

# UASIN GISHU COUNTY ASSEMBLY

## HANSARD

Tuesday 12<sup>th</sup> April, 2016

The House Met at 4:22PM

*[Temporary Speaker [Hon. Pius Kigen] in the Chair]*

## PRAYERS

## COMMUNICATION FROM THE CHAIR

**Temporary Speaker (Hon. Pius Kigen):** Honourable Members, I have some communications to make to this House.

### DEPARTMENT OF HEALTH COUNTY PROGRESS REPORT, FIRST AND SECOND QUARTER 2015/2016

One is that we have Integrated County Progress Report First and second quarter 2015/2016 from Department of Health and this Report is committed to committee of Health for further interrogation and communication to the House for consideration of approval with or without amendments.

### UASIN GISHU COUNTY EDUCATION REVOLVING FUND AMENDMENT BILL, 2016

We also have Uasin Gishu County Education Revolving Fund Amendment Bill 2016. It is also deemed to be committed to the committee of Education for consideration and approval or amendments. I have a communication to make to the House, this is about the stakeholders' engagement for preparation of physical developments plans from the ministry of Lands and it has a programme which we rolled to all Sub-counties and you will make copies for each member so that you prepare yourselves at your Sub-counties for the engagement of spatial plan with the stakeholders.

### INVITATION FOR THE COUNTY DIALOGUE FORUM TO THE 2016 DEVOLUTION CONFERENCE

We also have an invitation for the County Dialogue Forum for all County Assemblies in Kenya to attend devolution conference and the date will be communicated to you but the members should prepare themselves and prepare all that is required to attend the devolution conference. Thank you.

## PAPERS LAID

### COMMITTEE OF BUDGET AND APPROPRIATION FIRST REPORT OF THE FOURTH SESSION ON THE COUNTY FISCAL STRATEGY PAPER 2016

**Temporary Speaker:** Honourable Jonathan Ngetich!

**MCA Ngetich:** Thank you, Mr. Speaker Sir. I would wish to lay the Report on Budget Appropriation, first report for this fourth session on the County Fiscal Strategy Paper 2016 dated today, thank you.

*(Hon Jonathan Ngetich laid the report on the Table)*

**Temporary Speaker:** Thank you, the Paper is deemed tabled today.

Next order!

## NOTICE OF MOTION

ADOPTION THE COMMITTEE OF ROADS TRANSPORT AND PUBLIC WORKS, FIRST REPORT OF THE FOURTH SESSION ON SHARING OF ROAD CONSTRUCTION MACHINERY AND EQUIPMENT AT SUB-COUNTY LEVEL

*(Hon. Isaac Chirchir – Chair, Roads Transport and Public Works)*

**Temporary Speaker:** Honourable Isaac Chirchir, Member for Soy?

**MCA Chirchir, I:** Thank you, Mr. Speaker Sir. I want to move the following Notice of Motion:

**That** this County Assembly do adopt the Committee of Roads, Transport and Public Works' First Report of the fourth session on sharing of road construction machinery and equipment at Sub-county level dated 17<sup>th</sup> March 2016 there tabled.

Thank you, Mr. Speaker.

*(Hon Isaac Chirchir, Soy Ward, tabled the report on the Table)*

**Temporary Speaker:** Thank you.

Next order! Members you can now turn to your supplementary notices. Next order! Honourable Jonathan Ngetich, Chairman Budget and Member of Kaptagat Ward

**MCA Ngetich:** Thank you, Mr. Speaker, once again for giving me this opportunity. I rise to move the following Motion:

That this County Assembly do adopt the Committee of Budget and Appropriation first report of the fourth session of the County Fiscal Strategy Paper 2016 dated today April 2016 and tabled in this House the same day today 12 April 2016.

As the Committee of Budget and Appropriation we were mandated by this House when the C.E.C Finance and Economic Planning sent to our Clerk the copy of the proposed Uasin Gishu County Fiscal Strategy Paper for the year 2016/2017. We received the document on 26<sup>th</sup> of February 2016 and I must take this opportunity to thank the C.E.C Finance and Economic Planning for having brought it on time this time round. Having been mandated to the Committee of Budget and Appropriation to look into that paper, consider the recommendations by the C.E.C Finance and Economic Planning and considering the magnitude that this paper influenced our 2016/2017 budget. The PFM Act 2012 and the regulations of the PFM give that we deliberate on that paper for only 15 days. Today is on 12 April 2016; this paper should have been approved in the House by 15<sup>th</sup> of March 2016. We are late because of various reasons. One, we wanted to look into this paper in details and the like. I have an eight paged report; the font is too small and the document is lengthy. Mr. Speaker, let me request your permission not to read everything because the document is with members and in view of time...

**Temporary Speaker:** Are the copies given to all members? Do all members have? Good then allowed.

**MCA Ng'etich:** Mr. Speaker, let me just highlight the very important aspects of this paper and it is contained in that report. The first page of that paper highlights the constitutional requirements of the paper to be aligned according to our national goals and the Kenya Vision 2030. The vision highlights three major pillars and it is adhered to by this document. We are supposed to be having the National Budget Policy and the document is supposed to be aligned with respect to the National Budget Policy Paper and our County Budget Policy Paper. This document, the County Fiscal Strategy Paper, answers some very key areas in

terms of the budget for the next financial year and these key areas include the sector ceilings for every department for the next financial year.

The County Fiscal Strategy Paper sets the ceiling for every department and has given the sector ceilings we proposed and amendments were made and I am going to read the amendments to members. This document as well gives the priorities for Uasin Gishu County in the next financial year. It also gives the projection in terms of revenue for the next financial year and in the midterm, that is, the medium term financial requirements.

Having looked at the documents, the members of Budget and Appropriation Committee looked at the document as proposed by the C.E.C Finance and Economic Planning; we invited all members from all departments to be part of us in discussing this document. At one point or another we invited the C.E.C, Finance and Economic Planning and his planning team. We looked in details into the paper and had a summary as follows. We agreed with the C.E.C Finance and Economic Planning that the priority for Uasin Gishu County for the year 2016/2017 is water environment and energy.

In water and energy the people of Uasin Gishu need supply of water. The C.E.C had proposed to have sh403 million for the same. The Committee and the House discussed and agreed that that amount of sh403 million can be enough for that department for supply of water. In the narrative given by the C.E.C Finance and Economic Planning more emphasis was given to dams and the like. Giving an example of Kipkabus dam, the dam was constructed in the year 2014 but till now that dam has not supplied water to anybody. If we are also going to dwell on dams and the supply of water will not be accomplished, then we are doing nothing. So we are saying though water is a priority then we need to have supply of water. We have sources of water in every Ward. We need supply of water to the residents of Uasin Gishu County based on the source of water in each and every Ward. There was a proposal of four or three million for the same and the House and the Committee agreed with that proposal.

In the Department of Infrastructure and Roads, the C.E.C Finance and Economic Planning had proposed to have sh207 million for roads and that is development. In development there was a 75% decrease in the proposal from a total of sh858 million for 2015/16 to a proposal of sh207 million for 16/17. now we are shifting focus in terms of roads but having looked at it critically and in the narrative given to us by the C.E.C Finance and Economic Planning, they want to construct bridges, drainages, foot bridges, box culverts, drain network, foot bridges and gravelling so the Committee and the House felt that sh207 million was not enough as the sector ceiling for the Department of Roads and a proposal was given to amend the proposal to sh400 million. This sh400 million will be spread in bridges, drainage works, foot bridges, borrow bits, box culverts and we also have in that Assembly renovations. County Assembly Department of Finance and Economic Planning and the Office of the Governor with the new regulations we are not supposed to do any development as an entity but, Mr. Speaker, we can have our budget in the Department of Infrastructure and Roads so we have around 30 million for development of County Assembly infrastructure so the sector ceiling for that department moves from sh207 million to sh400 million as proposed by this House.

In the Department of Education the proposal by the C.E.C Finance and Economic Planning was at sh145 million for the Education Department and sh145 million for Youth and Sports. Having looked at it and bearing in mind the narratives that they gave us in that document, Mr. Speaker, the department of education has bursaries, construction of ECD class rooms, T-VET, polytechnics - that is the youths polytechnics in our wards- youth and sports and other social amenities like the construction of home craft, 64 Stadium the perimeter wall. The

committee felt that sh290, 000,000 will not be enough, Mr. Speaker, for education department.

The committee in consultation with House in various sittings agreed to have the sector ceiling in the department of education in development moved from sh290, 000,000 to sh384, 000,000.

Mr. Speaker Sir, to realise the implementation in the department of roads and ECDEs we propose a deduction in the following departments. According to the regulations of the PFM 2015 regulations, county Assembly's total budget will be determined by two factors. The factors are: you are supposed to have two times of the personal emoluments for the county Assembly and, to do that, our personnel is around sh320, 000, 000 (three hundred and twenty million) and if you do twice that, it will give us sh640, 000, 000 (six hundred and forty million) and the regulations also say that or 7% of the total county budget and, lastly, it says whichever is lower. Seven percent (7%) of sh6.6 billion is sh462, 000, 000 (four hundred and sixty-two million).

Mr. Speaker Sir, we are forced to go for 7% which is a deduction of sh60, 000, 000 (sixty million) from the proposal. So we would save sh60, 000, 000 from the county Assembly. We propose to reduce the department of agriculture from sh357 million to sh307 million; we save sh60, 000, 000 (sixty million).

We propose--- administration department, had proposed sh132 million we reduce by sh60, 000,000.

Trade, wild life and tourism and development had proposed sh150 million, we propose that we reduce by sh30, 000,000 so that we can have sh120 million.

ICT and e-government had sh60million for development; we propose to reduce by sh20million.

Lands and housing had sh150 million for development; we propose to get sh20 million from there.

Health services we reduce sh23million from sh343million. The committee together with the House are proposing to have a 33.5:66.5 development-recurrent ratio. The CEC had proposed 32:68. Mr. Speaker, if we adjust to 66.5 we would have a saving of sh94 million; that sh94 million will cater together with other savings that we have mentioned for implementation in the department of education and roads respectively.

The total budget of Uasin Gishu County, as proposed in this CFSP document, will be sh6.601 billion and recurrent will consume 66.5% and development will take 33.5. So in total development will have total of sh2.19 billion. Mr. Speaker, personnel emoluments will take sh2.38 billion making the total recurrent budget to sh4.4billion, so sh4.4 billion together with sh2.19 billion gives us a total of sh6.6billion.

As mentioned, the priorities will now be as follows: water with sh403 million will be priority number one. Priority number two will be infrastructure and in infrastructure we have roads with sh400million, we have social services which include education with sh384 million, we have health services which will be priority number four with an allocation of sh320 million. The priority number five will be agriculture which will take sh307million and priority number six will be public administration with total allocation of sh72million.

Mr. Speaker Sir, the detailed of summary is in that document. Last year we had an ambitious document of 40:60 in terms of development to recurrent but we have problems which have forced us to do a supplementary budget now and then to **curb the deficit** in recurrent. This

time round we discussed let us have a figure that will not enable us do frequent supplementary budgets to fix areas that normally use a lot of money rather than having a lot of supplementary budgets.

Mr. Speaker, allow me at this point - though we are late in tabling this paper and discussing- allow me to thank the office of the CEC, Finance and Economic Planning for having the document in time delivered to county Assembly, thank the office of the Speaker and the clerk, thank members of Budget and Appropriation Committee and thank the whole House for heavy deliberations that we have had while discussing this document, Mr. Speaker.

It is now my pleasure and Honour to table this Report to this Honourable House for approval and urge all these members to approve the document with or without amendments. Mr. Speaker, I call upon Honourable Isaac Kirwa Kemboi who is a member of Budget and Appropriation Committee to second, Mr. Speaker.

**Temporary Speaker:** Honourable Kirwa member for Kapsoya!

**MCA Kemboi:** (*Seconded by bowing*)

**Temporary Speaker:** Thank you. Honourable Members, a Motion has been moved through that report of committee I would like to propose a question.

*(Question proposed)*

**Deputy Speaker:** Ensuing debate? Honourable Sing'oei, Member of Ng'enyile!

**MCA Sing'oei:** Thank you, Mr. Speaker. Mr. Speaker I rise not necessarily to contribute to this Motion but rather to seek your indulgence rather than move a Motion that this sitting be adjourned until tomorrow.

Mr. Speaker, this is a very important document. You realize that the national government has always placed us with a lot of circulars and as they come they seem to be very confusing. At one time we understand that members of this county Assembly when it comes to budgeting are supposed to come and sit and just say yes without changing anything in the budget.

Mr. Speaker, it is short of saying that this county Assembly cannot discuss the budget. It is simply like that. the national government is not short of micro-managing and mismanaging counties because at one time we were told that bursary is a development, another time bursary is a recurrent expenditure, bursary cannot be given, bursary yes you must do this.

Mr. Speaker, I am moving this Motion so that members can take time because this is the only document that you can have a say. We cannot say we are comfortable this afternoon to deliberate on this document because we need to internalise, we need to look at it thoroughly because when it comes to budgeting our arms will be tight. we may not even have time and, Mr. Speaker, if that circular goes through I will not even see the budget myself because there will be no point to look at budget that will have no way---(*inaudible audio 28.22*)

In that regard, Honourable Speaker, I am requesting that members do support that this sitting be adjourned until tomorrow to allow Honourable members because also we have come from the short recess. The committee may have the opportunity to have gone through the document because they have seen the document through to its final preparation but the Honourable Members, who are not members of this committee, may not have got the opportunity to go through.

Mr. Speaker, I move a Motion and ask our Leader of Minority to second this Motion. thank you.

**Temporary Speaker:** Honourable Ramadhan, Leader of Minority and also Member for Kiplombe!

**MCA Werambo:** *(Seconded by bowing)*

*(Applause)*

**Temporary Speaker:** Members, the Motion has been moved and in view of standing order 28, it allows any member to move a Motion or seek indulgence of the Speaker to the chair for adjournment of sitting and not House. So I wish, now that a Motion has been moved and seconded, I wish to propose a question

*(Question proposed)*

**Temporary Speaker:** Ensuing debate? Honourable Amos member of Racecourse!

**MCA Kiptanui:** Thank you, Mr. Speaker, for giving me this opportunity. I rise, Mr. Speaker, to oppose the Motion moved by our Chief Whip that we need to adjourn this session. Mr. Speaker, I am really surprised; I am shocked because our Chair, in his presentation of this report, did mention the date that this document was received by this county Assembly, which was 26<sup>th</sup> of February, and this House was supposed to dispense within the shortest time possible. by allowing adjournment of this session, Mr. Speaker, in the name of scrutinizing the contents of this report, I don't think is indeed true; it is misleading, Mr. Speaker, because the mover of the Motion is purporting that it is only the members of committee of Budget and Appropriation, where I do belong, who are privy to the contents of this document. I want him to prove otherwise because I am aware that all of us in Naivasha, the entire House of Uasin Gishu county Assembly members together with the supporting staff, went to Naivasha then we went to Kisumu and it is because we wanted to deal with it item per item. I want this Honourable Members to refresh their minds on the last day when we were trying to agree on the figures---

*(Point of Order)*

**Temporary Speaker:** Point of Order! Honourable Chirchir.

**MCA Chirchir, I:** Mr. Speaker, is it in order for the Honourable member to mislead this House that today the paper has been tabled? It was received but today it has been tabled by the committee. The purpose of the committee to table the papers to the House is to dispense to the committee so that other members can share the contents of the paper. The programme and procedure is well known and the member is putting forward that we have discussed the paper before it was tabled. Can you give your indulgence, Mr. Speaker, so that we can get the right procedure in the House?

**Temporary Speaker:** Thank you, Honourable member. Indeed this Report was tabled today, the Motion was read today and I don't think there is any member who would have anticipated this report which had not been tabled and you will not say everybody was briefed. I think if there was a consultative forum that people were engaging and people gave their ideas and opinion, it is the responsibility of the committee to come with a final document and that document will only be deemed official after being tabled and presented in this House. Then that one will be deemed as an official document, otherwise nobody is allowed to anticipate a debate, a bill or a Motion. Those are the standing orders and you understand the secret of this House. So, honourable members, be informed. You are protected, Honourable member, please proceed.

**MCA Kiptanui:** Thank you, Honourable Speaker. I am wondering what my colleague has just said. I don't know whether he is aware---

**Temporary Speaker:** Order! Order! Member, the Chair has given a ruling so there is no further debate on that. Please oppose the Motion.

**MCA Kiptanui:** I have succumbed to the direction Mr. Speaker and I want to argue my point that the report that we have I know it is a document of the committee but again Mr. Speaker the standing order does not per members of this county Assembly to participate in any committee seating and Mr. Speaker we are all aware that we were there to the last minute. What the committee did was capturing the deliberation of the very meeting and Mr. Speaker we are time bad in this document, the CECs member in charge of finance must submit to this county Assembly by 30<sup>th</sup> of April, the budget estimate for this House will consider.

Mr. Speaker, I don't see the reason why we should go Mary go round and pretend as if we don't know what is here, I want to believe a reason we had a supplementary order paper so that this Motion on this report was dully moved and this opened a door for us to debate so Mr. Speaker I want to request my colleagues that lets deal with this report we dispense here, the contents are not mean. Mr Speaker, I am humbly requesting my colleagues that lets handle this report today we dispense so that tomorrow we can handle other matters so I oppose the Motion of adjournment we are ready than never today thank you.

**Temporary Speaker:** Honourable Rono Member for Kipkenyo.

**MCA Rono:** Thank you very much, Mr. Speaker, for giving me chance this very nice afternoon so that I can say something about what is happening right now. Mr. Speaker, I stand to support this Motion because of so many reasons. in fact it is now the at last that have seen that have seen this document and I can see there are so many grievances in this document and that is why, Mr. Speaker, we are saying, as an Assembly, the document becomes the property of this House when it has been tabled here. When we are in Kamkunji meetings, those are informal meetings; they are not official meetings. That is why this document can only be recognised and be official when it has landed in this House.

Mr. Speaker, the committee has done a great job and let me point out one small from many that have actually touched me, and this is department of roads. If you see department of roads, we dealt with bridges, drainage work, and foot bridges and borrow bits. Mr. Speaker, how can we have money for borrow bits and yet we have got no money for gravelling? What are these borrow bits going to do? We want to make sure that this document, when passing it, is okay because in the other budget, Mr. Speaker, we are only allowed to change one percent as an Assembly. That one we can call- when budgets comes here - we are going to rubber stamp but this is the exact document. Mr Werambo Ali, we must deal with it. So, Mr. Speaker, I stand to support the Motion. thank you very much.

**Temporary Speaker:** Honourable Chirchir, Member of Soy!

**MCA Chirchir, I:** Thank you, Mr. Speaker. I stand in support of the Motion that this sitting adjourns its deliberations until tomorrow morning and my main burning reason is that, however much we know that our PFM Act Sub Section 117 gives that the county executive member for treasury shall give its county physical strategic paper before 28<sup>th</sup> of February, The document has landed in this House and to the committee- and for the advantage and admission of all members of this County Assembly, whereas the committee was sitting they registered their findings and they have tabled a document in this House. The members who sat were friends of the committee and they could not be allowed to register their reservations either way, Mr. Speaker, so it is only in this House---

*(Point of Order)*

**Temporary Speaker:** Point of order, Honourable member!

**MCA Kiptanui:** Is it in order for the member to mislead this House that the so called friends of the committee were not allowed to make their comments? In fact the member who has just contributed was very active contributing and I have just seen that his input or even the contributions he made were captured in this document. so is it in order to mislead this House?

**Temporary Speaker:** Order, members! I think the member - if I got him right - is that other members can be committees but they are not allowed to register their opinions because they are not bona fide members of the committee, but they can participate even more actively than the real members, but registering reservation they cannot. Is that what you are saying?

**MCA Chirchir, I:** Thank you, Mr. Speaker. That is my position and that is my understanding. Mr. Speaker we do sit as members or the friends of the committee but today it is not all members that sat. It is the opportunity for members to go through the document so that they can see that we don't repeat the same mistake that was done in the last financial year. It is for the members to peruse the document clearly and see whether the fulfilment of the sector ceilings of the next financial year has been done. All members should see that the sector ceilings are adhered to and they are the priority sector ceilings.

Mr. Speaker Sir, in the last financial year, there were priorities in water and they were long term priorities; there were no short term priorities that we managed to achieve and therefore it is the opportunity for members to see that the department of water sector ceilings for the medium term progress are adhered to, so that we don't go doing dams alone leaving the digging of holes and supply of water to our estates. It was a setback in the last financial year and we require that in this we want to have a one-day perusal of the paper as members so that we can contribute and give our objectives.

Mr. Speaker, our priority list as we have seen from the committee is really good; it is from water but at this level we need also to peruse whether we are achieving our priority list in terms of items to be funded in the next financial year and in the medium term.

Mr. Speaker, in the PFM Act 2012, we were allowed by the national government, that the national government does its programme-based budget in 2013/2014 because they had structures but the county government were told to do their programmes based budgets from 2014/2015 and we have missed it because of hurry. Today we were brought the CFSP at the last date, at the last date and you were told to approve that evening without perusing the content and the items in it. this time, Mr. Speaker Sir, we shall have a programme-based budget when we get our sector ceiling correct, when we get our medium term plan correct, when we get our priority list correct and also we get our funding correct. Mr. Speaker Sir, I support the Motion. Thank you.

**Temporary Speaker:** Honourable Members, I now wish to put a question.

*(Question put and agreed to)*

## **ADJOURNMENT**

**Temporary Speaker:** Honourable Members, there being no other business this House stands adjourned until tomorrow at 9:30AM.

The House rose at 5:07PM

