

BARINGO COUNTY ASSEMBLY

THE HANSARD

The House met on 2nd March 2021 at 2.41p.m

The Deputy Speaker (Hon. Cheboiwo) was in chair

PRAYERS

The Deputy Speaker (Hon. Cheboiwo): Okay welcome Members to our first session this week and before we proceed Sergeant-At-Arm can you ring the quorum bell.

(Quorum bell rung)

Sergeant you can still ring the bell...

(Quorum bell rung)

Clerk you can go ahead and read the orders. Clerk!

(Loud Consultations)

COMMUNICATION FROM THE CHAIR

The Deputy Speaker (Hon. Cheboiwo): Okay Members, we are realizing that the Business of the House is becoming less day by day; let us bring more businesses to the House so that the other Sectoral Committees can be engaged so that we can perform our duties.

Secondly Members, it is not good that when you are within the premises of the Assembly and you know that it's time to attend the Assembly, you wait until you are called. Let us respect time and attend sessions by 2:30pm. So that we won't be ringing the quorum bell every now and then for us to come. It is so unfortunate that most of our members can stay in the restaurant while the time is up, so let us adhere to time. Clerk!

STATEMENTS

ASSAULT ON TRADER BY COUNTY STAFF

The Deputy Speaker (Hon. Cheboiwo): We have statement number 001 of 2021 by Hon. Jeruto Kiptalla, MCA Baringo County, seeking a statement from the Leader the Majority Party on the matters which have been written there, Leader of Majority.

Hon. Leparsalaach: Thank you so much Mr. Speaker sir, I arise to give answers to the Statements seek by Hon. Kiptala and question no. i) is; if he is aware that there was a trader who was assaulted in the morning of Thursday 18th February, 2021 by a County staff working as a cleaner in Kabarnet town? The answer is yes, we are aware that a trader was assaulted on Thursday 18th February 2021 that a County staff working as a cleaner in Kabarnet Town.

(ii) Is, if he is further aware that the said County staff followed her into an eatery and brutally assaulted her? Answer: We are not aware that she followed her into an eatery but what was reported was the assaulted.

iii) The County staff trained on work ethics and integrity?

Answer: Yes County Staff are usually given sufficient briefing on ethics and integrity. In some cases some staff are nominated to attend such trainings when funds are available.

iv) Whether we can provide this House with a clear statement as to why the assault was perpetrated by the said staff?

Answer: The assault by the employee to assault a trader was actually an action that she should be purely held responsible both as a County worker and as an individual. Assault is a criminal offence and the perpetrator is solely accountable to her actions; the worker worked as a casual worker paid on daily basis. This is to say Mr. Speaker sir that the worker is not on permanent basis and at the end of the day, she gets her dues and she doesn't have a file in the County, so she is solely accountable for her actions.

v) What disciplinary action was taken on the said staff to ensure that such incident will not re-occur in future?

Answer: The assaulted worker reported the matter to the police therefore; the police are investigating and handling the matter. The officer was also dismissed immediately; that is to say she is no longer working with the County because she was being paid on a daily basis, thank you Mr. Speaker.

The Deputy Speaker (Hon. Cheboiwo): Thank you Majority Leader, Members who have concerns on the said issue, Hon. Mailuk.

Hon. Mailuk: Thank you Mr. Speaker, I just have two concerns; I've seen the Majority Leader is addressing the assaulter as she, does our Majority Leader really know what transpired? I think he is just reading something that he doesn't know what happened. From the second question to the last, the answers he has been giving, is addressing the guy as she which means that he doesn't understand what really happened he is just answering for the sake of this House so that the person who asked this question gets satisfied or he just wants to dispose this question for himself, thank you.

The Deputy Speaker (Hon. Cheboiwo): Okay, thank you Hon. Mailuk, that issue has been noted, Hon. Kibet...

(Loud Consultations)

Yes, Hon. Elizabeth, what is your point of information?

Hon. Elizabeth: Thank you Mr. Speaker, I think the Majority Leader is right because of the viral video circling around, we saw two ladies fighting so it indicates that it was a she for she, thank you.

The Deputy Speaker (Hon. Cheboiwo): I think the Majority Leader will explain further, Hon Elizabeth we will get the information directly; Hon Kibet.

Hon Kibet: Thank you Mr. Speaker sir, mine is just to appreciate the Majority Leader for bringing the question and being very sincere about the situation. This is so reflection on what Baringo is; we are talking about County staff who are working as strangers in the government. You can see how casually this story is ending; it has ended like; the worker was dismissed. We asked is what disciplinary action was taken; there must be an investigation as to why the employee was fighting the client. Is it because she was depressed, it is the habit of the government; Mr. Speaker, if this is how the Government treats its people, we can now say that

we are not safe because, this is an employee who has the regalia of the County Government and is fighting. We are told, the question was; are County staff trained; so by saying that this was a casual laborer, we can heed clearly that there is nothing like training because it's just like if you want to work here in Kabarnet, you just go to city clock and pick a plumber and this plumber just knows how to only do plumbing but he might not be on the know-how on how to work in a government environment, I was expecting a detailed answer even telling us about how this employees; you know if we say that we are operating with casual employees, we would want to know the terms; how many employees we have and among them there are those doing cleaning but this one behaved like an enforcement officer and do we really have enough enforcement officers because Mr. Speaker, it was just unfortunate that maybe the cleaner was dealing with a weakling person assuming this cleaner faced off with a more energetic person and would have also been beaten up; so do we have enough enforcement officers in this County so that if s/he is facing a challenge, s/he can report to the authorities then they bring reinforcement. What we'd be doing is to arrest the culprit then translate that culprit to a revenue. So it talks much on if the employee has been given the authority to beat up people instead of arresting them so that we can charge them to improve on the revenue of the county and it shows why Baringo is showing low revenue because the employees have a habit of beating up the clients. I mean how will you beat money? We arrest, charge and collect money for the wrongs done.

The Majority Leader whom I respect so much is a very serious leader and I want him to tell us how, for example, if we say that the police are dealing with these people, I would want to imagine if that employee was to undergo a certain disciplinary action, it would have translated to even that person maybe losing salary so that we are able as a county government's role as a service delivery, its mindset is revenue or any mistake; even a goat coming to this town is a revenue source that is why we arrest and the owner pays Kshs 500, so I'd like to ask the Majority Leader if he feels that the answer is helping Baringo or is for the sake of answering; I want him to position us because when I read this question, I was really expecting a serious response from the Government and Mr. Speaker also because this is just a tip of the iceberg, if we could use this opportunity to escalate this question to learn more about if the County is in a position to give services; I could see why that employee was enraged, this was a hawker and maybe disposal of the hawking stuff for example those selling eggs, when they serve the customers, they dispose the shells in a casual manner and maybe that annoys them and this thing has to do more with the business environment and we want to encourage everybody to do business but do we really have what it takes to support the small enterprise business people; do we have a policy in place, at times someone might come to your hotel and start hawking inside the hotel and maybe there is no prohibition from the government and maybe the Majority Leader doesn't see the problem with that because it is just a business but are there rules guiding how people operate businesses.

Mr. Speaker, there people out here hawking clothes outside shops and we know that these shop owners have paid rates, licenses so I don't know how we will position and I would beseech the Majority Leader to cease this moment we escalate this thing so that we can do a bigger discussion and it is not in Kabarnet only; if you go to Chemalingot when they are selling cows and animals, there is a lot of privileges, what I can say is there is loss of revenue...

The Deputy Speaker (Hon Cheboiwo): Hon Ernest I see you need to bring a supplementary question on that and therefore I will give you way so that you come up with a very comprehensive question pertaining all the issues, coz I see you are no longer dwelling on this

question but have expanded and that means you need time to bring a question on it so that we handle it properly.

Hon. Kibet: Thank you Mr. Speaker, I was also cognizant of the fact that it is the only question and I was like seriously, we have energy, we have everything and was also trying to contribute in a different way and you could see my struggle to an extent of going all the way to Chemalingot; it's not easy, thank you Mr. Speaker sir...

The Deputy Speaker (Hon. Cheboiwo): Thank you, you can come with a question pertaining that. Members I'll give you the concern, is there any member of Labor here, Members? so Hon. Kipchew.

Hon. Kipchew: Thank you very much Mr. Speaker, I arise on question (iii), this is a very important answer that has been given but on answer (iii) Mr. Speaker, the question has been asked; are the County staff trained on the work ethics and integrity? I like the answer that was given in part (a) but my problem here is sufficient, it means it is enough therefore our workers are well trained to manage the work given to them but when it comes to part (b) in the same question, it says that in some cases. I might not be able to connect the first one and the second one; the second one is giving us a leeway that there are some members of staff who are not trained and maybe this member falls on the same category that he was not given sufficient training.

It also goes ahead and says, in some cases some staff are nominated that means that there are some that are selected not all; part (b) is contradicting part(a) and I think as much as our Majority Leader has only given the answers, he was not the one writing them; there is more that the person who gave us this answer should not make the members who are reading in the House in a very awkward situation like they have done our Majority Leader and that is why he is experiencing some problem and yet somebody is deliberately answering a question without looking at what s/he is answering.

Mr. Speaker, I pray that in future any officer answering any question that comes to this House, should be thorough and clear. So in this case, in the way I understand is that this member falls on the category of those not yet trained and therefore there is need for all staff to be trained in the County. Lastly, when you come to part (v) the last part of it says that the officer was also dismissed immediately. In the H.R department, we are not saying that this officer did a good thing but we cannot dismiss immediately. It means that the County Government is not taking even a second to find out what the causes of the fight are. So in this case, this officer has been mishandled; there should be procedures from the H.R department until the person is removed. So Mr. Speaker I want to pray that in future, if it is possible the this question goes back to the person who answered the question and give us detailed information, we are not ready to be seeing some bad scenarios that has been happening in the clips; it is not our happiness but they are putting us in an awkward situations as the Members of the County Assembly and therefore, as the members of the... they should be giving us clear information so that we can be able to take it back to the mwananchi, thank you very much Mr. Speaker.

The Deputy Speaker (Hon. Cheboiwo): Thank you Hon. Kipchew, Hon. Elizabeth.

Hon. Elizabeth: Asante sana Mhe. Spika, nimeamka ili kwamba wakati tuliona hio video, tuliona ya kwamba yule alianza kuchapa mwingine nikama ni mwendawazimu. Kwa hivyo tunataka Majority Leader atuletee ripoti ya Daktari kwasababu wakati alikuwa anamchapa,

alimchapa kana kwamba kuna shida akilini mwake. Kwa hivyo Mhe. Spika tunataka tupate ripoti kutoka kwa Daktari ije kwa hii Nyumba ilitujue kama yule aliyemchapa yule mwanabiashara ana akili timamu, ashante.

The Deputy Speaker (Hon. Cheboiwo): Okay thank you Hon. Elizabeth, Hon. Majority Leader can you touch on the concerns of the Members.

Hon. Leparsalaach: Thank you so much Mr. Speaker sir, I appreciate the concerns of the Members and especially Hon. Kibet who happens to be the Member within the jurisdiction where the incident took place. I would like to start by also thanking Hon. Elizabeth for assisting me in answering Hon. Mailuk that the incident happened between two ladies and that's the reason why my answers are she because both of the; the assaulted and the assaulter were both female. Number two is that we've been in this assembly for four years and this is the first incident that we have received concerning the County staff and in every organization there must be some disagreements, so I think the County staff maintain the integrity and the ethics code however as pointed out by Hon. Kipchew, in some cases when we take people for training, it's very hard to take the entire staff.

We normally; for instance if there is a supervisor and we want to take them for training, we will start with the supervisor and if can afford to take three, then we can take the supervisor and two other staff. I don't think the answer is contradicting when we say sufficient training. For instance, my background is on workshops and if you take a casual laborer into our workshop, the first thing you educate them is on the safety precautions that when you enter our workshops, you come in boots not in open shoes. The same happens in our County, when somebody is in the market, s/he has to be given background training on that market.

Lastly Mr. Speaker, I think we have enough enforcement officers, not totally enough but fairly enough and the work of the enforcement officers is not to arrest anyone but to report the police because when two people fight it becomes a crime and our enforcement officers cannot deal with a criminal case. They report and call the police to investigate then the police will come and arrest and prosecute. This is a casual employee and is usually paid on a daily basis. For example, they sign a contract for three months and after three months the whole contract is terminated so if s/he commits an offence, you don't have that window to give him/her a warning; you dismiss instantly because s/he has committed a serious offence fighting in a workplace. In fact it's a serious offence within the labor laws Mr. Speaker. So I think to me the answer that I have given is satisfactory, thank you.

The Deputy Speaker (Hon. Cheboiwo): Thank you Hon. Majority Leader.

ADJOURNMENT

Order members! There being no other business, this House stands until tomorrow Wednesday at 9.30a.m. the 3rd of March 2021.

The House rose at 3.14P.M