

# UASIN GISHU COUNTY ASSEMBLY

## HANSARD

Tuesday, 26<sup>th</sup> April, 2016

The House Met at 2:48PM

*[Mr. Speaker (Hon. Isaac Terer) in the Chair]*

### PRAYERS

**Mr. Speaker: (Hon. Isaac Terer):** Hon. Members, take your seats. You realise that we have a problem with our public address system which was unforeseen. We have just realised that we have a fault which shall be rectified soonest, so for today we shall operate manually for recording of our proceedings for the day.

*(Point of Order)*

**Mr. Speaker:** Yes.

### QUORUM

**MCA Chelule:** Mr. Speaker Sir, there is not enough quorum in the House to conduct business of the day.

**Mr. Speaker:** Clerk, do we have enough quorum?

*(4 Members Present)*

Hon. Nicholas Chelulei (Ainabkoi/Olare Ward), Hon. Francis Muya (Langas Ward), Hon. Ramadhan Ali (Kiplombe Ward), Hon. Peter Sugut (Megun Ward)

**Mr. Speaker:** Quorum bell shall be rung for 10 minutes. Then I realise that we don't have any of the Whips in the House; I will designate Hon. Chelule to act as a Whip for today.

*(Quorum bell rung)*

**Mr. Speaker:** Clerk, confirm the Quorum.

*(13 Additional members)*

*(17 Members present)*

Hon. Tabitha Massam (Nominated MCA), Hon. Kigen Pius (Tembelio Ward), Hon. Hillary Mutai (Tulwet/Chuiyat Ward), Hon. Jonathan Ng'etich (Kaptagat Ward), Hon. Moses Barteng (Sergoit Ward), Hon. Bundotich Patrick (Tarakwa Ward), Hon. Flora Bartera (Nominated MCA), Hon. Pauline Tuwei (Kapseret Ward), Hon. Salome Busienei (Nominated MCA), Hon. Isaac Kemboi (Kapsoya Ward)

**Mr. Speaker:** Proceed.

### COMMUNICATION FROM THE CHAIR

#### COUNTY VOLLEYBALL TOURNAMENT/GOVERNOR'S CUP

**Mr. Speaker:** Honourable Members, I would like to make the following communication; this is from Committee on Sports, particularly the Chair. This is in respect of the County volleyball tournament, popularly known as the 'Governor's Cup'. You are informed that

ward level preliminaries will start from 29<sup>th</sup> April through to 1<sup>st</sup> May, 2016; then the finals shall be held at Eldoret Polytechnic between 6<sup>th</sup> and 8<sup>th</sup> of May 2016. Members are being informed so as to take part and be part of that process. Members, the same communication has been relayed to you through the official WhatsApp group and also you will be given Hard copies as you get out of the Assembly.

Next order!

## **MOTION**

ADOPTION OF THE 1<sup>ST</sup> REPORT OF THE COMMITTEE ON PUBLIC INVESTMENT ACCOUNTS ON THE UASIN GISHU COUNTY AUDITOR GENERAL REPORT AS AT 31<sup>ST</sup> JUNE, 2013

*(Hon. Ramadhan Ali – Chair, Public Investment and Accounts Committee)*

*(Resumption of debate interrupted on 14.4.2016)*

**Mr. Speaker:** Hon. Members, this was a continuing Motion that was under debate. It was interrupted in the last sitting so it is basically a continuation the Motion having being moved and seconded. We shall continue with ensuing debate. Hon. Members, I wish to remind you that this is a Motion regarding the adoption of the first report of the committee on Public Investment and Accounts on the Uasin Gishu County Auditor General Report as at 31<sup>st</sup> June, 2013.

Hon. Member for Kapseret!

**MCA Tuwei:** Thank you, Mr. Speaker Sir. First, I would like to congratulate the committee concerned for the report that they developed and it is ready to be adopted. Mr Speaker Sir, you realise that this is the first report of the committee concerning the Auditor General's report for the year 2013.

Mr, Speaker Sir, this is an Honourable House whose part of the work is looking at the reports that have been developed by the Auditor General. I have gone through the report and you realise that some anomalies happened. We can cite some work that was done in Kapsoya which was for fencing. Mr. Speaker Sir, you realise that there were a lot of anomalies. You find that we don't have proper documents showing the original documents by the Executive indicating the work that was done in fencing Kapsoya Plot. You also realise that proper procedures were not followed during award of contract. You also find that this is work that was given under 2012/2013 budget. The County Government delayed for a period of one in paying this contractor, Mr. Speaker. But I believe the delays could have been as a result of some anomalies that happened during the award.

As an Assembly we have the responsibility of ensuring that the documentation of the Auditor General is in line with what has been done on the ground, Mr Speaker, and we have the responsibility of going through the report critically since we play an oversight role. We would not want to see a situation where funds are used in a manner that is not proper, Mr. Speaker.

So I would want to say that I wish to support the adoption of this report and request the department or the committee concerned to bring other reports because, Mr. Speaker, we have not adopted the report of 2014/2015 and right now we are in 2016, Mr. Speaker Sir. So I am challenging this House, let us go through this report, and let us look critically into the documentation and whether we agree or disagree with the Auditor General's report, Mr. Speaker.

Otherwise I want to say that I am in agreement with this report. I am sure the committee has given us the recommendation which I have seen. I am in support of this report, Mr. Speaker. Thank you.

**Mr. Speaker:** Thank you, Honourable Member.

Hon. Ramadhan, You are the mover of the Motion.

**MCA Werambo:** Thank you, Mr. Speaker Sir. Again I thank the members in the House for actually agreeing with the committee's report the way it is.

Mr. Speaker Sir, the reason why the report came late - as it is for 2013 - was because there was some little interference earlier on by the Senate but we had to do it to completion and that is why the report came late.

Mr. Speaker Sir, we still have a report for 2013/2014 which is in the process and, in the due course, we are going to table it in the House. I thank all of you and let us join hands to at least be here for a purpose, on the business that we are doing. Let it reflect the picture of taking care of the resources of our citizens in Uasin Gishu County. Otherwise, Mr. Speaker Sir, on behalf of the committee I give thanks to the House for accepting the report. Thank you.

**Mr. Speaker:** I will then put the question.

*(Question put and agreed to)*

## **MOTION**

APPROVAL OF COMMITTEE COMPOSITIONS

*(Hon. Josphat Lowoi – Leader of Majority)*

**Mr. Speaker:** Hon Lowoi.

**MCA Lowoi:** Thank you very, much Mr. Speaker Sir, I wish to move the Motion:

**Aware that**, Select Committees are established under the County Assembly of Uasin Gishu Standing Orders, also aware that these Select Committees are mandated to dispense various tasks which form part of the County Assembly Business, **Further Aware that** these Select Committees had a lifespan of three calendar years since 2013 and also **being aware that** their lifespan has since expired. These Select Committees are as follows;

1. Committee on Appointments – Standing Order 185
2. County Public Investment and Accounts Committee – Standing Order 187
3. County Budget and Appropriation Committee – Standing Order 187

I therefore urge this Honourable House to approve the current composition as it or otherwise reconstitute them.

Mr. Speaker, as we are aware that we are all guided by the rules and laws which are unscripted in the Standing Orders of this House. Standing order 185 & 187 has stipulated on how some committees have a lifespan of three calendar years. We started our county Assemblies when we were sworn in and, as at now, the three calendar years have gone. The time of the three said committees: the County Public Investment and Accounts Committee, the County Budget and Appropriation Committee and the Committee on Appointments, expired some weeks ago. Mr. Speaker, I am bringing this Motion because everything in this House is done in a procedure and we have to follow the law even within ourselves. Mr.

Speaker, I urge this House to consider leaving the committees as they are constituted now or otherwise if they feel that we need to reconstitute them so as to allow the committee on selection to do the selection, but as of now, the three said committees have done their work and most of us have seen how we have delivered the services to the people of this county and also to us as Hon. members. It is to your discretion to see which committee has done their work, are they supposed to continue working or the time for them to be reconstituted has come. Mr. Speaker Sir, I call upon a member of the selection committee, Hon. Pius Kigen, to second.

**Mr. Speaker:** Proceed, Hon. Pius.

**MCA Kigen:** Thank very much, Hon. Speaker. I stand to second this Motion. As indicted that we propose that this House do approve it in the current position as it is, or as otherwise reconstituted.

Hon. Speaker, as the Leader of Majority who is the mover has said, we wish to appeal to this House that they really look at these committees and appreciate the roles that the committees have done. Some of these committees, by virtue of their standing are almost automatic because, for instance, that of Public Investment and Accounts (PI/AC) is a Committee that is supposed to be led by the minority and unfortunately or fortunately, this House has only one person in this House who is leader of minority of himself. In this case it is tricky but we appeal to this House in its wisdom to see and, in view of time that we are now in 2016 and we have only around 15 months to the next general election.

If in their wisdom they will consider that we continue, we will have no problem; we will agree and appreciate because we know some of the committees like that of Budget and Appropriation is a committee that needs a lot of experience and institutional memory.

Hon. Speaker it is our belief and hope that this House will consider, in their own way, the way forward. Otherwise this Motion was brought as fulfilment of the statutory requirement of our Standing Orders that after three years these committees are required by law to be either reviewed, reconstituted or approved as they are. Therefore, Honourable Speaker, we appeal to this Honourable House in their wisdom to see how and now we are in the process of the Budget - the budget process started last year and we are now almost going to the budget so maybe it may be tricky if we change the whole committee for now, Hon. Speaker. It may disrupt the Budget process. So we leave it to this House to consider because we know in their wisdom either way--- so I beg to support and second this Motion, Mr Speaker.

**Mr. Speaker:** I will therefore propose the question.

*(Question Proposed)*

**Mr. Speaker:** Ensuing debate.

Honourable Member for Kapseret!

**MCA Tuwei:** Mr. Speaker Sir, I would wish to say that I am in support of the Motion that was brought by leader of Majority. Mr. Speaker, we are told that the select committees are supposed to be in office for a period of three years, Mr. Speaker. And when I take you through the committee of appointment, Mr. Speaker, you will realise that this is a committee that had some intensive work when we came to county Government, Mr Speaker. The committee had the responsibility of approving the members of executive and at the same time it had the responsibility of approving the chief officers. You realise that this is the fourth year and we do not have such work because the government has been fully constituted and it means reconstituting this committee will be as well as creating no work for these members. Mr. Speaker, for the committee of Public Investment and the Committee of Public Accounts

together with the committee of Budget and Appropriation, you realise that they have got proper experience that is required in executing their mandate.

Mr. Speaker, I am not saying that those of us in other committees do not have experience but you realise that these specific committees have understood very well the timelines of what is expected in the government like budget making, Mr. Speaker. So taking for Example Hon. Pauline from Kapseret from the committee on children to budget can be a bit challenging because I do not understand, I do not have some information on how to conduct this budget process like the members who have been in. You also realise that the chairs who have been chairing these committees, the likes of Mheshimiwa Ng'etich of Kaptagat together with our able leader of minority, I want to say that they have really done commendable work that we really need to give them chance of completing the work.

Mr. Speaker, you also realise that in these committees there are some pending reports. If we take an example of PIC and PAC, they have not given us the report of 2014/2015 and 2015/2016 which I know they are about to give us. Bringing in other new people will generate problems. It will mean that we are not going to table this reports as you know we are about to exit our term.

I would like to say that the committees have done us good work. I support that we give them chance because elections will be done next year and we still have less than one and a half years. So I do not see the need to change the composition of the committees because it will also affect the rest of the committees and bring some disorder. Let us give a chance to these members to complete their work since when we entered into government there was some kind blanket thing that we did not know what to do. But, as at now, we can confidently do our work as required. Therefore, I am in support of the Motion tabled by leader of Majority. Thank you, Sir.

**Mr. Speaker:** Thank you, Hon. Member.

Hon. Peter Sugut.

**MCA Sugut:** Thank you, Mr. Speaker. I stand in support of this Motion. I think time is not on our side. If we reconstitute other committees they may not do very well because of the time which is remaining. In one year or slightly over a year from now we will be out of this Assembly. So I do not think the new committee will have time to pick up and have experience on what other committees have done. For me, I think the three committees should continue because of the experience they have. What they should only do is to work harder so that we get more reports on their areas especially the Public Investment and Accounts Committee. We know they have a lot of work to do and we thank them for the work they have already done but still I know so much of the work is yet to be done. I only urge them to work further and for this reason let these committees continue because of the time which is ahead of us. At the same time we could integrate two or more people for experience but let the committees remain as they are. The other committees like Budget and appropriation may not be very easy for a new person because of that maths in the budget. So I stand to support that let these committees continue until we meet again in the next time. Thank you, Mr. Speaker.

**Mr. Speaker:** Thank you, Hon. Sugut. The Hon. Member for Kimumu.

**MCA Ruto, S:** Asante sana, Mheshimiwa Spika, kwa kunipa nafasi ili niungane na wenzangu. Kwanza ningependa kumshukuru kiongozi wa walio wengi kwa kuleta mswada huu. Wakati tulipopata wenye viti haswa kiongozi wa walio wachache, kwa sababu nilibahatika tukawa pamoja wakati ule. Ile kazi ambayo amefanya pamoja na zile zingine mbili, mimi kwa upande wangu, Bw. Jonathan Ng'etich ambaye amekuwa mwenyekiti wa

bajeti amepata kuelewa mambo ya bajeti. Mimi naunga mkono kwamba waendeleo kwa sababu kubadilishwa kila wakati ama kuweka mtu mgeni katika hizi kamati, itaonekana kwamba tutakuwa na shida wakati mwingine. Hapo mwanzoni mimi kama Mwakilishi wa Kimumu na pia nichaguliwa kama Diwani (*councillor*) wakati ule. Nilikuwa nahofia kwamba Bwana Ngetich Jonathan ambaye ni Mwakilishi wa Kaptagat, na ni mwenyekiti wa Bajeti (*budget*), nilikuwa na wasiwasi kwamba hataweza pamoja na kamati yake kuelekeza sisi vizuri kwa Bajeti (*Budget*) lakini hongera kwake. Nilijua kwamba Ramadhan Bingwa kwamba anaweza kazi hiyo.

Kwa hivyo naungana na wale wenzangu kwamba waendeleo na hii kazi kwa sababu tuko na mwaka mmoja peke yake. Hivyo mtu kuelewa kazi vizuri huenda ikachukua muda wa miezi sita. Kama mimi, ndiye naibu wa mambo ya mashamba. Mimi nikilala ninajua mashamba yote katika kaunti hii kwa sababu nimekuwa katika hiyo kamati. Hivyo ninaungana na wenzangu. Wacha waendeleo. Ahsante.

**Mr. Speaker:** Thank you very much. Deputy Whip!

**MCA Birgen:** Thank you, Mr. Speaker Sir. I join hands with Honourable Members and I support this Motion that we need to add these people time: the Committee on Appointments chaired by you, the Committee on Public Investment chaired by our able minority and the committee on Budget chaired by Honourable Ngetich. Actually these people have proved their abilities and they need extra time because the three years they have been in these committees they have worked hard and so this remaining time, which is less than one and a half years, I believe they will actually perform and they have a lot of experience. So I do support that let us add them time because they have done a lot of research on these departments. Thank you very much.

**Mr. Speaker:** Thank you. Hon. Chelule.

**MCA Chelule:** Thank you, Mr. Speaker Sir, for giving me this time. I stand in support of this Motion bearing in mind where we have come from. When we were constituting these committees last time, we went deep to see into everyone's background and career and when we came up with the chairmen and members of respective committees, we saw the background and specialization and maybe the educational background and that is why they have been able to deliver and brought us this far. So interchanging for example Public Investment Committee and PAC (Accounts Committee), for one to be a member one of the condition was that he/she should not be a member in the Budget and Appropriation Committee. So by the virtue that we are going to maybe change or alter, you find that we need to change some of the committees that we have. Some of these committees such as PIC and PAC and the Budget and Appropriation, their sittings, once a week, are not enough. In fact, if anything, they should be given twice a week because their work involves a lot of planning. It has taken them almost three years to come up with first report and the major reason is that they take a lot of time researching. In fact if you see the report tabled in the House this afternoon, they tend to go all the way to the bank to obtain certain details and, in most cases, you find that they need to table facts and they only come after the work has been done.

I believe they have more work remaining for this term; they need to have more sittings so that they can accomplish and get more reports because any use of funds in the county, Mr. Speaker, depends on this committee. I would like to thank the members of that committee for whatever they have done and for their sittings. They should be sponsored to sit somewhere because they do not want interference or influence. For that I suggest that they should be taking some time off to go outside. I am in support of this Motion and I also thank Members

of Budget and Appropriation. Hon. Ng'etich has done great in that committee. I know if we were going to reconstitute another committee as of now, it will take some time before they come to know the rules of the House. You know we are having Public participation on Finance Bill and, if anything, it is they who prepared this and came up with the bill. So, I am in support of this Motion that we adopt it as it is and no other alteration should be done. I support this Motion fully. Thank you.

**Mr. Speaker:** Thank you. Honourable Bartera!

**MCA Cheptum:** Thank you, Mr. Speaker Sir, for giving me this opportunity. I also stand to support this Motion because these three committees have done a tremendous job especially the committee on County Budget and Appropriation and also the Public Investment and Public Investment Committee. These people have proved themselves able to carry us through to the end of this term. I support that these members continue to sit in those committees. As one of the members talked about Public Accounts and Public Investment Committees, these are committees that handle a lot of sensitive issues. I request that they should be given good time so that they continue digging into issues pertaining these committees. I Support that these committees continue. Thank you, Mr. Speaker.

**Mr. Speaker:** Thank you. Honourable Salome!

**MCA Salome:** I stand in support of this Motion, Mr. Speaker. Concerning what I have seen for the few years that I have been here, I have seen these members are really hard working, doing excellent work. Therefore, I support this Motion. Let these members continue because of their hard work and transparency that we have seen through their work. I stand in support. Thank you.

**Mr. Speaker:** Thank you Hon. Member. Honourable Naum.

**MCA Naum:** Thank you, Mr. Speaker. I also stand in support of this Motion. We realise that reconstituting these committees will interfere with other committees and we are not ready for that because we have a lot of work to do and so we are not going back there. I support them to continue and also want to echo them. They have done good work. Congratulations! continue doing more then maybe they can incorporate two or more people in the Budget and Appropriation committee for experience. Thank you. I support the Motion.

**Mr. Speaker:** Thank you. Honourable Muya!

**MCA Muya:** Asante sana, Mheshimiwa Spika. Nami pia nasimama ili kwanza kabisa niseme hongera kwa kamati hizo tatu kwa kipindi ambacho tuliwaaminia kama bunge. Tukianza na kamati ya kwanza ya Uteuzi (*Apointments*), hii ni kamati ambayo wakati kuna wafanyikazi wa serikali wa kaunti kuanzia mawaziri wale ambao wanasimamia idara (*CEOs*) wanapitia katika kamati hii. Mimi nikiwa mmoja wa Waheshimiwa katika bunge hili, kamati hii ilikuwa sawa, sawa na bunge kuu ya nchi kwa sababu wote walipitia mbele yao na kwa kweli tulipata walio bora. Ukiangalia kamati inayofuatia, ambayo ni kamati ya PIC, ilikuwa na kamati hii. Kuna vile sheria inatuelekeza na ikiongozwa na kiongozi wa walio wachache ama kiongozi wa yeye mwenyewe, Mheshimiwa Werambo Ali. Hata tukitaka yeye ndiye atakuwa mwenyekiti kwa sababu sheria inatuelekeza ni nani anafaa kusimama mahali pale na amechapa kazi vilivyo. Kabla ya hoja hii, tumekuwa tukijadili ripoti ambayo inatokana na kamati hiyo na ni kamati ambayo imekuwa ikifanya kazi nzuri. Kwa hivyo mimi nasema hongera kiongozi wa wachache, lakini hawa wachache hawapo.

Hongera, Mheshimiwa Ali Ramadhan na kamati yako kwa sababu hii ni kamati ambayo inaangalia mambo ambayo yanaweza kuwa na dosari na wamekuwa ngangari, wamekuwa sawa, wamekuwa wanapiga firimbi panapostahili. Kwa hivyo kamati hii imefanya kazi

inavyostahili. Ukienda katika ile kamati ya mwisho ambayo mimi ni naibu mwenyekiti, kamati hiyo ni kamati ambayo ni uti wa mgongo wa serikali. Uti wa mgongo kwa nini? Mambo yote yanayofanyika katika kaunti yanapitia katika kamati hii. Hii ni kamati ambayo ili ukaweza kutosheleka lazima kwanza ukaweze kujifahamisha na sheria mbalimbali ambazo zinaongoza kamati hii katika utendakazi wake. Ukiangalia utendaji kazi wake ni kweli tumeweza kuboreshwa katika ule mfumo wa *induction (mafunzo)*. Na kamati hii imeweza kufanya kazi inavyostahili pasipo kutoka nje ya sheria.

Hivyo mimi naona kamati hizi zinastahili kongole na Kuheshimika kwa sababu mahali tumetoka ni mbali kuliko mahali tunaenda. Mimi naungana na wenzangu kusema kwamba kamati hizi zimalize kazi ambazo tuliwapa. Kamati ya kwanza pekee ndiyo pengine hata haitakuwa na kazi kwa sababu sioni hivi karibuni kukiwa na watu wa kupigwa msasa ili kupewa kazi lakini wamefanya kazi nzuri. Kwa hivyo naungana na wenzangu kusema kamati hizi zipewe muda kumaliza kazi kwa kipindi ambacho kimebakia katika bunge hili la kwanza kwa Bunge la Uasin- Gishu. Nakomea hapo. Kwa hayo mengi nasema nawatakia kila la heri wanapomalizia kazi wanayotenda. Ahsante, Mheshimiwa Spika.

**Mr. Speaker:** Thank you very much, Honourable Muya.

Yes, Honourable Kisama.

**MCA Kisama:** Mr Speaker Sir, I want to support this Motion but before I support this Motion, I want to join the rest of Kenyans in mourning Mama Lucy Kibaki, a mother, the third First Lady of this country and an icon. I want to support this Motion and I have a reason why I want to support it. It is because the members of these committees have really worked so hard and especially the committee of Budget. Sometimes they have sleepless nights to see the budget of this county has gone through and they have really done a good job. I know very well as a mother, if I change a House girl in the house and I get a new one, I have to teach her from the start. So, I want to urge fellow members, we allow them and give them time to continue the work until the end of the term. Thank you, Mr. Speaker.

**Mr. Speaker:** Thank you Honourable Kisama.

Honourable Muya, I think Honourable Kisama has finished. Honourable Members, I will then put the Question.

*(Question Put and Agreed to)*

**Mr. Speaker:** It therefore follows, Members, that the Motion is carried. The Committees named in the Motion shall continue as they have been in as far as the constitution of members is concerned. Therefore, Members, we will have no reason to come and adopt the new constitution of those particular committees. They will just proceed to dispense their duties.

## **ADJOURNMENT**

**Mr Speaker:** That being the last item on our Order Paper, Members, this House stands adjourned until tomorrow Wednesday at 9:30AM.

The House rose at 3:44PM