

BARINGO COUNTY ASSEMBLY

THE HANSARD

The House met on Thursday Afternoon 18th Feb 2021 at 2:40PM

The Deputy Speaker (Hon. Cheboiwo) in Chair.

PRAYER

The Deputy Speaker (Hon. Cheboiwo): Clerk.

COMMUNICATION FROM THE CHAIR

The Deputy Speaker (Hon. Cheboiwo): Hon. Members, you are all invited to the opening ceremony of Kituro Catholic church so you are all informed and welcomed to the two occasions. Clerk.

NOTICES OF MOTION

REPORT ON THE FINANCIAL OPERATIONS OF BARINGO COUNTY ASSEMBLY

FOR THE PERIOD ENDED 30TH JUNE, 2016

The Deputy Speaker (Hon. Cheboiwo): We have a notice of motion by the PIC/PAC committee; yes chair or any Member of the said committee to give the notice of motion. Yes Hon. Cheserem MCA Saimo Soi.

Hon. Cheserem: Thank you Mr. Speaker sir, I give the notice of motion of the adoption of the report of the Public Accounts and Investment Committee on the financial operations of the Baringo County Assembly for the period ended 30th June 2016.

That this House adopts the report of the Public Accounts and Investment Committee on the financial operations of the Baringo County Assembly for the period ended 30th June 2016.

REPORT ON THE FINANCIAL OPERATIONS OF BARINGO COUNTY ASSEMBLY

FOR THE PERIOD ENDED 30TH JUNE, 2017

Mr. Speaker sir, I also give a notice of the adoption of the report of the Public Accounts and investment committee on the financial operations of the Baringo County Assembly for the period ended 30th June 2017, that this House adopts the report of the public accounts and Investment committee on the financial operations of Baringo County Assembly for the period ended 30th June 2017. Thank you Mr. Speaker sir.

The Deputy Speaker (Hon. Cheboiwo): The two notices of motion should be referred back to the House Business Committee for the allocation of time for discussion. Clerk!

STATEMENTS

SUPPLY OF WATER TANKS IN ECDE CENTRES IN TIRIOKO WARD

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The Deputy Speaker (Hon. Kiplagat): Statement number 005/2020 by Hon. Sam Limo Lourien of Tirioko Ward to the chairperson Education, Vocational Training and ICT, Chairman.

Hon. Aengwo: Thank you Mr. Speaker, our Chair is not in but I am also a Member of the education committee. I would like to seek for more time till next week on Thursday.

(Statement deferred)

REGISTERED CBOs AND THEIR EFFECTIVENESS IN SERVING THE PEOPLE OF BARINGO

The Deputy Speaker (Hon. Cheboiwo): Okay, that will take us to 25th February 2021. Next statement is number 020/2020 by Hon. Musa Cheruiyot MCA Koibatek Ward to the chair person County Heritage, Gender, Culture and Community Services Committee. Yes Hon. Purity Tallam who is a Member of the committee.

Hon. Purity Tallam: Thank you Mr. Speaker sir, I am standing in for my chair because I also belong to that committee, I am requesting for more time until next week on Thursday.

The Deputy Speaker (Hon. Cheboiwo): That will come on the same date of 25rd February 2021. Next!

MOTIONS

FACILITATION OF PUBLIC PARTICIPATION

The Deputy Speaker (Hon. Cheboiwo): Hon. Members, we have a motion by Hon. Nixon Lemlem Marigat Ward. Welcome.

Hon. Lemlem: Thank you very much Mr. Speaker, I arise to move a motion; aware that article 1 (1) of the Constitution of Kenya vests all sovereign power in the Kenyan people which is to be exercised either directly by the people through public participation or indirectly through their democratically elected representatives.

Further aware that citizen participation was made a National value and a principle of public service in Article 10 (2a) and 232 (1) of the Constitution and mandatory through section 115 (1) and (2) of the County Government Act 2012.

Acknowledging that section 115 (2) of the County Government Act states that each Assembly shall develop laws and regulations giving effect to the requirement for effective citizen participation in development planning and performance management within the County and such laws and guidelines shall adhere to minimum national requirements.

Now therefore this motion prays that;

- I. That the pre-budget public participation process starts at the sub-location level and culminates at the Ward level.
- II. That the Ward level budget committee be drawn from selected representatives from sub-location level.
- III. That the public participation participants at Ward level selected from the sub-locational level be facilitated with transport reimbursement.

Mr. Speaker I move this motion... I seek your guidance, can I proceed?

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The deputy Speaker (Hon. Cheboiwo): Yes you can proceed.

Hon. Lemlem: Thank you Mr. Speaker. The reason why I sponsored this motion is, currently we are doing most of our public participation only at the Ward level and at times we only do at the sub-county level bearing in mind a place like Marigat Ward that has about 19 sub-locations.

Most of the time the people who attend the Ward participation are few, we register few people fewer than 30 and these statistics are there Mr. Speaker we can check with the register of the budget and even the register at the Ward administration.

Mr. Speaker this has put the Members of the County Assembly and in that case myself it has taken a lot of energy and time; anytime I go to the villages, I have to explain that when we were in the public participation we did this and that.

Most of the people will ask you why they were not involved, Mr. Speaker now my request is that instead of doing it at the Ward level we push it further to the sub-location whereby at the a public ‘baraza’ will be called; I mean that will be like a walking distance to the sub-location and at least we will capture like a hundred or more people and then from a discussion in that sub-location the people will be able to list down all their issues and then they will only select one person to go to the ward level and take the information that in this sub-location we had agreed and this was the list of the people and we agreed that in our sub-location; we want this projects to be done.

Mr. Speaker and from the Ward level committee they will then select the projects based on the direction of that Ward and this way it will be more participative, this model will create a people driven development versus few leader or politician driven development.

It will again allow involvement of all the stakeholders and buy in from the beneficiaries rather than cases whereby we build a cattle dip and the local people will say we were not consulted, we didn’t want a cattle dip, we thought we wanted water or something like that.

So Mr. Speaker, this will again inform the County Government even when placing flagship projects, we realized that nowadays even flagship projects rarely do public participation on it. You will just find that there is a building that was proposed, so Mr. Speaker I move the motion and welcome Hon. Leparsalaach to second. Thank you.

The Deputy Speaker (Hon. Cheboiwo): Yes Hon. Leparsalaach.

Hon. Leparsalaach: Thank you Mr. Speaker sir. I arise to support this motion. Mr. Speaker sir the key issue here is public participation and nationally, Baringo is ranked as one of the top Counties which actually adhere to the rules of public participation whereby the citizens are involved in every project implemented and they make decisions.

Mr. Speaker the challenge enumerated by Hon. Lemlem is that our wards are vast, for instance, I have a unique sub-location by the name Kokwa island and whatever we do at the Ward level because they are not facilitated in fact throughout the five year term they don’t know what is going on.

But if we adopt this motion, they will be facilitated to attend such public participations, for instance Mr. Speaker, if we are going to have a public participation at the sub-location then the representatives from villages will be picked to attend and participate in those forums and if they go back they will actually tell the residents of those villages what they discussed and what they agreed.

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So from time to time everybody will be updated and they will be aware that devolution is real because they are getting firsthand information and because also because they will be participating in whatever is being discussed there Mr. Speaker sir.

So I support this motion and request the Members that it will be one way of engaging the citizens and getting their blessings in whatever we do and everybody will be at par; nobody will be asking you what is going to be done and at what time so thank you. I support.

(Question proposed)

The Deputy Speaker (Hon. Cheboiwo): Debate is open Hon. Aengwo MCA Saimo Kipsaraman

Hon. Aengwo: Thank you Mr. Speaker sir for giving me this opportunity, I also wanted to add a voice to this motion. First and foremost considering the challenges people face during public participation, the terrain is a challenge in some wards.

I want to acknowledge the Deputy Majority Leader for mentioning about Kokwo island and we know that there is a challenge there however, I thought we have budget champions in every sub location and the only thing we missed to is to strengthen the budget champions, we have representatives from every sub location, We strengthen them so that during public participation he or she can represent the sub location when the rest of the citizens may not have come. Sometimes when the executive goes for public participation the people come with their list of projects.

I remember one time we moved our public participation venues in our wards and some of the projects that were agreed in venue A when it was changed to venue C it was overturned because of the proximity of the venue, the people came with different projects because when you take the venue closer to the people they will be many and they will vote.

Mr. Speaker the mover of the motion has a point but already we have a system in place which I feel we should strengthen the existing structure of the budget making process. Mr. Speaker we make sure that those champions are facilitated to come to the venue and make sure that we use the sub location administrators and chiefs to convene meetings and come up with their projects so that in case the venue is far from a certain sub location we will have representatives.

Mr. Speaker this is the second assembly and everybody knows that all citizens go for public participation. In my ward we have 10 sub locations and the number of people who attend the budget making process number up to 300 and if you tell them to give you one representative I think they will not accept. It may differ from one place to another, like I said before for the case of Kokwo Island it is very far and it's a unique case so let's treat every area differently. Let's have a formula for every area. Kokwo Island can sit and present their views to the budget champion who will represent them. Otherwise I don't support this motion the only thing we can do is to strengthen the structure which is existing for the budget making process.

The Deputy Speaker (Hon. Cheboiwo): Next person Hon. Cheserem MCA Saimo Soi.

Hon. Cheserem: Mr. Speaker sir thank you for giving me this opportunity...

The Deputy Speaker (Hon. Cheboiwo): Follow the health protocol; wear your mask. I can excuse you for now, just sanitize but do not repeat.

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Hon. Cheserem: Mr. Speaker sir I stand to support this motion and I want to thank the mover and the sponsor of this motion because he understands Baringo and he feels the pinch for being the MCA of the largest wards in this county.

Mr. Speaker I wish my colleagues from Tiaty would have been here because they are the most affected. We have wards in Tiaty which are the size of sub counties. I pity the speaker Hon. Aengwo because he does not have any problem; my Ward is three times larger than his Ward that's why he does not understand why we are supporting this motion. I wish it could be sub-locations because some are still far.

I find most the time that some sub-location are not being represented because of the distance; in some of them, the members have to travel through places like Kabarnet, Kabartonjo then back to their Ward to participate and they arrive when the meeting is almost ending. So I support this because it is going to give us a well thought budgeting and I am very sure that the budget chair will always be happy to have a well prepared budget from public participation; they will be taking very little time to put up together the information because they are seeing what has been done by the majority of the people in every Ward. Mr. Speaker Sir I support this and the only problem I know is the implementation. The executive may fear to implement this because of the last prayer that is the public participation participants at the Ward level selected from the sub-location be facilitated with transport reimbursement; this is something that they have not been doing even to the few people who have been attending the participation ,now that we shall have a number of meetings for public participation they track to implement this otherwise, it is a good motion to give a well thought information and everybody will feel that they are being represented directly and not indirectly because most of the time they rely on what a few have done especially where there is no one from their place but will be the views presented by their MCAs, thank you Mr. Speaker I support this motion.

The Deputy Speaker (Hon Cheboiwo): Thank you, next member and should be ready with a mask; I will only give those people with masks because you are risking the lives of our clerks and your colleagues. Okay, what is happening Hon Chepsongol, I had not even seen you reacting; can you look for a mask; Hon Elizabeth

Hon Elizabeth: Thank you Mr. Speaker, I stand here to support this motion by Hon Nixon Lemlem MCA Marigat Ward. Hon Lemlem thought wisely because devolution is all about going down to the people. I want to support this motion because prayer number (1) says that the pre-budget public participation process starts at the sub locational level and culminates at the Ward level. Most of the ideas are supposed to be brought from the sub locational level. The constitution of Kenya 2010, the forth schedule number 14 says that, the people should be educated from the sub county level and going for the pre-budget to the sub locational level is a noble idea Mr. Speaker.

The budget process should start from the locational level because many at times people have been complaining that they are not aware of the budget process, so point number one is going to set our elected member free as they will be collecting views from the sub-locational level. I also support that in point number (2) that the ward level committee be drawn from selected representatives from the sub locational level. If we had champions; you know we have some people who can speak very well then there are those who can articulate issues of budget from the locational level and I had seen this practice way back in 2015 – 2016 when they had to draw people from all our sub-locational, locational up to the sub county level and in this regard there

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was a lot of planning and people brought ideas from the lower level and I saw the budget cycle was implemented very well, so I want to say if the budget process could start from the sub-locational level to the sub county level, we shall not have so many queries arising from the citizens. Number (3) can be a bit challenging because I have not seen any law so far that when people come for public participation they be facilitated unless we are going to have another law that is going for a budget reimbursement in the assembly. It is all about people or citizens presenting their ideas they are not supposed to be paid because what they are contributing belongs to the people. So we should not encourage at any point facilitation of these people unless we only rob in the NGOs so that they can support the government in facilitating the public participation and furthermore Mr. Speaker...

The Deputy Speaker (Hon Cheboiwo): Hon Elizabeth it seems like you are contradicting yourself; on the other hand you are supporting the motion and on the other hand you are criticizing. Can you give us the stand?

Hon Elizabeth: Mr. Speaker I support the motion but I was only critiquing on number 3 that I have not seen any law that talks about facilitating transport reimbursement. That was my point otherwise this is a good motion...

The Deputy Speaker: Do you need time to amend the motion?

Hon Elizabeth: if possible, number 3 should be amended. Otherwise I support the...

Deputy Speaker (Hon Cheboiwo): It's up to you to bring the amendment.

Hon Elizabeth: Okay Hon Speaker, let me sit down and look for a pen and bring an amendment for number 3, thank you.

The Deputy Speaker (Hon Cheboiwo): Hon Parkei.

Hon Parkei: Thank you Mr. Speaker Sir, I want to thank Hon Lemlem for bringing a very important motion to this House because matters pertaining budgeting process is very important and is good for our people to understand and Mr. Speaker as you know on the last regime there were some format, they generated the process on the sub location level and there were 7 people selected from the sub location level, then the location level, the county award level and all will accumulate in the sub county level. I think maybe it's good for us to see where that process dies and to my opinion, this is a very important mission and all members would want to digest and debate. I was for the opinion that, because I am seeing the quorum in this House is not enough to debate this motion, I just want to have some indulgence from you whether to proceed this motion or defer it to next time when all of us are in to discuss such an important motion Mr. Speaker Sir. Those are my concerns and I just want you to give us a direction Mr. Speaker since we are not all in to discuss this motion.

The Deputy Speaker (Hon Cheboiwo): Thank you Hon Parkei, I think he has made a request on this motion and we should discuss and then know which way to go. Hon Chepsongol wear the mask my friend! It will be the last time I'll be giving people without masks.

Hon Chepsongol: thank you Mr. Speaker, I rise to support this motion and before that, I concur with Hon Parkei that this motion is a good motion and it is also an important motion for the whole House to discuss. I want to support this motion as I had said earlier because this motion is good for our people or in the process of making budget. I remember during our first assembly, our people used to get lunch and one time some of my committee members got Kshs 500 but I

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don't know what happened when we got elected for the second assembly, the issue of facilitating the members of the public or the committees who were identified by the community stopped; so I want to thank the honorable member of Marigat for this motion that it good for us to put things in order and we should identify the laws and regulations of this House so that our people can really serve well. I also remember when I attended one of the public participation and at the end of the day, there wasn't anything; not even water and I became the victim. I had to go into my pockets to give something to the participants because the executive did not come to the participation with water. When we pass this motion, it will help us govern some issues within our wards and that's one way to motivate the committee and I want to urge members to pass this motion because it will be of great importance to this county and the executive will adhere to what we have passed here and make sure that it has been implemented for those committees so that when we call them to participate on this budget process they be aware that at the end they'll get transport since they are serving this county and maybe some don't have money they can borrow from somebody and we shall be going far. Therefore Mr. Speaker I request that this motion be deferred to next week so that we can discuss it. Thank you.

The Deputy Speaker (Hon Cheboiwo): Thank you Hon Chepsongol, honorable members going to our standing order number 52 where it reads, when a Motion has been moved and if necessary seconded, the Speaker shall propose the question thereon in the same terms as the motion, and the debate may then take place upon that question.

(2) At the conclusion of the conclusion of the debate, the Speaker shall put the question.

(3) Despite paragraph (2), the Speaker may, on the request of a member, defer the putting of the question to the following day in which case the Speaker shall thereupon nominate a time at which the question shall be put.

Due to the request of most of the members starting with Hon Aengwo, Elizabeth, Parkei and Chepsongol, I tend to agree with standing order number 2 and 3 and request the mover of the motion to meet the said members; the supporters of the motion to adjust and correct it appropriately so that to bid the needs of the electorates and members to support the motion. I therefore propose this question to come back for discussion on the 24th of February 2021 that is next Wednesday at 2.30p.m.

(Motion deferred)

ADJOURNMENT

Order members! This House stands adjourned until to the 23rd February Tuesday at 2.30 p.m.

The House rose at 3.23 p.m.

