

BARINGO COUNTY ASSEMBLY

THE HANSARD

The House met on Wednesday 22nd February 2023 at 2:39PM

The Deputy Speaker (Hon. Kimosop) in Chair

PRAYERS

The Deputy Speaker (Hon. Kimosop): I can observe that we lack quorum bell to be rung for five minutes.

(Quorum bell rung)

The Deputy Speaker (Hon. Kimosop): Hon. members I will draw your attention to the standing orders of Baringo County Assembly number 33 it talks about quorum it says a quorum of the County Assembly shall be a third of its members in our case we are 45 the quorum should be 15 then 33 sub section two says if there is no quorum taken when the Chair is taken at the time appointed for a meeting for the County Assembly immediately after the saying of the prayer the Speaker shall order the bell to be rung for five minutes and if no quorum is present at the expiration of five minutes the Speaker may direct that the bell be rung for a further five minutes and if still no quorum present the Speaker shall adjourn the House to the next sitting.

We have rung for the first five minutes and we still have another five minutes I would urge that we mobilize members but I have seen the hand of Hon. Ben

Hon. Koech: Mr. Speaker according to me there is quorum

The Deputy Speaker (Hon. Kimosop): I order the bell to be rung for further five minutes

(Quorum bell rung)

The Deputy Speaker (Hon. Kimosop): Clerk!

STATEMENTS

UNUTILIZED FUNDS FOR KAPLEL DISPENSARY

The Deputy Speaker (Hon. Kimosop): Hon. Members in our order paper we have the statement 002/2022 of Hon. John Tarus MCA Sacho Ward. Question that was directed to Chairperson Health Services Committee and because this is not a new question we will proceed to get the answer from the Chairperson Health Services Committee and here with me is a copy of that answer and I hope that Hon. Tarus is represented in the floor so that if there are any queries it can be brought to our attention. The Chair Person Health Services Committee, Hon. Kibet.

Hon. Ernest: Thank you Mr. Speaker sir I think this question was read yesterday and the answer was given and what was left to conclude this statement was for the person who raised the statement to bring his own...

The Deputy Speaker (Hon. Kimosop): Point of information I can see Hon. Jeruto Kiptalla

Hon. Jeruto: Thank you Mr. Speaker Hon. Whip is misleading the House this is a different statement.

The Deputy Speaker (Hon. Kimosop): I know that there have been several questions from the same member and it can be confusing. This is a different question can the Chair Health Services Committee take this up and give us the answer. Point of concern Hon. Lokales?

Hon. Limo: Mr. Speaker yesterday there was a question from the same member and a ministerial statement from the department was read here but the member was absent. What happens when a member is absent who can agree or disagree with the statement? Yesterday, the Speaker ruled that the statement be deferred until today when the member is present but now the same member is absent today again. What will happen in such a case?

The Deputy Speaker (Hon. Kimosop): Hon Lokales, in an ideal situation the member should be present, in the absence of the member there should be instructions to another member and in the absence of both, the Speaker exercises discretion. And the Speaker yesterday defer this pending the appearance of the member. Is Hon. John Tarus in the floor today? If not are their express instructions to any member?

Hon. Cheboiwo: Thank you Mr. Speaker, when I was in the office of the Speaker who is in the Chair today he was talking with Hon. Tarus and he gave me his Phone and I shared with Hon. Tarus and he gave me the authority to represent him thank you

The Deputy Speaker (Hon. Kimosop): When the Speaker is here he does not recall making any call he becomes the Speaker and any other activity outside the seat is not the point. Hon. Cheboiwo has instructions from Hon Tarus we can proceed because in any case this is a House of records and when an answer is supplied and signed it is the property of the House members are free to interrogate such an answer only that it is good practice that we have clear instruction or the member himself to validate the answers being supplied especially if it's a specific Ward question. We can proceed to get the answer from the Committee on Health.

Hon. Kigen: Thank you Mr. Speaker sir, response to statement on matters of concerned raised by Hon. John Tarus MCA Sacho Ward that during the annual development plan for 2019/2020 the people of Sacho Ward allocated Ksh 2.5M for Kaplel dispensary but the said funds have not been utilized and the subsequently removed from the budget.

1. Why were the funds not utilized?

Response the funds were not utilized during the said FY because according to the people of kaplel they proposed that they need a maternity and laboratory to be constructed in Kaplel dispensary and the funds allocated could not be enough to construct the two which needed at least Kshs. 5 million for the two projects to proceed. The department planned to visit the facility and discuss with them the priority they needed.

2. Give reasons as to why funds were removed from the budget?

The funds was moved to Timboiywo Health center Kshs. 2,376,268 to complete payment of a ward block which had taken time and a balance of Kshs. 123,732 was left in Kaplel, the reason was that the funds was not adequate to pay the contractor however when the funds was moved to

Timboiywo health center it was enough to pay the contractor and the balance of Kshs. 2,464,022 was to be moved back to Kaplel dispensary.

During that time, the department of health and public works visited the facility and met with the facility committee and discussed on which project is of priority as per the amount allocated and they agreed to have a maternity though the amount of Kshs. 2.5 million would not be enough including the septic tank. The team took measurements for maternity and a bill of quantities developed.

3. What plans has the department put in place to ensure that the people of Sacho benefit from the said funds as intended?

The amount of Kshs. 2,464,022 has been proposed through supplementary to be moved back to Kaplel dispensary and as a department we have done requisition of the projects highlighting the line budget for procurement. The process is on for tendering and evaluation and by end of March 2023 a contractor will be taken to site to start the construction of the maternity.

Thank you.

The Deputy Speaker (Hon. Kimosop): That is the response signed by Hon. Dr. Solomon Sirma the CEC Health Services Committee read by our Chairman here. We can have an interrogation on this answer we will start with Hon. Cheboiwo on behalf of Hon. Tarus.

Hon. Cheboiwo: Mr. Speaker on behalf of Hon. Tarus...on site early March as indicated here, and also he will be topping up the money because it has been reduced from the initial amount so that it can be enough for both the structures. Thank you.

The Deputy Speaker (Hon. Kimosop): Members as you have heard, Hon. Tarus is satisfied with this answer which is a commitment from the department of Health that the money was moved but they have committed to move them back through the supplementary budget and that they have already initiated the tendering process and the contractor will be on site before the end of March 2023.

Hon. Tarus is satisfied but obviously as I said this becomes a property of this House and this is a mirror of what happens in our wards and it is good to have an interrogation. Yes Hon. Lourien?

Hon. Limo: Thank you Mr. Speaker. I agree that Mhe. Is satisfied but I have two reservations, one is about the department. Mr. Speaker, we are elected Members of different wards, we represent people and not trees.

When such a situation happens they should consult the area MCA to give his views to the department so that we may not raise such questions on the floor of the House. The intention was good of moving the money from point A to point B but is it difficult for a CO, a CEC to involve the area MCA on such matters?

Mr. Speaker, I see people will start doing their own things, the department will start doing what they wish or think is right. Mr. Speaker sometimes in our wards we have projects which are so urgent or those communities need it.

In fact if I was told or asked about this money , I would have said if there are two buildings to be built why can't we finish with this maternity building and wait for the laboratory, or we complete the laboratory ... than them doing their own things moving money from point A to point C .

Mr. Speaker, I see impunity may breed in this case and the departments may start taking money and moving money even to County level utilize as they wish. Therefore Mr. Speaker I think there should be express rule or directive from this House to all the departments that they should not do things as they wish. Let them consult and we shall agree together. Thank you.

The Deputy Speaker (Hon. Kimosop): Thank you Hon. Limo. Your comments are well noted. Yes Hon. Chief Whip Mhe. Kibet.

Hon. Ernest: Thank you Mr. Speaker. First, I appreciate our brother Mhe. Sam Lourien that today he is well kempt in the majority side and that is a great move and we appreciate. Mr. Speaker, my concern is almost similar to Hon. Sam Lourien.

Mr. Speaker, there is a trend we saw what happened in the supplementary. Some officers in the treasury were going in to the treasury checking the awarded sum and purporting to bring that sum as a budgeted item meaning ...

You know as a ward you should be having what we call surplus money, when people make quotations or when people tender, if I had budgeted for Kshs. 2.5 million and someone who wins Kshs. 2.3 then I have two hundred thousand then that should be a surplus reserve so that it can cure such for example if there was a deficit of Kshs. 140,000 then you can easily pick that money from there without necessarily interfering with the budget line.

Mr. Speaker you know this one cause a lot of confusion for our electorates and this is another loophole that people will start taking out money from your projects so we appreciate that we have such an answer explaining clearly how they are able.

Mr. Speaker, we can see clearly that when we do budgets here it seems there are people outside there who are still able to twist the outcome and I think that should concern Members. Thank you Mr. Speaker sir.

The Deputy Speaker (Hon. Kimosop): Good observations from Hon. Kibet MCA Kabarnet where are the comments from Committee on Health...point of order!

Hon. Lemlem: Mr. Speaker this is a House of rules and procedures, last week some members dressed inappropriate who want back and came dressed appropriately. We have three strangers in the House, maybe you make ruling on that, thank you.

The Deputy Speaker (Hon. Kimosop): Hon. Lemlem it is good to drive the issue to the end, the Speaker is blind until my attention is drawn. Be clear.

Hon. Lemlem: Thank you, Hon. Vice Chair for Health Services Committee, Hon. Member for Saimo Soi and Hon. Lawi are not properly dressed, thank you.

The Deputy Speaker (Hon. Kimosop): We have precedence in good faith, this is where we represent Baringo people and it should be a House of honor. We need to follow and respect, members not properly dressed are requested to reduce themselves and come back properly dressed. Hon. Kigen, Hon. Cherombor and Hon. Majority Leader. I thank Hon. Lokales he is properly dressed for the occasion today and seated at the right place. I order the mentioned ...

Hon. Limo: Mr. Speaker, I appreciate members dressing code but we should be time in attending to the Assembly, such issues should be raised not waiting until the session end. Is it in order the issue be raised before or after the chambers are on. That is my concern, Mr. Speaker.

The Deputy Speaker (Hon. Kimosop): You are completely out of order! The Assembly is Assembly whether at the beginning or at the end. Majority Leader

Hon. Lawi (Majority Leader): Mr. Speaker you are taking long to catch my eye yet I can be seen from far. Mr. Speaker Hon. Lemlem is out of order. Hon. Alex in some few meters how can I know that is jeans Mr. Speaker? He is misleading the House we should go for an induction because how can khaki trouser not official?

(Laughter)

The Deputy Speaker (Hon. Kimosop): Hon. Alex.

Hon. Alex: Mr. Speaker thank you for catching my eye. I was the first casualty on the dress code issue. I was dressed in khaki trousers like the Majority Leader today. We have set precedence and I want the same to be replicated to all members, they should go back and dress properly.

The Deputy Speaker (Hon. Kimosop): Hon. Chief Whip and Vice Whip in that order...

Hon. Kibet: Thank you Mr. Speaker. I am concerned on the issue of quorum and now a late comer member who maliciously comes in and...

(Loud Consultations)

The Deputy Speaker (Hon. Kimosop): Point of order.....

Hon. Tallam: Mr. Speaker, as ladies in this House, we know the real suit which are nice and the broken suit. We cannot say you wear a cotton trouser because it is expensive you come with it in the Assembly. No, we want full suits which are very nice. Kindly, men in the House be dressing nicely. We will be putting you on toes every day. Thank you.

(Laughter)

The Deputy Speaker (Hon. Kimosop): Clearly, Members who are not well dressed and with the respect of the House, we order you to recues yourself from the House. so we will proceed...

(Loud Consultations)

Okay Members. We will proceed. Were there still comments? The Chair Health Services Committee has come. There were comments that were being made on this answer Chair Health Services Committee now that you Vice was here holding briefs for you, and you are now doubling up as the Majority Leader, there were concerns that were raised about this question and just to refresh your memory, a concern was raised on how the Department could have acted without consulting the area MCA and another one is on moving the budget without consultation.

So maybe we can get your comment. I don't know whether you have taken time to understand this question? We can get your comments then I can make final direction.

Hon. Lokorio: Thank you Mr. Speaker. I appreciate my Deputy for presenting my case. On the answers provided, I agree that there is a lapse when now the management team decided to move funds from one account to another and I must admit that was a mistake. However, the answers provided were certified. That is my brief comment on it. We are satisfied as a Committee.

The Deputy Speaker (Hon. Kimosop): Members, now that the Member is satisfied but concerns were raised and important of the concern was how the department consulted with the facility without involvement of the area representative. We want to direct that the departments when consulting with facilities or project committees must at all times involve the area MCA, the representative of the people. So in this case that was not done and forced the Member to raise in this floor and we direct that in future there must be an involvement.

Two, we urge Members to play their oversight role and this question came in handy but the Member would have also seen the movement of funds during supplementary if he was keen. That serves for that. Clerk, next order!

ADJOURNMENT

Order Members! The House adjourns until Tuesday 28th February, 2023 at 9:30am.

House rose at 3:31PM