

UASIN GISHU COUNTY ASSEMBLY

HANSARD

Wednesday, 4th October, 2017

The House Met at 3:27 PM

[Deputy Speaker (Hon Hosea Korir) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

MEMBERS REQUESTED TO RETURN COPIES OF THE STANDING ORDERS

Deputy Speaker: Honourable Members, I would wish to bring to your attention that all Members are requested to return the copies of the Standing Orders that were issued so as to necessitate some corrections on the errors on some of the copies. You realize, Honourable Members, that the Standing Orders that we have quite a number of errors and you are kindly required to return them to the Serjeant- at- Arms either today or tomorrow and even immediately after this session.

ADVICE ON THE PENDING BILLS FROM FIRST ASSEMBLY

Deputy Speaker: Honourable Members, I would wish to invoke Standing Order No.34 and this is an advice to various committees in terms of our pending Bills for the last Assembly. Honourable Members, I will be doing a communication later over these Bills as we are anticipating the adoption and the approval of the schedule for the Second Assembly on the first session; I will be able to advise various Chairs over the same. Thank you, Honourable Members.

Deputy Speaker: Honourable Lowoi.

MOTION

SECOND ASSEMBLY FIRST SESSION CALENDAR AND SCHEDULE

MCA Lowoi: Thank you very much, Mr. Speaker, Sir. Allow me to move the following Motion:

Pursuant to Standing Order No. 25, this County Assembly resolves to approve the calendar of the Second Assembly – First Session and the Schedule.

Sitting Dates:

We started on 21st September 2017 and our First Session shall end on 19th October, 2017.

We will have sittings on Tuesday – Afternoon that is from 2.30PM to 6.30PM, On Wednesday we will have our sittings in the morning and afternoon that is at 9.00AM to 12.30PM, then from 2.30PM to 6.30PM; On Thursdays afternoon that is at 2.30PM to 6.30PM. Then we will have a

short recess. Considering what is ahead of us that is the elections period, we will have a recess from 20th October 2017 to 30th October 2017. This is going to be a recess period of 10 days.

The First Session Part Two will commence on 31st October, 2017 to 7th December 2017. The sessions will remain the same. Tuesdays we will have a sitting in the afternoon, Wednesday we will have a sitting in the morning at 9AM and in the evening starting at 2.30PM. then Thursdays we will have a sitting in the afternoon. Then we will have a long recess which is in our Standing Orders which will start on 8th December 2017 to 12th February 2017.

The County Assembly shall sit from 2.30PM to 6.30PM on Tuesday, Wednesday and Thursday and 9AM to 12.30 PM on Wednesday pursuant to Standing Order No.27 (1) of Uasin Gishu County Assembly Standing Orders.

The Committee sittings will be on during the recess. When we are on recess and we have committees sitting on some County Assembly business they will be allowed to sit during the recess. We are bringing this Calendar to be approved by this House following our own Standing Orders and the Standing Orders that we have and even the one from the National Assembly. After here, this schedule and this calendar will be published on our website. It will be put in the dailies and it will be circulated so that we know actually when we are supposed to be here. This is a good notification to our electorates. Those people who sent us to work for them should know that at what time and which day are we supposed to be here and working.

They are also informed that we are on session on Tuesday afternoon that is from 2.30 to 6.30, on Wednesday morning and afternoon and on Thursday afternoon. Then tomorrow we are bringing a schedule for committees that will also be notified to tell the citizenry over our working throughout the week. This will tie us, this will really tie us and, as I continue, I want just to make an Amendment; The long recess will start from 8th December 2017 to 12th February 2018 not 2017; it will be in the next year.

As I was contributing this is a wake-up call to this House; On Wednesday like today in the morning we are supposed to be in the Assembly seated by 9AM because we are approving our own calendar and our own schedule. If we have a business to deal with on that day from 9 to 12.30PM, then that day will run fully because we will have a break from 12.30 to 2.30 when we come back to continue transacting the same business. This calendar will tie us to make sure that we are here every Tuesday at 2.30PM to 6.30PM. This calendar will also direct us and give us a way that we will be here on Thursdays in the afternoon from 2.30PM to 6.30PM.

It is my plea and it is my request that let us observe the timelines that we are going to approve. This calendar has been developed following what is in the Standing Orders. It is nothing different but the Standing Orders also give us a way of amending if we see some days or some hours that we are not comfortable with. As long as we maintain the working hours we are allowed to amend but till then or Till the time we agree to amend this calendar, that is the time we will change our time of sitting in the Assembly. This issue of coming to the Assembly on Wednesday at 9.30AM is illegal in the first place because this calendar leads us; this is the law that binds us. We should pass the law and let that law bind all of us. when we work following what we approved in this County Assembly, then it will be easier for us to transact our business, to run everything; the committees will sit in time, we will finish our businesses in time and

everybody will have his own time to do other things. If we come here at 11.00AM and we want to transact a business upto 12PM, then somebody maybe had to rush for a burial at 12.00PM then that person will be inconvenienced; the person who came here at 8AM expecting we start the House at 9.30.

I am calling upon the House, as we approve this calendar, let us also follow it, let us not just approve the calendar for the purposes of approving it but let us approve it and follow the same calendar. That is my plea and that is my request this afternoon, as we are in this sitting, as we approve it, as we are legislating for ourselves so that we start from here going forward.

A good example is the National Assembly. The National Assembly and the Senate; when we are at our homes sometimes, you are still preparing yourself to come to the County Assembly at 9.30AM and on your screens you see the national Assembly at exactly 9.00AM on a Wednesday and they have started transacting their business. Sometimes you sit down and you start watching the TV and you forget that you are also a parliamentarian and you are being waited somewhere as someone else wants to watch you. I am calling upon all of us to keep time. If you are not coming kindly inform the House leadership. We have the channels that I will not mention today so that we can know how to manage our quorums and move forward so that we don't inconvenience those people who wake up early from their places, they travel all the way to the County Assembly, by 8.30 AM you are here but you come here at 11:00 AM and say, 'I am coming to the County Assembly'.

It is my plea to all Chairs of committees to observe time during their committee sittings so that we can have an ample time, we can move together, we can do our things as required by law and nobody will be bothered to follow another one. This issue of keeping the Whip on phone throughout, the Whip calls 'Mheshimiwa we are waiting in the Assembly the time is up, there is no quorum', you run up and down helter-skelter; this should stop so that we are all Honourable Members.

If you have an issue and we call you, then you tell us that now, 'today, Mheshimiwa, I will not make it; just because I am fixed here,' then we will understand and we will move forward. Some of us it is a routine that you come when you like, you go out when --- let us try to just prepare ourselves for the purpose and the work ahead of us.

With those many remarks, Mr. Speaker, Sir, I move this Motion and urge all Members to approve this calendar as it is so that we can be in the legal framework as allowed by the Standing Orders and the Constitution. I call upon Honourable Jonathan Ngetich a Member from Kaptagat to second.

Deputy Speaker: Honourable Ngetich.

MCA Ngetich: Thank you, Mr. Speaker, Sir. I rise to second the Motion moved by our able Leader of Majority that we adopt the calendar of the Assembly schedule as proposed. I see it is convenient for all of us. Considering the election that we have on 26th of October it will be necessary that at that time we will not be in session so that we can go to assist the Jubilee Party and assist our president when it comes to looking for votes.

As well I concur with the Leader of Majority that as Honourable Members if we want this House to run smoothly, if we want the county government of Uasin Gishu to run smoothly, then we need to adhere to this time table and we be serious in our committees. It is at the committee level that we generate business for this House. I would urge Honourable Members that let us be serious always in our Committees meetings. let us try as much as possible to observe time. It is too early for us to lack quorum in our County Assembly. It is as well too early for us to lack quorums in our committee meetings.

I would therefore urge Honourable Members and especially the Chairmen of various committees that let us be very serious when it comes to committee sittings so that we can generate business for this House. It will be very prudent if the Chairs can communicate with the respective Members so that they do have their meetings frequently.

It is also my prayer that one time, one day the SRC will review the circular that they gave us because if in the discussions of this plenary we don't earn anything - I know that can be out of context but if in the plenary we don't earn anything - then Members would rather go do their other businesses so that they can make some money. So at one point or in the right forum it is high time that the County Assemblies Forum do a communication to the SRC Commission, talk with them so that they can see the need for us being given allowances during the plenary. Otherwise if that continues then it will be the same same commission that is killing the plenaries of the County Assemblies. that one will go hand in hand in killing the programmes of the county governments. It is in the plenary that we raise point of orders, it is in the plenary that we ask the various chairmen of various committees what the progress of implementations of programmes is in various departments. If we fail to ask for progress at these plenary sessions, then the development agenda of this County and other counties will be compromised. It will just be the same as killing devolution because the spirit of devolution was that the Assembly provides checks and balances to the executive. If we do not have a very strong plenary, very strong committee sittings then checks and balances in the executive will not be there. So at the end of the day it will not be business as usual.

Nonetheless, Honourable Members, let that one not discourage us from providing our mandate. Let us come for plenary sessions, let us participate actively and at the end of the day we are serving the wonderful people of Uasin Gishu County. It is also my prayer that when we go for recess and considering that this is the formative stage of our Second Assembly, it is my prayer as well that the leadership of this House provides for some trainings, provide for inductions so that we can get to know much about the Standing Orders, much about the processes of this County Assembly without interfering with other programmes. So it is during a recess that if we can get good time to go for inductions, to go training so that when we come back we are well equipped to carry on with our mandate.

With those many remarks, I second the Leader of Majority. Thank you.

Deputy Speaker: Thank you, Honourable Member for Kaptagat. A Motion has been moved, Honourable Members, and seconded and therefore I propose a question.

(Question proposed)

Ensuing debate!

Honourable Member for Kipkenyo.

MCA Rono: Thank you very much, Mr. Speaker, for giving me this opportunity to present my issues. Before I do it I want to seek your clarification. Suppose now with this calendar, in my view, I am saying I want to propose an Amendment, will I be in Order?

Deputy Speaker: I want to give you direction, Honourable Member. You know the procedure of doing an Amendment; you should have done it earlier that is by writing through the office of the Speaker, then you are allowed to move a Motion that Amendment. For now, Honourable Member, it is not allowed. You can proceed and second the Motion.

MCA Rono: Mr. Speaker, let me just proceed and I don't have so many issues to touch on this. The only issue I want to propose and I think the leader of majority should have told us that today is the day that we are supposed to deliberate on this calendar issue so that we can also give you our input. This county assembly and also the county executive are still in a formative stage, as said by the honourable member from Kaptagat, and I was proposing for this time let the county assembly reduce plenary sessions, let us have three sittings only for plenary so that the committee can now start embarking on the pending issues. For example my committee on environment there some two bills and those two bills we cannot deliberate in this House. We need more time in the committee so that we can tackle these issues, but because time has gone let me support it and maybe next time we will deliberate first before it is brought to this House. Thank you.

Deputy Speaker: Thank you, honourable member for Kipkenyo. I want to make reference, Honourable Member, on the hours of the meeting and we are being guided by the standing orders. If you go to Standing Order No 27, it stipulates the days we are supposed to be meeting either on Tuesday, Wednesday and Thursday, unless we amend our standing orders to fit the two days which is also allowed at a later stage, honourable member for Kipkenyo and other Honourable Members, we may discuss and amend our standing order but for now it is within the three days. I think I have given direction.

Honourable Goretta!

MCA Boroswa: Okay. Thank you, Mr. Speaker, Sir. I want to support and adopt the same timetable that is going to carry on our House business. My only concern is that when we look at our House even currently, most of our members are not taking the House seriously. I have been looking around and there some members even they are almost getting deleted in our minds that they are still existing Honourable Members of this House. So what I am saying is that we need to be very serious because this is what has brought us here, and if we are to deliver on all the issues that we are supposed to handle as a House, we cannot do it when some of us are neglecting this House.

I think we need to move together like in the morning, I saw the majority of the Members who were in the House where the nominated ones, those who are elected are starting to become more senior than others. so I would say is let us all be serious with our work because if we are not serious what our majority leader has brought on the table surely will not be achieved.

The time that has been stipulated, I would agree with it because following the standing orders of the House is how we are supposed to do it and I want to really support it that is in Article 27 chapter (1) of this House the hours to sit it are well stipulated and we want to say if it means amendment, we cannot actually really do amendment to suit ourselves; we must dedicate ourselves to the work that we have accepted to take up. Let us all be serious to follow the time because we know time is money and if we are all punctual, we shall be able to deliberate over the issues that are before us, and we shall have time to go and some other things that are required of us. But when we come late it is impossible; like yesterday we were supposed to have met people from trade. Honourable Members, we were supposed to have met after the meeting in the House but most of us were nowhere to be found, including the chair. we went knocking doors one after the other, so this time round when you say you have meeting after this kindly, can the meeting kick off instead of frustrating members looking for you looking for which room are we.

Point of order!

MCA Boroswa: Thank you. I am done! Thank you, Mr. Speaker.

(Laughter)

Deputy Speaker: Honourable Shah

MCA Keittany: Thank you. Mr. Speaker, for giving me this opportunity. Before I say anything Mr. Speaker, I want to correct ---

Deputy Speaker: Order! Order! Order, honourable member for Sergoit! You would have done that by having a point of order. If you want to correct member when given a chance, you just deliberate on substantive motion but in case you feel a member has brought or she has brought something that is against your wish, you have to have risen on a point of order. I would kindly request that you contribute over the substantive motion. proceed.

MCA Keittany: Thank you, Mr. Speaker. Although the reason why I was asking to be given this opportunity was not to contribute on this calendar but still with this opportunity, I can say I am willing to support this calendar although the way you have said after three days or the way you have said, we shall come and correct but, with this kind of opportunity, I want to assure this House that I am willing and I will be available all the time and I will be present unless otherwise I am committed somewhere, like today I was being handed over the office and that is why I was late and yesterday we were meeting with the board or the loans board. That is why I was not available but it was my wish that we meet yesterday but I think I will still have time ---

(Point of order)

MCA Keittany: Thank you, Mr. Speaker

Deputy Speaker: I think, honourable Shah, you have been so clever to sneak in your statement. Thank you. Honourable Member for Tembelio, before I put a question you can proceed.

MCA Kigen: Thank you, honourable speaker, for giving me this opportunity. Honourable Speaker, I stand to support this calendar for this House. As statutory requirement, Mr. Speaker, it

is this House that approved the standing orders and inside the standing orders is a requirement that we operate using a calendar schedule. This is one of the instruments that are used to enforce the standing orders and also the business of the House.

I would like to support this and also congratulate the leader of majority for coming with a calendar which is timely. The recess periods that are indicated, I would say, are timely. As you understand, elections will be held on 26th October, a recess therefore between 20th and 30th is ideal and I would like to really commend the people who really came up with this calendar. As well between 8th December and 12th February 2018, I would also say, is ideal; it will give us an opportunity to attend the KICOSCA between 9th and 20th in Kampala. It will also give members an opportunity to be with their families during Christmas festive season.

It will also allow members to have their children go to various colleges and schools before they come back to business to embark on the budget process, honourable Speaker. I would like to strongly support and urge the members that we adopt this calendar. Indeed, Honourable Members, We know and you also understand the standing orders that even as much as we approve the calendar, it is not cast on stones; this House, still using the standing orders, we can still make the amendments of the calendar of the committees and also of the sittings. That is a mandate which is solely vested on this august House. So, Honourable Speaker, I want to support and I want to strongly support and urge all members that we really adopt this calendar schedule for this session.

Thank you so much.

Deputy Speaker: Honourable Member for Soy.

MCA Talam: Thank you very much, Mr. Speaker. I also stand to support this motion. I know as a House we must have our own set procedures and guideline and I think this calendar of activities in the House has just come at the right time. So, as members of this assembly, I want to say it is ideal for all of us to work with this calendar of events so that we can achieve what we want to do in this House.

We are very much aware that we have motions and we also have committee meetings to deliberate on. It is our duty; we are bound by the standing orders of this House to make sure that we always arrive in time to transact business in this House so that we can also work within our own set limits. I want to say let us all be available in this assembly on time and also in our committees to effectively discharge our duties as it is required by law. So by that I stand to support this motion.

Thank you, Mr. Speaker.

Deputy Speaker: Honourable member for Ziwa.

MCA Korir: Honourable Speaker, as I stand to support this calendar, I must say that this calendar is in order. I must also praise the majority leader for having made an arrangement of this calendar but also my concern only is that we are going to adopt this calendar today in this House but since now, maybe from tomorrow, onwards standing committees for various chairs maybe had an arrangement of their sittings but my concern is that since before we go for a recess

and maybe out on a holiday, I wish that we could have also had the chief officers in place now. If it is a matter of bringing their names, we vet and approve all of them so that as the standing committees of various departments sit, if there is anything that they want to share we should have officers in the offices now so that we can delegate some of these duties as we are out. That was my only concern because you see this election time is going to derail the activities of this country and also this assembly Uasin Gishu County, so you will see that maybe one year we might be behind the programmes or the activities and service delivery. So now it is my plea that we could have had these officers because now as it stands, it is very hard now because when we say we want a CO for a certain department, and we cannot reach because we are still waiting for them to come here so that we can approve so that the work starts. That was my concern; otherwise I stand to support this calendar.

Deputy Speaker: I would wish to inform members that we have already done an advert for the three CECs that were submitted to this Honourable House and they will be vetted by the committee on appointment and tomorrow we will be approving schedules for all the committees. Honourable Members, the standing orders allow us even to have special sittings when we are on our recess and, as it was said by leader of government business, all the committees sitting will continue when we are on our recess. That simply means we will have the names of the chief officers coming for vetting. The various committees will be informed as per the schedule that will be developed by the office of the clerk.

Honourable Member for Ziwa, it is a great concern that anytime we would be informed by the leader of government business for any special sitting and for any special vetting, it is allowed as per our standing order. We cannot have that schedule on this calendar for the committee on appointment but I know it might be slotted in on the other schedule. Thank you. There being no other business over the same, then I now put the question.

(Question put and agreed to)

Deputy Speaker: The ayes have it, Honourable Members. The assembly has approved the calendar of the Second Assembly First Session as follows. The sitting dates will be 21st September, 2017 to 19th October, 2017 and 31st October, 2017 to 7th December, 2017. The first session sitting dates, Honourable Members, are Tuesday afternoon, Wednesday morning and afternoon as well as Thursday afternoon. Part two, Honourable Members, will be on Tuesday afternoon, Wednesday morning and afternoon as well as Thursday afternoon.

Recess dates are 20th October, 2017 to 30th October, 2017 and 8th December, 2017 and 12th February, 2018 as amended by the Leader of Government Business. The county assembly shall sit from 2:30 PM to 6:30 PM on Tuesday, Wednesday and Thursday as at 9:00 AM to 12:30 PM pursuant to Standing Order Number 27.

As I had done a communication yesterday over our training, immediately after this session you are advised by the Team Leader, Hon Pius Kigen, that he will be giving direction over the same.

ADJOURNMENT

Deputy Speaker: There being no other business on our order paper, Honourable Members, the House stands adjourned --- Order, Honourable Members! We have not stood up --- until tomorrow at 2.30pm.

The House rose at 4:36 PM