

# **BARINGO COUNTY ASSEMBLY**

## **THE HANSARD**

The House met on Tuesday 9<sup>th</sup> February 2021 at 10:10AM

The Speaker (Hon. Kiplagat) in Chair

### **PRAYER**

**The Speaker**(Hon. Kiplagat): Clerk!

### **COMMUNICATION FROM THE CHAIR**

**The Speaker**(Hon. Kiplagat): Hon Members first before I communicate I wish to welcome you back from the long recess and I want to believe that you have had a restful recess and now you are ready to begin this new session with renewed energy.

Now I have two communications to make, the first communication is that Hon. Members are kindly requested to pick their car stickers from the transport office... the car stickers are ready and they can be picked from the transport office.

### **PRESENTATION OF THE CONSTITUTIONAL AMENDMENT BILL 2020**

Secondly we received a letter dated 29<sup>th</sup> Jan 2021, it was received on 3<sup>rd</sup> Feb 2021 from IEBC, this is a letter forwarding the Constitutional Amendment Bill 2020 popularly known as the BBI, and this letter is addressed to all the 47 County Speakers and Baringo County is listed as number 30. So it is important for you to know what the letter says.

The letter reads; The reference is transmission of BBI Constitutional amendment Bill 2020 to County Assemblies. Reference is made to the above matter, the Independents Electoral and Boundaries Commission received a draft Bill to amend the Constitution by a popular initiative pursuant to Art.257 of the Constitution of Kenya 2010 dubbed Building Bridges Initiative. The said initiative was promoted by Hon. Denis Waweru and Hon. Junet Mohamed in compliance to Art.257(4) of the Constitution of Kenya 2010.

The Commission undertook a verification exercise to ascertain whether the Building Bridges Initiative is supported by at least 1 Million registered voters. The commission through interim verification of data captured on 19<sup>th</sup> January 2021 has confirmed and is satisfied that the Initiative has been supported by 1,140,845 registered voters, this is therefore to notify you that the Initiative has met the requisite threshold as provided for under Art.257(4) of the Constitution of Kenya 2010.

Pursuant to Art.257(5) of the Constitution of Kenya 2010 the commission hereby submits a copy of the draft Bill that is the Constitutional Amendment Bill 2020 to your County Assembly for consideration within three months from the day hereof. In conformity with Art.257(6) you are required to submit the decisions of your County Assembly to the Speakers of the National Assembly and the Senate within three months from the date of this letter... Signed by W.W. Chebukati, Chairperson IEBC.

Attached to that letter Hon. Members is the draft Bill dated 25<sup>th</sup> Nov. 2020 dubbed Bill to Amend the Constitution of Kenya 2010. The Constitution of Kenya Amendment Bill 2020, so this Bill should be photocopied and each member should have a copy for the Bill as soon as we get out of here we will ensure that it is done, the legal office will ensure that each member has a Bill. Now that we have received this Bill, we will proceed as required and as provided by the law, that you very much. Next Order!

## PAPERS

### 2018/2019 AUDITOR GENERAL REPORT ON COUNTY EXECUTIVE OF BARINGO

**The Speaker**(Hon. Kiplagat): Leader of Majority. Yes Hon. Aengwo on behalf of the Leader of Majority.

**Hon. Aengwo:** Thank you Mr. Speaker sir I am standing in for the Leader of Majority and I beg to lay a report of the auditor general on the County Executive of Baringo for the year ended 30<sup>th</sup> June 2019. Mr. Speaker sir I beg to lay.

*(Hon Aengwo laid the Paper on the Table)*

**The Speaker**(Hon. Kiplagat): Thank you, I direct that that paper to be committed to PIC/PAC committee. Next!

### 2018/2019 AUDITOR GENERAL REPORT ON COUNTY ASSEMBLY OF BARINGO

**Hon. Aengwo:** Mr. Speaker sir I also beg to lay a report of the auditor general on County Assembly of Baringo for the year ended 30<sup>th</sup> June 2019. Mr. Speaker sir I beg to lay.

*(Hon Aengwo laid the Paper on the Table)*

**The Speaker**(Hon. Kiplagat): Equally the same is committed to the committee on PIC/PAC. Precede Hon. Aengwo.

### SECOND QUARTER FINANCIAL REPORT FOR 2020/2021FY

**Hon. Aengwo:** Thank you Mr. Speaker sir. I also want to submit a report of second quarter financial report for financial year 2020 and 2021. Mr. Speaker sir I beg to lay.

*(Hon Aengwo laid the Paper on the Table)*

**The Speaker**(Hon. Kiplagat): I direct that the same be committed to the Committee on Finance. Proceed.

### 2020 ANNUAL REPORT OF BARINGO COUNTY ASSEMBLY

**Hon. Aengwo:** Mr. Speaker sir, I also beg to lay annual report to the County Assembly for the calendar year 1<sup>st</sup> January 2020 to 31<sup>st</sup> December 2020. Mr. Speaker sir I beg to lay.

**The Speaker**(Hon. Kiplagat): Again the same is committed to Committee on Finance.

**Hon. Aengwo:** Last but not least, Mr. Speaker sir I also beg to laid the Bill on independent and electoral commission on the BBI report. The report is here with us and I beg to lay.

*(Hon Aengwo laid the Paper on the Table)*

### THE CONSTITUTIONAL AMENDMENT BILL 2020

**The Speaker**(Hon. Kiplagat): That Bill is committed to Justice and Legal Affairs Committee.

**Hon. Aengwo:** Thank you Mr. Speaker sir.

**The Speaker**(Hon. Kiplagat): Next order!

## NOTICES OF MOTION

**The Speaker**(Hon. Kiplagat): What is it Member for Kabarnet.

**Hon. Kibet:** Thank you Mr. Speaker sir. I can see on papers laid, number five its calendar year 1<sup>st</sup> January 2020 to 31<sup>st</sup> December 2020.

**The Speaker**(Hon. Kiplagat): That is on the order paper but I presume that Hon. Aengwo on behalf of the Leader of Majority party did not mention that, and then I think that paper is not to be laid.

Yes member of Kabarnet I think there is further communication rising out of what you have mentioned. It is actually not even a calendar, if you look at the document that has been given to me it is a report issued by the Baringo County Public Service Board to the Assembly. I guess there was a problem in printing the order paper. The document that was laid is actually the report for the Baringo Public Service Board. Because the report is dealing with labour issues then we want to do some amendments, so it is then not to finance but it is committed to the Committee on Labour to deal with these issues of County Public Service Board. Thank you. The Clerk had called notice of motion. Chairperson Committee on Implementation or any member of that committee. Yes Hon Kibarar.

#### REPORT ON STATUS OF IMPLEMENTATION OF HOUSE RESOLUTIONS

**Hon. Kibarar:**Mr.Speaker I want to give notice of motion. Adoption of the report of the Committee on Implementation on the status of implementation of House resolutions. Thank you MrSpeaker.

**The Speaker** (Hon. Kiplagat): This motion is referred to the House business Committee for allocation of time. Chairperson committee of education vocational training and ICT

#### REPORT ON BARINGO COUNTY PRE SCHOOL AND EARLY CHILDHOOD BILL 2020

**Hon. Elizabeth:** Thank you MrSpeaker, I want to give notice of motion that this House adopts the report of Education, vocational training and ICT on the Baringo County Pre School and Early Childhood Bill 2020. Thank you.

**The Speaker** (Hon. Kiplagat): The same is referred to the House business committee for allocation of time. Next order!

### MOTION

#### APPROVAL OF FIFTH SESSION CALENDAR

**The Speaker** (Hon. Kiplagat): Hon Aengwo again you are holding in for the Leader of Majority

**Hon. Aengwo:** Thank you MrSpeaker sir, it is on the spirit of collective responsibility and I want to move the motion to approve the calendar of the House for the fifth session for the year 2020/21. MrSpeaker sir I want to call upon Hon. Jeruto to second.

**The Speaker** (Hon. Kiplagat): I was imagining that you would make some statements on that even before I propose the question.

**Hon. Aengwo:** Thank you MrSpeaker sir I wanted to take this opportunity to thank God that we have been in the long recess from last year November up to this moment February 2021 that we are all there. We have been meeting in various forums including the social forum and we know that we are doing well. The only unfortunate thing is that during that recess we lost one of our service board member. It was actually very sad but we pray to God that we remain the same without loosing anybody until we finish our term and even beyond our term. So I would like to urge this House that we debate and then we approve this calendar so that our schedules ahead of can be executed without any problem. I know during this particular time we have so many issues especially what has been tabled today on the issue of BBI and we are all aware that we are moving towards the end of our term of office and so we need to move very fast so that we can be able to accomplish our business as required. I beg to move.

**The Speaker** (Hon. Kiplagat): Thank you very much this motion having been duly moved and duly seconded I now propose the question.

*(Question is proposed)*

Debate is now open for any member who wish to contribute. Member of Kabarnet

**Hon. Kibet:** Thank you very much MrSpeaker I want to take this opportunity to support this motion. Mine is just to welcome members back from the long recess and I also want to join my colleague who said that it was unfortunate we lost one of our member but we pray to God that we remain in good health. I want to say that we are coming in to this fifth session with a lot of expectation. MrSpeaker, as we speak we are in the third quarter of the financial year with zero implementation. I think that should be our first activity that members we are looking at a possible rollover for the entire financial year. That concerns me because it is one of the key things that we are supposed to ensure that we oversight and if possible I want to encourage members that let it not be business as usual. Let us roll our sleeves and go after this financial year so that we are able at least to push through some of the projects to be implemented.

Finally, I want to say that I wish members a very good stay they have always been very good and I want them to continue staying with the business community in the good way. Thank you MrSpeaker sir.

**The Speaker** (Hon. Kiplagat): Thank you very much did I say Hon Kibai.

**Hon. Kibai:** Thank you MrSpeaker as I rise to support the motion I also want to welcome our colleagues to this session after the long recess of going to various wards. I urge them that we need to unite and move this County of ours forward and make sure that the implementation of projects in our county in a proper wayand we do our work accordingly

Mr. Speaker, I had seen that the calendar is okay but I had a proposal and I don't know if it can be amended the Thursday session be moved to Tuesday morning or we move the Tuesday afternoon session to Thursday morning, if it is possible so that we can have Tuesday and Wednesday as our sittings then Thursday the committee sittings so that from Friday Mr. Speaker members can go to their various wards or do other activities like fact finding mission. Mr. Speaker that is my proposal but if there will be no changes I will support it but this is a very good proposal now that we are approaching the elections year and we need to be regular in our wards and interact with the electorate and make sure that the projects are implemented. I support the motion.

**The Speaker**(Hon. Kiplagat): Yes Hon. Parkei

**Hon. Parkei:** Thank you Mr. Speaker sir I thank God for bringing all of us back to the Assembly and we say sorry for losing one of our service board member. Mr. Speaker on the calendar of the year we don't have much to say but since we are approaching the end of the term most of the members will not be in the House frequently because its approaching campaign time and most would like to be at the ground most of the time, we have resumed from a two months recess but you can see that most of the members are missing meaning they are not ready to come back. So it would have been prudent if we were given another one month to stay at home so that when we come back everybody will be active in theAssembly

Mr. Speaker we have been on the ground for the last two months but we have seen that minimal development has taken place in our wards, this is my first day to come to Kabarnet since we went for recess and I supervised minimal work since the Executive did not do good job and we want them to pull up their socks.

Mr. Speaker it is prudent that this year and next year, members should be given enough time to be on the ground because as usual most of them say that *ground imekuambaya*. Mr. Speaker we are energetic and ready to work; we are ready to bring statements and motions and make sure that the Executive works and on the absorption rate of development is high because last week we saw from the news papers that Baringo is good in collecting revenue but in absorption rate we are almost the lowest, we want to change this and be very good in absorption and make sure that come next year the residents are happy and most of these members will be re-elected. I support the calendar of the year, thank you Mr. Speaker.

**The Speaker**(Hon. Kiplagat): Thank you, member for Sacho.

**Hon. Tarus:** Thank you Mr. Speaker for according me this opportunity to contribute on this motion of the calendar of the House for the fifth session of 2021. Mr. Speaker first of all I want to join the other members in welcoming the members in this fifth session and we have had a very good time with our electorates in terms of supervising projects and also interacting with them. Mr. Speaker we need to approve this calendar as it is and do what is expected of us as members of the County Assembly, in ensuring that we come up with Bills, motions and statements as the representatives of the people.

Mr. Speaker, I want to urge members that after approving we need to move with speed and ensure that the projects that have been rolled over are implemented and we also do thorough supervision this being almost the last year of us being in this House.

Mr. Speaker being the representatives and carrying out the oversight role in this Assembly we need to up our game this year so that we can deliver on our mandate otherwise I support the approval of this motion. Thank you.

**The Speaker**(Hon. Kiplagat): Thank you, we should be coming to the last person Hon. Bowen then we go back to the mover.

**Hon. Bowen:** Thank you very much Mr. Speaker sir, I stand to support the calendar of the fifth session of our Assembly and I know that we have been away and we have been very busy in our rural areas and I believe that now we can bring what our people require.

Mr. Speaker, Baringo is very quiet especially on matters of nurses and clinical officers going on strike; the electorates have been suffering; all the dispensaries have been closed; the referral hospital has not been in use, those who were able to get treatment are those who have money. When we talk about oversight, I don't think that it is felt by the electorates that there are people responsible for oversight. I thought the committee on Health and Public Health should have sat down and find out what is happening and what are the complaints of the employees. Mr. Speaker it is very painful and the electorates have been asking what is happening but I believe something must have been discussed by the committee and the Governor and the Executive as a whole so that we can be able to rescue our people otherwise we are Hon. members in this Assembly and we will give an account on our deeds.

I want to say that let us be very serious as the days are moving, accounts are being kept and when we are back, let us ensure the health facilities are functioning and Honorable members we have to work hard and ensure we arrive in the quorum because most of the time we come here reluctantly. I am sorry that the circular on Corona chased me away but and I really feel very painful when I am not able to participate in our discussions and I pray to God that as the rate is going down I shall be popping in to see how you are going on; I will participate on some very important motions and we shall be able to take our Assembly far ahead. Otherwise I want to thank the Speaker, the Clerk and also our Committee Members because, though we have been very angry, we have not been bad. Every time we come to the bank, you can see something, the

Committee that went somewhere that's the only thing that saved us but there wouldn't be any salary. Thank you very much and we thank God that all of us... somebody rang me and told me that I am required in the Jubilee headquarters and I wondered. They want me to follow Namanga and the rest; what is happening? So I ran from home and that's why I am here to find out what has been really happening again in Baringo and we have not yet discussed the BBI. I hope you will tell us what is really happening or is it just me who will go? Thank you very much Sir.

**The Speaker**(Hon Kiplagat): Thank you very much Hon Bowen, it was not the circular that kept you away; you said circular, it is the threats of the disease called Corona. I think that we need to finalize, we can go to the mover.

*(Loud consultations)*

What is the information? Hon Kibai you had already... What is it... had you already contributed the information

**Hon Kibai:** I will not dwell on what I had already contributed Mr. Speaker... I think this one has been sanitized and it will be sanitized so I am safe. This thing is just blocking my... I almost collapsed...

**The Speaker** (Hon Kiplagat): Order Hon Kibai, can you put on your mask properly.

**Hon Kibai:** Mr. Speaker, it is true... because you are our Speaker, I thought you would communicate about the Jubilee members being summoned by the Secretary General Hon Raphael Tuju to the Jubilee headquarters tomorrow at 11 a.m. Mr. Speaker, I beg your indulgence that maybe after this motion, you allow us to deliberate or maybe we can caucus after...

**The Speaker**(Hon Kiplagat): What is your point of order Hon Kibet?

**Hon Kibet:** Thank you Mr. Speaker, I think the honorable member knows the rules of this House. This is not the House of Jubilee but it is Baringo County Assembly; so if they are summoned or whatever, they can have their meeting as Jubilee members and discuss, thank you Mr. Speaker Sir.

**Hon Kibai:** Mr. Speaker, this House is for us all and that is why I beg the indulgence of the Speaker so that he can communicate to us to caucus maybe after the Assembly. I wanted to be on record that it is not in bad faith and I just requested and you gave me that opportunity to give that information so that you can also give us information whether to caucus or communicate to us to go to Nairobi, thank you Mr. Speaker.

**The Speaker**(Hon Kiplagat): What is the concern Hon Elizabeth?

**Hon Elizabeth:** Okay Mr. Speaker, I am requesting that maybe we can stand for a minute in honor of our Service Board member, Maccah Hamisi if possible.

**The Speaker**(Hon Kiplagat): That is in order but you see we are in the middle of a motion, let's finalize first we are yet to put the question but that's a valid point; we can do that after the motion. Did I see a hand on my left... yes Hon Cheruto...?

**Hon Jeruto:** Thank you Mr. Speaker, I stand to make one comment and I concur with the rest of the members. I would like to urge the members to visit our schools now that we know children are burning up in high school so I wish we'd visit the schools that have not done that and encourage them so that they can no longer burn the schools, thank you Mr. Speaker.

**The Speaker**(Hon Kiplagat): Thank you very much, that is related to the calendar. I think I need to make a clarification before we go back to the mover on the issue raised by Hon Kibai and Hon

Kibet. A letter has not been communicated to the Assembly on party issues; party issues are best handled with party structures including what you were suggesting Hon Kibai, I hope it is clear. Hon Aengwo.

**Hon Aengwo:** Thank you Mr. Speaker Sir, I want to take this opportunity once more to thank honorable members for debating on the approval of the calendar of the House on the Fifth session 2021 and also for supporting this motion. I want to say that we actually fast track the implementation so that everybody is aware that we are heading towards the end of our term of office and therefore, on other matters we need to be proactive than before. Otherwise I would like to thank honorable members for debating and approving this motion.

**The Speaker**(Hon Kiplagat): Thank you very much members for that debate.

*(Question put and agreed to)*

### **COMMUNICATION FROM THE CHAIR**

**The Speaker**(Hon Kiplagat): Thank you very much members, I think there are one or two things to note before we finalize; On the issue of Covid-19 protocol, please be reminded that it is still a scare and it is still real and despite the fact that we have not had any serious incidences we are still urged to be vigilant. We will be very strict and we urge the Sergeant-At-Arms to ensure that all members who enter this chamber are properly masked and masks should be worn all the time including when using the microphone because you see members have just come from recess and we want to all be safe; let us maintain sanitization, social distancing and also put on the masks.

Hon Elizabeth reminded us on the issue of the departure of our commissioner Macca Hamisi and it is in good order to give her some respect; I know we did that in Kisumu but that was at the committee stage or at least we were not on HANSARD and it is important that we go on HANSARD as a House that we have respected the departed commissioner Macca Hamisi and with that I urge you to stand up and give a minute's silence in her respect...

*(Members stood in their places and observed a minute of silence)*

### **ADJOURNMENT**

Thank you very much. Order members!

The House stands adjourned until tomorrow 10<sup>th</sup> February 2021 at 9.30 a.m.

The House rose at 3.38 p.m.

