker for them to start doing their work because the pending bills that are in that report will hit the financial year budget 2023/2024 and even still require more of what is in the budget Hon. Deputy Speaker. If we allow them to use this report Hon. Deputy Speaker, Roads, Public Works and Transport will not do any work the whole of this year and they will still require another 5 % because of the budget as it means that the Department of Roads and transport will have gone beyond their budget by 100% Hon. Deputy Speaker. Another department that will not expect any work to be done if we are to allow the executive to use this pending bill Hon. Deputy Speaker is the one of Cooperatives Enterprises Development. Hon. Deputy Speaker, they require about 124% of the budget, Hon. Deputy Speaker. That means they will use this budget, they will even call for supplementary which the law will not allow and will go to the next year without having completed the pending bills, Hon. Deputy Speaker. I only wanted to take the members through what will happen in all departments Hon. Deputy Speaker. Looking at this report Hon. Deputy Speaker, you will realize that most of the departments will not have work to do if they are to pay these pending bills Hon. Deputy Speaker. It is upon this house to decide if they want work to be done in their wards Hon. Deputy Speaker, they should support the report by the budget committee that we throw away this pending bills report so that we ask the executive to look for other means and ways of verifying the projects that have been done Hon. Deputy Speaker. So that I do not sit without pointing out one of the things that made us to reject these pending bills, Hon. Deputy Speaker, it happened that we had grouped ourselves as the committee to visit various wards Hon. Deputy Speaker and the one that I visited and it is good that the honorable member who represents that ward is sited here Hon. Deputy Speaker, one is a road called Kweleta Center – Kelonget Primary Road Hon. Deputy Speaker. It is a road that is barely 200 Meters and it was given to a contractor called Hanico General Supplies Limited and Hon. Deputy Speaker that is in Ndanai/Abosi Ward. The contractor is claiming 2.8 Million for a 200 Meter Road Hon. Deputy Speaker that was not even done. Hon. Deputy Speaker, another one that I visited and it shocked me is the one for Chemagel Ward Hon. Deputy Speaker. Those who are listening Hon. Deputy Speaker can tell you and I know the member representing that area can tell you. Alebo – Kaplong Girls

is a tarmac road between Kaplong town and Kaplong boys Hon. Deputy Speaker and here the contractor is claiming a whopping 3.1 Million for a tarmac road Hon. Deputy Speaker which was constructed long before I was born Hon. Deputy Speaker. That tells you if we were to adopt this report, Hon. Deputy Speaker, we would have done injustice to the people who sent us to represent them here Hon. Deputy Speaker. Another one Hon. Deputy Speaker is the Mogombet Water scheme that starts from Singorwet ward to Silibwet Hon. Deputy Speaker. That work is barely 3.4 km Hon. Deputy Speaker and the tank has already been constructed, what the contractor was only to do is pipeline works Hon. Deputy Speaker and the contractor is claiming 11 million shillings for laying pipes for only 3.4 KM. Hon. Deputy Speaker if we do that the people of this county will never forgive us. I would also want to draw your attention Hon. Deputy Speaker to some works at Silibwet Township Hon. Deputy Speaker. There is a road called Manyatta – Kapkenene – Kapsoiyo Banda – Kipkebe Road. Hon. Deputy Speaker, this is a road that was done by Kerra Hon. Deputy Speaker but there is a contractor who is claiming a whopping 4.8 Million Hon. Deputy Speaker for work that was not done. The honorable Member representing that ward is her. Hon. Deputy Speaker so I also give an example from Mogogosiok Ward Hon. Deputy Speaker is one Kaproret- Kimugul Road Hon. Deputy Speaker. That road was not done but the contractor is claiming 1.1 Million Hon. Deputy Speaker. The same Hon. Deputy Speaker is a road; I do not know whether it is intentional or it was meant for someone to get money from work that is not done Hon. Deputy Speaker is one Togomin – Kaproret Road Hon. Deputy Speaker. That road does not exist Hon. Deputy Speaker. That is in my village and I wonder how such a contractor can even have the guts to claim money for a road that the member of the county assembly from that area uses Hon. Deputy Speaker. Those are just two villages that have been named. Hon. Deputy Speaker, I would wish that this Hon. Members Hon. Speaker, the contest here is not about whether to say that the contractors are not supposed to be paid or be paid. Our work here as the county assembly Hon. Deputy Speaker is to do oversight Hon. Deputy Speaker and we did our work by visiting these projects Hon. Deputy Speaker what can tell you Hon. Deputy Speaker because there was advice by the committee that the CEC in charge of finance should not pay until we have this report Hon. Deputy Speaker. I was looking at the controller of budget's report which says that since then even with our letter of advice to the CECM Hon. Deputy Speaker that he is not supposed to pay any Pending bill until we come up with this report M. Speaker, I have seen in the expenditure report that someone has asked the controller of budget has said that the County Government of Bomet has paid out 309 Million to some unknown projects that we are yet to know through an expenditure report without the report from this house. Hon. Deputy Speaker let us adopt this report and ask the executive to look for other means or ways of paying the pending bills so that if in case they will pay these undone projects, then we will do our part

and the person who will be doing that will carry full responsibility of the same Hon. Deputy Speaker. Thank you very much and I support this report.

Hon. Deputy Speaker (Hon. L. Rotich): Honorable Mutai.

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

Hon. P. Mutai (Sigor ward, UDA): Hon. Deputy Speaker this house is guided by the rules and principles. Is it in order Hon. Deputy Speaker for a member of the county assembly from Kipsonoi to mislead this house that the committee went to a wrong road yet he was consulted here then he called his ward manager to accompany the committee to Kap Jona – Bustait road? Kindly Hon. Deputy Speaker request the member to apologize.

Hon. Deputy Speaker (Hon. L. Rotich): I thought the member noted the reshuffles in the photographs. It is not that they went to the wrong road. The photograph appearing does not belong to the road.

Hon. P. Mutai (Sigor ward, UDA): Kindly Hon. Deputy Speaker I request that it is not for a member to mislead this Assembly. We have seen in the committee report that wherever the members went is the right direction even for the member of the county assembly from Kipsonoi.

Hon. Deputy Speaker (Hon. L. Rotich): Honorable Peter kindly explain. I could have directed that to the motion mover in the right of reply. Just explain if there is a reshuffle in the pictograms.

Hon. P. Ronoh (Kipsonoi ward, UDA): Honorable speaker I am within my senses. The contention here is the road in question is Jonathan – Bustait road. The pictorial is pointing at a booster in Kamureito. I know my ward, he should be talking about Sigor, not Kipsonoi.

Hon. Deputy Speaker (Hon. L. Rotich): Honorable chair budget, kindly revisit that issue and the pictorials be corrected.

Hon. E. Kirui (Kimulot ward, UDA): Honorable speaker thank you for pointing that out. I listened very well to Hon. Kipchirchir of Kipsonoi and from listening to his presentation here Hon. Speaker, he has fallen short of discrediting the work of the committee. He is just afraid to say it because he is in the full glare of the cameras or he is probably trying to mislead the house. The honorable member speaking was part of the team that went to the ground and if honorable member from Kipsonoi is in dispute, the members of the public are on record having guided the honorable members who visited that ward and were shown the road Hon. Deputy Speaker. I have listened to two of his claims which when you give me an opportunity during my re-battle I will be able to give feedback on him and also say this is just but a pointer of an honorable member who sits with us but wants to play a safe guard to just look good in the eyes of the executive Hon. Deputy Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): Kindly stick to the issue of pictorials honorable member and I direct that you will be given time to reply. Kindly take note of any other controversial issue so that you will answer.

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

Hon. P. Ronoh (Kipsonoi ward, UDA): The more you allow this to continue, the more this house will digress to anarchy. When a member insinuates that I was part of the committee that visited, he is supposed to substantiate. I am not a member of budget committee, was not consulted neither was my office involved in the identification of projects to be visited. That one I am on record unless they have information contrary to that they can table it Hon. Deputy Speaker. This house is live, members from my ward are watching and the honorable members to swarm against me and make claims that I participated.

(Interruption)

I am not a member of budget committee and I have asked several times to be included and the honorable chair have denied. I have written to the chair to allow us to get to the budget committee, he defend it. Now he wants me to acknowledge and own a report that I am not part of it. I am not disputing that the Jonathan – Bustait road was not done or poorly done. What I am saying is that the pictorials does not belong to the road. I am not defending the contractor, I do not know him neither am I saying the road was done nicely, I am saying that the pictorials are wrong.

Hon. Deputy Speaker (Hon. L. Rotich): Thank you honorable member. I had directed that the pictorials should be corrected. Your point of order honorable Mutai was notable and we need to make clarifications and the issue will be handled by the motion mover when he will be given the right of reply. Kindly let us not divert the attention we are dealing with a very weighty matter and I am not reading how you put your wards honorable members but I am interested with a very good document here which has been tabled so we do not want small issues to divert the attention of a weighty matter. Honorable Mutai you were rising on a point of order kindly proceed.

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

Hon. P. Mutai (Sigor ward, UDA): Hon. Deputy Speaker when you allow the member to deliberately give false information that he neither participated in site visit he himself or his office when the member clearly was the one we consulted, he assigned his ward manager to accompany the committee. I believe that the ward manager is in his office Hon. Deputy Speaker. Kindly this house is guided by principles and rules.

Hon. Deputy Speaker (Hon. L. Rotich): That is why I have ruled that the pictorials will be looked at and authenticated whether what the honorable member said is true. So the table office

has captured that honorable member and it will be corrected and reported to this house. Honorable Busienei kindly proceed.

Hon. D. Busienei (Chemagel ward, UDA): Hon. Deputy Speaker I rise to put a contribution on this matter. Honorable Kipkemoi sighted one of the issues that touch on my ward. Hon. Deputy Speaker every member here knows his or her ward properly. There is a lot of discrepancies in this report. First of all, I wonder whether we have jurisdiction over this document. As you can see Hon. Deputy Speaker, the department that send the letter do not actually need because this house we do not know the validity of every project. I am still confused. I do not know whether there is eligible and ineligible. How did the ineligible found its way to this honorable house? There should be a person who went through this document in that department before it is brought to this house. For example, the Alebo which is in the other side of the tarmac and for your information Hon. Deputy Speaker there are two Kaplong Girls, there is Kaplong Girls Primary and Kaplong Girls secondary. There is a contractor in my ward who claims Alebo – Manyatta and not Kaplong girls. Where these names come from, personally I have not seen the report but I have just heard from honorable Kipkemoi and they called me when they were in that road. There is no document to that effect showing in this document here. Hon. Deputy Speaker I do not know how did this pending bills occurred because every year there is a budget that is read by this honorable house and I do not know how comes every year there is a pending bill and there is a budget that we have approved. So Hon. Deputy Speaker I would have suggested that we send back this document as it is because we have other avenues of dealing with this document whether it is irregular or regular. I am a member of PAC/PIC. They can pay them way they want but we can catch up with anybody that messes with public funds. Our contractors in Bomet are the ones who are disadvantaged because majority comes from this county. I know some who have not received payments; their suppliers have a lot of complaints because they have not paid. Some of them have gone up to police stations or court. It is good Hon. Deputy Speaker we suggest that if they know there is this eligible, why don't they pay these eligible contractors so that they deal with the ineligible? Hon. Deputy Speaker I would like to say that we are dealing with a document that is a bit alien to this honorable house and I am not even aware whether we have got jurisdiction over this document otherwise Hon. Deputy Speaker I would like to respect every member here because maybe the idea of that person who sent this document wanted every member to see. I have not seen this document but I know every road in my ward and I know those that were done previously so Hon. Deputy Speaker let us wait and see if we can find time we shall give more input but if you can return it the better.

Hon. Deputy Speaker (Hon. L. Rotich): Honorable Josphat.

Hon. J. Kipkirui (Singorwet ward, Independent): Thank you very much honorable speaker for the opportunity I rise in support of the adoption of this report Hon. Deputy Speaker. The decision by the CECM in charge of finance to bring the report of the taskforce to this honorable house gave us the mandate to proceed and check whether the report was valid and because we did not have the sufficient instruments Hon. Deputy Speaker of course the members of the budget committee did not have all that technical expertise Hon. Deputy Speaker but we decided through the guidance of the honorable chair honorable Eric Kirui from Kimulot, we decided that we would use our eyes so that we see those which we can be able to do. Hon. Deputy Speaker it was very obvious from the onset that the committee on budget was not in position to decide which bill was eligible or not Hon. Deputy Speaker owing to the bulky nature of the pending bills as per the taskforce Hon. Deputy Speaker. For most of these projects that are sighted here Hon. Deputy Speaker, some of them were supplies which we could not be able to ascertain Hon. Deputy Speaker because we did not have the necessary documentations for us to prove Hon. Deputy Speaker. However, we went ahead and accepted the challenge, we sampled a number of projects and we were able to make visits as has been explained by the honorable chair Hon. Deputy Speaker. From the onset Hon. Deputy Speaker, I would like to say that the report that was brought to this honorable house that was done by the taskforce committee Hon. Deputy Speaker cannot be relied upon Hon. Deputy Speaker in paying or resettling the pending bills owing to the discrepancies and a lot of irregularities from the projects that were cited as eligible and from our findings Hon. Deputy Speaker we found them to be ineligible. Some of the projects that we sited as ineligible we found out that they lack a few corrections that ought to be corrected hence would end up being eligible Hon. Deputy Speaker. My only worry is that why would the CECM in charge of finance decide to bring this taskforce report to this honorable house Hon. Deputy Speaker on 11th September 2023. From the report that we got from the controller of budget Hon. Deputy Speaker as at the 9th of October 2023, a whopping 309,240,692 had already been paid and therefore our input here means that it did not matter in terms of deciding which projects were to be paid and not to be paid Hon. Deputy Speaker. Placing pending bills as a primary item of expenditure Hon. Deputy Speaker will jeopardize budgetary allocations and subsequently deprive the people of Bomet the development that they require Hon. Deputy Speaker. This habit Hon. Deputy Speaker I believe we should be able as a house to condemn and resist with all the seriousness that it deserves Hon. Deputy Speaker. His taskforce committee went ahead and confirmed that there were a lot of anomalies in terms of documentation, procurement and we expected the taskforce committee to give a report detailing of the individuals who were supposed to take responsibility and those who were supposed to be held accountable for these actions Hon. Deputy Speaker. Committing this taskforce report to the committee on budget Me. Speaker, we were not able to confirm

indeed who individual was responsible for misacting Hon. Deputy Speaker and I will personally callout on the relevant authorities to do proper audit of the pending bills report so that we ensure that there is value for money for the projects in which expenditures have been made Hon. Deputy Speaker. Looking at this report Hon. Deputy Speaker, most of the projects and especially in the department of roads Hon. Deputy Speaker, it is very shocking that when you visit a road, that has been cited eligible, you find a road that has not been graveled, nothing has been done and somebody has the guts to make a claim Hon. Deputy Speaker. The taskforce committee proceeds and cites the same project as eligible Hon. Deputy Speaker. The department has all the instruments, has all the capacity to supervise the projects and the projects execution to the end. I believe and I want to make a case that it is only n Bomet Hon. Deputy Speaker where you find several stalled projects Hon. Deputy Speaker but when you check the claims that has been made, you will be shocked. I had a privilege to visit a project that is in Kamungei Hon. Deputy Speaker and I am happy that the member is here from Kapletundo Ward. Hon. Deputy Speaker a water tank that was only renovated and it is very healthy to work with facts Hon. Deputy Speaker. Somebody is claiming 3,636,160. On this particular project, the tank that is in place was constructed by the constituency development fund Hon. Deputy Speaker. The renovations were the only works done by the county government that is painting and reinforcement of the dissent. The tank is not operational due to failed intake wall Hon. Deputy Speaker so here is a project where 3 million is being claimed, it is not operational and from the eyes of a non-expert Hon. Deputy Speaker, you will be able to detect that a squanderers claim is being made Hon. Deputy Speaker. We want to call out for the individuals Hon. Deputy Speaker who are doing inappropriate documentations in the various departments that their days are numbered. Us as the representatives from the various wards, we shall stand very firmly, we shall do our oversight as mandated by the law Hon. Deputy Speaker. Thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Nathan.

Hon. N. Kibet (Kapletundo ward, UDA): Thank you honorable speaker, I would like to contribute on this issue. As per the look of things honorable speaker, everyone is adopting this report. I just wanted to loud the committee for the work they did and for making site visits. There is a road that honorable Kipkemoi mentioned about Togomin – Kaproret. The road does not exist but there is a contractor who did some work. I do not know if it was intentional to name it wrongly. They named it Togomin – Kaproret instead of Togomin – Chebilat road. I want to urge the CEC finance to take these recommendations seriously. Those eligible contractors should be paid. Those who did not do their work should not ask for money. When you talk of Kamungei tank, 3.6 Million is enough to do distribution across Kamungei location. Personally I have been receiving calls and request from that area Kamungei where the tank is

situated. There is no water there and the contractor should not come near to payment. Honorable speaker, I was looking at reasons for these pending bills one of them is the issue of inability to attain revenue targets. As chair finance, we have done some recommendations to the finance department on the same issue. On the issue delay in Procurement. For instance you pass the budget some 6 months ago and up to now nothing has happened in the ground. That is one of the reasons that cause these pending bills. The more we delay the more we create pending bills but honorable speaker allow me to request on behalf of these honorable members, it is normally said that the speaker does not have eyes. Allow me to say that you give the chair right of reply and then you put the question directly. *(Applause)*

Hon. Deputy Speaker (Hon. L. Rotich): Thank you Hon. Members for your contributions. I had indicated earlier that the motion mover will be given time to give a right of reply. I believe you have noted all the controversial issues raised by the members even up to including eligibility and ineligibility of the work done. You have also noted the reshuffle in the pictorials and how you intend to make corrections. Some other members asked how the pending bill arose. Why did the CECM for Finance, ICT, and Economic Planning, brought the task force report to the Assembly yet the payments had been started among many others? Kindly touch on those issues. I am giving you very few minutes honorable member. I will also allow you one minute to recognize the members from your ward.

Hon. E. Kirui (Kimulot ward, UDA): Thank you very much Hon. Deputy Speaker. First of all, let me acknowledge the members of the public from my ward who are seated in the gallery. These are very respectable leaders, village managers, opinion leaders and leaders in various cadres who have always expressed their desire to be in the Assembly today and I am happy that they are here to witness the proceedings in the Assembly.

I want to acknowledge the fact that most of them have never been to the County Assembly ever since the promulgation of the constitution in 2010 and we are here just approaching them to understand the procedures. I know they have been able to witness the exodus in the Assembly and this is not new. The exodus is from jolted members who sometimes are not comfortable with the contents of the report but this is how we do business. I want to give a quick re-battle on a few issues that have been raised and I want to say that the committee did not concoct the report; is not a creation of the committee. This report was brought to the Assembly and the Assembly is acting on a request by the CECM.

Secondly, Hon. Deputy Speaker, our jurisdiction is not limited to looking into issues of budgetary or elements that have been provided by the Public Finance Management Act of 2012 but other issues regarding budget implementation and this specifically is an exercise that we conducted to look through the budget implementation and the recommendations therein are very strong and needs to be taken seriously.

Finally, Hon. Deputy Speaker I want to say this, the members of the public and members from Bomet County, we owe them a responsibility even up to and including sitting through the Assembly sessions so that we dispense on business. Some, members who have staged a walkout today in an indication of a lackluster attitude towards the businesses of this Assembly. I know the members of the public from Bomet County should take note of their Hon. Members who absent themselves on a critical business such as this today and absenting themselves to kill the quorum. I thank the Hon. Members who have sat through this report because we need to be accountable to the people who have elected us. I come here from almost over 60 kilometers to sit here and deliberate on matters that touch on these people who are not able to join us in the Assembly. When an Hon. Member who chairs the Public Investments and Public Accounts Committee (PIC/PAC) walks out and wants even to stop the debate in this Assembly says a lot about his integrity and the level of preparedness to tackle issues touching on this matter and it casts a lot of doubt that if we let this report to go to the Public Accounts and Investments Committee which is chaired by a member who wanted to stop the debate, this report would not see the light of the day and even the repercussions would be very great. I want to thank everyone and I want to request the Assembly and the Assembly leadership that we need to re-look even into the composition of some membership of some committees so that we get the seriousness that is deserved.

(Applause)

Hon. Deputy Speaker (Hon. L. Rotich): Kindly go to answering and begin by replying to issues raised by Hon. Members because I do not want you to kill the quorum.

Hon. E. Kirui (Kimulot ward, UDA): I am saying, finally, someone asked whether we have the jurisdiction to look through the matter and I said that as per the Standing Orders that created the committee on Budget and Appropriation; we are the people who are supposed to investigate on the spending. I want to urge the Assembly that we pass and adopt this report and give these recommendations to the County Executive and the relevant authorities so that we can get a clear focused way of utilizing the resources of this county as well as per the provisions of the statutes that created this Assembly and the County Government. Thank you Hon. Deputy Speaker and I request the Hon. Members that we adopt this report.

Hon. Deputy Speaker (Hon. L. Rotich): Thank you Hon. Chair for the Budget and Appropriation Committee for the work well done in coming up with this report which contains weighty recommendations that if adopted in this Assembly will impact positively on the progress of Bomet County. I also want to discourage the lack of enthusiasm by some members when we are deliberating on matters in this County Assembly. I have been saying so and members should know that we are paid to sit here. Today we were privileged to have members

of the public who paid for their transport to come and sit here and were able to endure the whole process this afternoon.

So the members who are sitting here I want to thank you so much. I want to thank the CECM and the governor for having faith in the county assembly and sending this report requiring input and reservation from this Assembly. I also thank the task force committee for coming up with this report. I now put the question that pursuant to Standing Order 199 (3) (a) of the County Assembly Standing Orders, this County Assembly adopts the report of the committee on Budget and Appropriations on the County Executive Committee Member for Finance, ICT and Economic Planning request to the County Assembly for input, clarification and reservation of the contents on the Bomet County Pending Bills report for financial year ending 2022/2023 laid on the table of the County Assembly on 22nd November 2023 at 2.30 pm.

(Question put and agreed to)

(Applause).

ADJOURNMENT

Hon. Deputy Speaker (Hon. L. Rotich): The Assembly adjourns to tomorrow at 2.30 pm.

The assembly rose at 7:50pm