

BOMET COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 4th April 2017

The House met at 9.30 am

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

PRAYERS

❖ QUORUM

Hon. Speaker: Sergeant at arms kindly ring the bell for 10 minutes

(Quorum Bell rings)

Hon. Speaker: Since we have quorum we can proceed.

❖ COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, I have one communication to make. After this sitting, House Business Committee (HBC) will meet to transact some business, which we can gauge ourselves to know the way forward. Even though there are in campaign season, we should really try to come for the sessions so that we continue to serve our people. We are going on recess this week and we might have some challenges because the County Executive recorded consent last week and allowed the Assembly to go on with the construction of the mini chambers. The Executive have given us the 5.3

Acres. We might extent our recess by one week if need be but if the Budget and Appropriation committee is able to sit and analyze then we might have a special sitting on Friday this week.

After this session, the Executive Finance team will be able to sit down with the Clerk of the Assembly and the budget office to iron out issues so that the supplementary budget can be tabled today or tomorrow morning.

I have information that members of Chama cha Mashinani (CCM) have their nominations on 13th of April and Jubilee nominations will be on 21st of April. I will give a proper communication before the supplementary is tabled if need be so that we can clarify on these issues and you get the consent that was recorded. The committees on HBC and Procedures and Rules are to meet after this session because we are suppose to review or standing orders before this session ends. Thank you very much

❖ STATEMENTS

Hon. Speaker: Hon. Members I was waiting for the names of the schools before us. I have just been informed that there is a report to be tabled, so let us go back to order no 5. We can proceed because the Vice-Chair is not ready.

We are lucky to have three teachers and thirty pupils from Kamirai primary school from Sotik zone in Chemagel Ward.

You are highly welcomed to Bomet County Assembly and we hope that at the end of this session you will interact with the Members of the County Assembly and staff. Take our greetings when you go back home and we wish you well.

There is a comprehensive Statement sought by Hon. Wilson Keter on 23rd November 2016 from Chairperson Committee on Gender Culture and Social Services on the implementation of Old Persons' stipend. Hon. Chair

Hon. W. Mosonik: Thank you Hon. Speaker I want to seek for more time on the two Statements that are appearing in today's order paper. We have written to the department concerned, and since we have a new CEC in place, I seek for more time up to tomorrow afternoon.

Hon. Speaker, there is the issue of lack of quorum, with the Committee Members. We called for a meeting on Thursday but unfortunately, there were only two Members.

Hon. Speaker: Hon. Wilson.

Hon. W. Keter: Thank you very much Hon. Speaker. Since I am a Member of this Committee, it is in order.

Hon. Speaker: You have until tomorrow to answer Statement number 1 and 2. I have not seen Hon. Evaline. Hon Evaline Chepkemoi sought Statement number 2 on 21st February from the Chairperson Committee on Gender, Culture and Social Services. The Statement sought to know the appointment of Chief Officer for the department of Gender Culture and Social Services.

You have until tomorrow afternoon to answer that Statement too.

Next is Hon. Julius Korir's Statement. Hon. Korir, on 13th December 2016 sought a Statement from the Chairperson for the Committee on Budget and Appropriation.

Statement number three and four, there are issues that I had revert to the committee. Hon. Samson you were supposed to get back to the Assembly. In absence of the Chair, the Vice-Chair was supposed to call for a meeting to iron out the issues.

As you can remember, the Chair had refused to answer some questions and he had referred the matter to the leader of majority without giving any proper explanation. I found that not to be in order because the Chair was present. The Committee on Budget and Appropriation was supposed to deal on that matter especially because there are a lot of pending issues. I had directed that the Committee to meet and bring a report. Hon. Samson.

Hon. S. Towett: Thank you very much Hon. Speaker for this opportunity that you have given me. Indeed, we called for a meeting yesterday but we did not attain the quorum. I stayed here until late. Hon. Speaker we have not been able to resolve the issue, which is before the Committee on Budget and Appropriation. The reason for the lack of quorum is the event in front of us. I know most of us are running up and down to meet with their electorate.

Mr. Speaker, there are a lot of pending issues and among them are the Statements which I sought myself. Many times, I find it difficult to call for a meeting because I am an interested party. That notwithstanding, I see a number of Members present here. They can form a quorum to iron out those issues.

Most of these statements, maybe just a few have not been dealt with, but I know the answers are around and if we meet after this session, we can answer in the afternoon or tomorrow in the morning.

Thank you.

Hon. Speaker: The issues need to be solved by the Committee. Therefore, I direct that a Committee's clerk inform the Chair before the end of the day preferably after this morning session. I do not know where the Chair and the Vice-Chair are because they have not informed me of their whereabouts. You can have the meeting after this and the Chair and the Vice-Chair should be informed that there is such a meeting so that they are aware.

You need to sit and resolve the outstanding issues because the Chair has refused to answer the Statement and we do not know why. A Statement is a Statement and the Members who sought that Statement are entitled for an answer.

Statement number three sought to know about the construction of Governor's residence. Hon. Julius Korir sought this Statement.

Hon. Leonard Kirui on 18th January 2017 sought a Statement number four from the Chairperson for the Committee on Labour and Public Service. The Statement was concerning the current over employment in the County Public Service board. Vice-Chair.

Hon. B. Too: Thank you Hon. Speaker. We have not gotten any response from the County Secretary's office but we are still waiting because we gave seven days to get the list of employees in the whole county.

Hon. Speaker: So you need to find out after the session so you can answer tomorrow in the afternoon because this Statement is long overdue. Let this Statement be answered as soon as possible so we clear matters pending before we go on recess. We need to clear all these before we go on recess. We need to work very hard so that the issues are cleared.

Hon. Julius Korir: Thank you very much Hon. Speaker. I wish table a notice of motion. That pursuant to standing order 30 (3) (b) this County Assembly resolves to sit today 4th of April 2017 at 1130 hours instead of the normal 0230 hours.

Hon. Speaker, we are all aware that the Members of this County Assembly are busy given that they are engaged with their electorates and holding public forums educating them on the number of bills and motions that this Assembly has passed.

So Mr. Speaker I think this is the busiest Assembly that we have in the country because the Members are deeply engaged with their electorates. Moreover, it is important that these Members highlight to their electorate the work that they have been doing for the last five years. So I came up with this motion so that the Members can attend the Assembly session as from 1100 hours in the afternoon, so that if they so wish to see their electorates, they will be free.

Mr. Speaker sir, we cannot expect the Members to attend the session and meet their electorates. It is my wish that this motion be adopted by the house so that the Members can be left free to attend to their programmes in their Wards. Maybe they also need to engage with the staff of the County Assembly on one or two issues. Therefore, with those few remarks, I wish this Assembly adopts this procedural motion so that we can resolve to sit today at 1130 hours instead of the usual 0230 hours. I request the majority whip to second.

Hon. D. Rotich BigFive: Thank you Hon. Speaker. I stand to second. I do take this time to welcome the teachers and pupils from my Ward. Indeed Hon. Members are too busy now as you announced earlier in your communication. Members of this Assembly come from several different parties and they are soon having their own nominations. They are busy running up and down in their Wards

engaging their electorates. Therefore, we are trying to complete the businesses of the Assembly and those of our Wards.

Mr. Speaker, thank you. I do second.

Hon. Speaker: Thank you Hon. Members, it is now my turn to propose the question.

(Question put)

(Hon. Chelule rises)

Hon. S. Chelule: Thank you Hon. Speaker. I stand to oppose the amendments of bringing the session of 0230 hours to 1130 hours. This cannot be possible just because the Members want to go to the ground in the pretext of “*the ground is moving*”. The constitution, the law and the standing orders of this Assembly should be followed. I am wondering why the Hon. Members want to go to the ground yet what we have approved in this house belong to the public. We are the one who failed because we did not compel the CEC to implement what we have approved. We are now running back to our Wards yet various projects were not done in those wards. What do you want now to say? If the ground is rotten, it is rotten. Let us have time and follow the constitution rather than bringing unnecessary changes.

Thank you Mr. Speaker

Hon. W. Mosonik: Hon Speaker, I stand to support the motion that the afternoon sitting be at 1130hours. I am not only supporting this one only but I further request that we amend the standing orders so that the sittings can be done consecutively, one after the other.

Hon Speaker, we are engaged in our various Wards seeking for votes and it will not be in order that we sit here yet the electorates would wish to see us looking for votes. I totally oppose what Hon. Chelule is talking about and indeed, he might be sensing defeat because we must fight and fight to the last minute in seeking for votes. We should convince the people that we get re-elected.

Therefore, I support the motion.

(On a point of order)

Hon. S. Chelule: If the sole purpose is to convince the public, then it means you never did anything during your tenure. Someone like me, who wish to follow the standing orders of this Assembly, means that the ground is not so bad. For the other members who are supporting this motion so as to get time to go and convince the public, for their re-election, is Hon. Mosonik in order to say my ground is not favouring me yet he doesn't come even from Bomet East? I would have believed that what he says is true if he was coming from Bomet East because I could say he is my neighbour but he lives from far.

Hon Speaker: Hon Members, let us be able to proceed, Hon Joyce

Hon Joyce Korir: Hon. Speaker, thank you very much. I want to oppose the motion that is seeking to adjourn the time because Hon. Members knew their mandate would be the electorates only. This is in spite of the fact that the nominations are around the corner, the business of this Assembly must be transacted as per the stipulated time. This therefore cannot be the reason to beg the Assembly to adjourn, with the reason of "*the ground is moving*"

Mr. Speaker sir, I wish to say that we have been with the electorates for more time as compared with the Members of the National Assembly where their time with the electorates has been only one week, therefore unless convinced otherwise, the reason given by the able deputy majority is not enough and thus my objection to the motion

Hon L. Kirui: Thank you Hon. Speaker, I wonder the reasons the Members are giving starting with Hon Chelule, maybe that I was not in when the mover was moving. None the less, I know that as Members of this Assembly, we have three roles; Representations, Oversight and Legislation. Amongst the three, Representation carries the day. We cannot cheat ourselves that we will be in this Assembly legislating or representing people while we do not know what they want.

Hon Speaker, we are approaching the end of our term and this is the high time to be with the electorates to inquire what could be remaining before the end of the term. This is the reason therefore that we should be with the people.

(On a point of order)

Hon Joyce Korir: Is Hon. Kirui in order to tell us that we should be with the electorates asking them what is remaining, yet he has been with them all through? Hon. Kirui was given the responsibility to execute within the five years. Can it be an excuse to excuse himself from doing what he is suppose to be doing at the right time to go and ask them for another term? Is it in order?

Hon Speaker: I think Hon. Joyce, we should leave Hon. Kirui to build his case because maybe before the ground was not moving but now it has started to move. Maybe he had not

seen many things. The same case to a Member who was not participating well but because it is nearing electioneering year, electorates are bringing in many issues. Hon. Kirui is putting it very well it is Representation. The only thing that I am aware of is the many pending businesses in the Committees and they wanted to clear before we go on recess. That is what I had been told and that is what informed my approval of this motion. Otherwise, in my communication, I talked about the issue of quorum and I said in spite of the nominations so near, lets us aspire to have the quorum. So Hon Kirui proceed

Hon L. Kirui: Thank you very much Hon. Speaker, surely, I am almost convinced that the ground is moving because Members are not even attentive. I am building up my case. I was saying that we had a mandate and everyone had their manifesto, it is a commonality that in the day to day life, synonymous to Kenyans, towards the end of the stipulated time, a lot of issues that needs to be dealt with comes up. Personally, I wonder why the Members are always concern on the fact that the ground is moving yet we are still here up to August. Even if defeated in Nominations, we should still be in this house to carry out the mandate as given by the electorates.

I am saying this because even me I have a petition that concerns the ambulance and those are the things that needs to be further discussed by catering some information from the residences of my Ward.

Remember that this is election time and people have been running up and down almost affecting the role of Representation because of a lot of confusion meaning that we need to be there to clear such confusions. We should not also forget about the economic and social

pillars in our society. We therefore need to be with the electorates to tell us what may have remained, before our term elapsed.

As I conclude, I know that we have been here and the afternoon sessions that starts from 0230 hours, even the Members who are saying they do not want to go to the ground, you find them that by 0230 hours you would not find honourable Chelule here. We are even trying to get it favourable for him so that he can be able to carry out his businesses at the same time be able to meet with the electorates. This is a life example because we have been here fighting the quorum issue.

I am in the committee of Budget and Appropriation and a lot of pending businesses is an issue. Much of the businesses, were also transferred from other Committees. The reason has been that they have a lot. I therefore find it favourable for us to do these issues in the morning and in the afternoon; we finish with the businesses of the various committees.

I wish to urge members to support this motion for the betterment of the business, which are in this house.

Thank you.

Hon P. Siele: Thank you Hon. Speaker. I wish to say that I am among those who support the motion because of the many businesses we have to do in our various Wards. I congratulate Hon. Kirui for reminding us that our functions are three, Representation, Legislation and Oversight. We therefore wish to visit the electorates to receive information from them because we are almost at the last minute.

Hon Speaker, in fact immediately after this I will be required at Kisii law courts to follow on some issues that affected some boys who come from my Ward and thus it will be an opportunity to visit them.

(On a point of order)

Hon. S. Chelule: Is it in order for the Member to tell us his personal schedule of going to Kisii law courts?

Hon. Speaker: Hon Chelule, I think that actually people are not attentive. Hon. Siele is attending Kisii law court is part of Representation.

Hon Chelule you are a politician and I know for the first time, that Hon. Siele will be getting the services of a lawyer on behalf of his electorates. There is therefore nothing wrong with that because by so doing he is reaching into his electorates.

Hon D. BigFive Rotich: On top of that Mr. Speaker, I think Hon. Siele is right because he said that some of his electorates have some problems at Kisii, and these are the people who will vote for Hon Siele.

(On a point of order)

Hon L. Kirui: Hon. Speaker, I do not really know whether Hon. Chelule is in order, because according to how Hon. Siele has presented, he has really presented clearly that he is going on behalf of those people thus representing them. From his presentation, I have thought he has been over joint that Court and has interest. He should then allow Hon. Chelule to continue with his business.

Hon. P. Siele: Thank you Mr. Speaker I am almost denying that he was requesting I give something small like one thousand

(Laughter)

I want to say...

Hon. Speaker: Are you saying Chelule does not want to go back to voters because of one thousand?

(Laughter)

Hon. Speaker: Hon. Chelule

Hon. S. Chelule: I wish the Hon. Member would give me the money because I failed to attend the function because of the money.

(Applause)

Hon. Speaker: Hon. Chelule but everybody in this Assembly knows you that are the richest person.

(applause)

Hon. Samson.

Hon. S. Towett: Thank you very much Mr. Speaker. I stand to oppose the Motion that is before us this morning that is to bring today's motion to 11:30am. The reason is that the mover did not indicate the number business in the Committee that they have not cleared. I am wondering how it will be possible for these Members to sit within the remaining minutes before the next sitting. The reason advanced here are so vague and flimsy cannot convince me to accept the sitting. We are setting wrong precedence and when we were making the calendar of this Assembly, we knew the

number of events ahead of us. We should have provide time for Members to interact with electorates and ask them what it that they have not completed? Instead of all this, we can change our calendar to on recess and get the whole time to interact with them. I am not convinced and I do not support the motion.

(On a point of order)

Hon. A. Maritim: I just wanted to inform you that I wish to be informed of what is happening.

Hon. Speaker: No one has challenged whether you are informed or not. You stood on a point of order and you should have raised you point of order. What is your point of order Hon. Kirui.

(On a point of order)

Hon. L. Kirui: If you try to internalize what the Hon. Member has said we are lacking business in this Assembly to an extend that we are going against what you were saying that we should have a lot of things we should handle in various Committee. I want to ask whether the said Committee of Budget and Appropriation where we are sure of having many businesses, unless the Statement are not from this Members and the businesses of this Assembly. Is the Member in order to say we lack business in this Assembly?

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

(On a point of order)

Hon. Joyce. Korir: When you check the order paper, it is always supposed to go to No. 8 and the major business is supposed to come under No. 8.

Hon. Speaker: Proceed Hon. Chebomui of Hon. Metet has stepped out.

Hon. B. Chebomui: Thank you very much for the opportunity to contribute on the motion before us. I support the motion that we bring the afternoon sitting ahead. The mood shows that Hon. Members are not here because their minds are on the ground. We are approaching the nominations which are supposed to be done especially my party that is CCM on 18th April 2017 and the Jubilee doing theirs on 21st April 2017. This involve a lot of time from Hon. Members especially in planning of getting agents. We want to bring balance here and the Ward. The other aspirants who are not here are busy criss-crossing the wards.

(Shout of point of order from Hon. Joyce Korir)

Hon. Speaker: Proceed, Hon. Chebomui of Hon. Joyce I want to protect her.

Hon. B. Chebomui: Thank you she is like interrupting me. She is my competitor.

Hon. Speaker: Hon. Joyce.

(On a point of order)

Hon. Joyce. Korir: Thank you. Is it in order for Hon. Member to say that there are some who are criss-crossing the ward yet she was giving the mandate of five years and the aspirants who stood have been there for only one year or some few months and now she want to join the electorates in the Wards. Is it in order? Unless the ground is moving, we should confirm.

Hon. Speaker: Proceed Hon. Chebomui.

Hon. B. Chebomui: Thank you Mr. Speaker. I understand my friend very well and you know that these are common sense. In a few minutes, we are going to lack quorum and we do not want to pretend. As Members, we have been engaging electorate all along and now there is a heavy task ahead, this means we will have to engage them and be able to convince them the more.

Thank you.

Hon. Speaker: Hon. Molel.

Hon. J. Molel: Thank you Hon. Speaker. I want to support the procedural motion that we adjust the sitting times.

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

(On a point of order)

Hon. Joyce Korir: I am seated with a stranger. Hon. Ngetich has not dressed well.

Hon. Speaker: Hon. Ngetich,

Hon. J. Ngetich: I am dressed well and I am comfortable this way.

Hon. Speaker: Hon. Joyce.

Hon. Joyce Korir: You know I am a mother and an aspirant for the seat of women representative. When I see a man dressed the way Hon Ngetich has dressed, I must remind him.

Hon. Speaker: Hon. Molel, proceed.

Hon. J. Molel: I am not seeing any problem with bringing forward the day's sitting to 1100 hours so long as we do it in a proper manner. I stand to support the motion.

Hon. Speaker: Hon. Taplelei.

Hon. T. Rotich: I stand to support the motion. Hon. Chelule has mentioned the Standing Orders, procedural motion is within Standing Orders, and I do not think there is anything bad to bring forward the afternoon business because we will be able to attend to other things and that is part of time management at this moment of nominations.

Hon. Speaker: Mover of the motion.

Hon. Julius Korir: Thank you. It is clear that in the next few weeks some of us will be able to face our electorate in one way or another. It does not mean that when we move this sitting forward we are changing the Standing Orders, it is allowed in the Standing Order 30 (3) (b) and it can be moved daily. I urge the House that we move this procedural motion so that we are able to manage time that we have. Right now, every Committee has a Statement that has not been answered and some have reports.

With those few remarks, I am request that we support it, thank you.

Hon. Speaker: Thank you members, it is now my turn to put the question on the procedural motion that pursuant to Standing Order 30 (3) (b) This County Assembly resolves to sit today 4th April 2017 at 1130 hours instead of 0230 hours.

(Question put and agreed to.)

I want to request the table clerks to send short message services to all Members that there will a sitting at 1130 hours instead of 0230 hours.

There being no other business to be transacted in this Floor of the Assembly this Assembly stand adjourned until today 4th April 2017 at 1130 hours.