

BARINGO COUNTY GOVERNMENT

**SECOND ASSEMBLY
(START No.044)**

**FOURTH SESSION
(001)**



BARINGO COUNTY ASSEMBLY

ORDERS OF THE DAY

LIST OF BUSINESS AS AT TUESDAY, 7TH JULY, 2020

PRAYERS:

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements
8. Motions & Bills

6. NOTICES OF MOTION

I. HON. NELSON LOTELA- MCA- SILALE WARD.

Mr. Speaker Sir, pursuant to Standing Order No. 46, I wish to give Notice of the following motion;

AWARE THAT, the Constitution of Kenya as espoused under Article 185 provides that members of County Assemblies play three major roles namely Legislation, Representation and Oversight,

FURTHER AWARE THAT, the Legislative Authority of County Assembly is vested in and exercised by its County Assembly and that a county Assembly while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee Members and any other executive organs.

ACKNOWLEDGING THAT, the County Assembly approves the budget and expenditure of the county government in accordance with Article 207 of the Constitution, legislate as contemplated in Article 220 (2) of the Constitution, guided by Articles 201 and 203 of the Constitution and approve the borrowing by county government in accordance with Articles 212 of the Constitution

NOTING THAT, the members of County Assembly while exercising the responsibility bestowed by the people of Kenyan under Article 1(2) to represent the electorate are duty bound to ensure that the electorate get adequate services,

FURTHER NOTING THAT, there are sectoral committees established under the County Assembly Standing Orders responsible for overseeing respective corresponding county departments,

CONCERNED THAT, there have been soaring levels of roll over due to low absorption rates coupled with delay in projects implementations as shown by periodic financial reports,

NOW THEREFORE, this Motion urges this House to resolve that all sectoral committees:

1. Must look into the implementation of the projects in their corresponding county departments.
2. Confirm and furnish this House with a comprehensive report on the status of each project and what causes the delays on completion of such projects,
3. Furnish this House with a list of roll over projects for each sector, recommend how to end the roll over menace and provide a roadmap on how respective departments intend to speed up the implementation of projects.

I beg to give notice.

(HBC TO ALLOCATE TIME)

II. HON. FRANCIS KIBAI- MCA, BARINGO COUNTY.

Mr. Speaker Sir, pursuant to Standing Order No. 46, I wish to give Notice of the following motion;

AWARE THAT, the Constitution of Kenya as espoused under Article 43(1)(c) provides that every person has a right to be free from hunger and to have adequate food of acceptable quality,

COGNIZANT THAT, the government of Kenya is currently battling the COVID-19 pandemic that has dealt a low blow to the economy where many businesses have closed down leading to loss of jobs for many small scale traders in markets are expected to continue paying levies and charges

APPRECIATING THAT, the President has initiated contingency measures to cushion Kenyans from the negative economic impacts to the occasioned by the COVID-19 virus but more need to be done to protect the vulnerable residents of Baringo,

NOTING THAT, a big chunk of the Baringo County residents live in abject poverty and depend on menial jobs and small scale trading in markets thus need to initiate measures to cushion them from the devastating impacts of COVID-19,

FURTHER NOTING THAT, the County Assembly has a responsibility bestowed by dint of Article 1(2) of the Constitution to ensure that the residents' wellbeing is catered for to ensure that they get adequate services and commodities especially food stuffs at affordable prices,

NOW THEREFORE, this motion urges this House to resolve that the Department of Finance and Economic Planning does the following,

1. Waive all cess and daily charges in all markets for traders in Baringo County.
2. The cess/ charges on food stuffs and agricultural produce to be charged only at the border points.

I beg to give notice.

(HBC TO ALLOCATE TIME)

III. HON. NELSON LOTELA- MCA- SILALE WARD.

Mr. Speaker Sir, pursuant to Standing Order No. 46, I wish to give Notice of the following motion.

AWARE THAT, the Constitution of Kenya as espoused under Article 185 provides that members of County Assemblies play three major roles namely Legislation, Representation and Oversight,

FURTHER AWARE THAT, the Legislative Authority of County Assembly is vested in and exercised by its County Assembly and that a county Assembly while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee Members and any other executive organs.

ACKNOWLEDGING THAT, the Third Schedule of Baringo County Assembly Standing Orders provides for Sectoral Committees including Committee on Environment and Natural Resources,

NOTING THAT, Part XXVIII (Standing Orders No. 239, 240 and 241 provides for amendment of Standing Orders either by Procedure and House Rules Committee or by the initiative of a member as well as provision for periodic review of the Standing Orders,

APPRECIATIVE OF THE FACT THAT, the Standing Orders are the standard operating procedures and rules governing the business of the County Assembly

CONCERNED THAT, there are glaring gaps in the Baringo County Assembly Standing Orders,

NOW THEREFORE, this motion urges this House to:

- i. Move with speed and amend the Standing Orders such that the following Committees on Environment Natural Resources and Health Services is split into two such that there will be a Committee on Environment and a Committee on Mining and Natural Resources as well as Committee on Health Services and Committee Public Health.
- ii. Amend the Standing Orders to address any other lacuna in the present Standing Orders

I beg to give notice.

(HBC TO ALLOCATE TIME)

7. STATEMENTS

049/2019: Hon. Richard Rono, MCA, Barwessa Ward, seeks a statement from the **Leader of Majority Party** on the following matters of concern;

- i. If he is aware that there is a boundary conflict between Elgeyo Marakwet and Baringo counties in the lower parts of Barwessa Ward due to River Kerio changing its course towards Baringo side cutting a stretch of land to Elgeyo Marakwet County Measuring 1km by 3 km?
- ii. If he is further aware that the people of Baringo have been using the land but recently it has been demarcated by Elgeyo Marakwet County hence source of conflict?
- iii. What is the County Government doing to avert the looming conflict and claim the said land back to Baringo County?

(The Leader of the Majority Party and the Committee on Lands, Housing and Urban Development to do a fact finding and summon the CECM Lands to provide the right answers to the statement. A further direction to be given after an answer has been given)

(Wednesday, 15th July, 2020 at 2.30 p.m.)

002/2020: Hon. Joseph Ole Parsalaach, MCA, Ilchamus Ward, seeks a statement from the **Chairperson, Agriculture, Livestock and Fisheries Committee** on the following matters of concern:

- i) If he is aware that several cattle dips were constructed across the county as from 2013/2014 financial year to 2018/2019 financial year?
- ii) What is the total number of cattle dips constructed per Ward during the said period and their current status?
- iii) What mechanism is the county government putting in place to ensure that all the cattle dips are fully operational to enhance value for money used on the said projects?

(Response not satisfactory. The Committee to convene a meeting with the CECM and provide a comprehensive answer)

(Wednesday, 15th July, 2020 at 2.30 p.m.)

005/2020: Hon. Sam Limo Lourien, MCA, Tirioko Ward, seeks a statement from the **Chairperson, Education, Vocational Training Centres and ICT** on the following matters of concern;

- a) If he is aware that during the 2017/2018 financial year, ten plastic water tanks of 10,000 litre capacities were budgeted to be bought for ten (10)Tirioko ward ECD Centres?
- b) If he is further aware that the ten Tanks were to be distributed to the following ECDE centres namely:
 - i. Domo ECD
 - ii. Chemayes ECD
 - iii. Dira ECD
 - iv. Kangiruru ECD
 - v. Kreze ECD
 - vi. Chischis ECD
 - vii. Katagh ECD
 - viii. Loyamoi ECD
 - ix. Chepkirial ECD
 - x. Kamurio ECD
- c) Can the Chairperson confirm if the said tanks actually reached the intended ECD centres?
- d) Can the Chairperson without the use of signed list from the department table before this Honourable House the acknowledgment and or receipt letters of the said tanks from each of the intended ECD Centres with photographical evidence on the availability of the said tanks in each of the listed centres?
- e) What measures is the County government taking to ensure that the said tanks are availed to the respective ECD centres?

(Wednesday, 15th July, 2020 at 2.30 p.m.)

006/2020: Hon. Nelson Lotela, MCA, Silale Ward, seeks a statement from the **Chairperson, Education, Vocational Training and ICT Committee** on the following matters of concern:

- i. If he is aware that there is a School feeding program for ECDE children in the County?
- ii. What is the total amount of budget allocation for the said program and what is the amount allocated for each school?
- iii. Whether the County Government has received any donor fund to support the said program?
- iv. How many schools have benefited from the said program so far?
- v. Whether the aforementioned program has a policy framework to operationalize its activities?

(Thursday, 16th July, 2020 at 2.30 p.m.)

010/2020: Hon Elizabeth Kipsang, MCA Baringo County, seeks a statement from the **Chairperson, Agriculture Livestock and Fisheries Committee** on the following matters of concern:

- i) If he is aware that Kiptilit Slaughter House is currently in a pathetic state?
- ii) If he is further aware that there is no watchman guarding the facility?
- iii) Is he aware that there is no lagoon for the treatment of solid and liquid waste emanating from the facility for safe release downstream considering that the untreated waste flows directly into KIRDAM (Kirandich Dam) which is the source of water for the entire Kabarnet Town?
- iv) Is he further aware that there is no sentry house at the gate of the facility to shelter the watchman in case of rain or harsh weather conditions?
- v) What management structure exists to take care of day to day running of this slaughter houses and county slaughter houses in general?
- vi) What measures is the County Livestock Department putting in place to remedy the prevailing situation?

(Member to consult. New, HBC to allocate time)

0011/2020: Hon. Julius Ng'otie, MCA, Eldama Ravine Ward, seeks a statement from the **Chairperson, Health Services Committee** on the following matters of concern:

- i. If he is aware of medical equipment leased lying at Eldama Ravine Hospital and Kabarnet County Referral Hospital?
- ii. What equipment are they, of what type, model, and year of manufacture?
- iii. How much has been paid so far towards medical equipment lease?
- iv. For how long will the County lease the medical equipment and how much is anticipated to be paid by the end of the lease?
- v. Are the medical equipment working and are being utilized?
- vi. Were the relevant County medical staff trained on how to operate/ use these equipment?
- vii. At the expiry of the lease period, what happens to these equipment?

(Wednesday, 15th July, 2020 at 2.30 p.m.)

012/2020: Hon. Ernest Kibet, MCA, Kabarnet Ward, seeks a statement from the **Chairperson, Labour and Social Welfare, Children, Youth and Sports Committee** on the following matters of pertinent concern:

- i. If she is aware that some select Ward Administrators in the County were recently promoted and transferred to other County departments?
- ii. If she is aware of the names of the said Ward Administrators, the positions and departments they have been promoted to and their Wards and Sub Counties of Origin?
- iii. Were there any internal adverts nor interviews conducted for the stated positions?
- iv. If she aware that the promotions have not taken care of regional within the six (6 No.) Sub Counties?
- v. What Criteria was used to promote the benefactor Ward Administrators?
- vi. What arrangement is in place to fill the vacancies arising from these transfers on promotion?
- vii. Is there a policy guideline in place to regulate such kind of administrative transfers on promotion and can it be availed to the County Assembly for scrutiny?
- viii. What action is the County Government taking to ensure such anomalies are corrected and are not repeated in future promotions?

(Thursday, 16^h July, 2020 at 2.30 p.m.)

013/2020: Hon. Lotela Nelson, MCA, Silale Ward, seeks a statement from the **Chairperson, Health Services Committee** on the following matters of concern:

- i. If he is aware that patients have been paying for ambulance services for referrals?
- ii. Are there receipts issued to confirm such payments?
- iii. Is there a regulation or policy guideline that clearly stipulates how much is payable per kilometre and any other related cost(s) for County ambulance service(s)?
- iv. Are the payments for ambulance services part of the County revenue stream?

(Wednesday, 15th July, 2020 at 9.30 a.m.)

014/2020: Hon. Reuben Chepsongol, MCA, Bartabwa Ward, seeks a statement from the **Chairperson, Water and Irrigation Committee** on the following matters of concern:

- i. If he is aware that there were funds set aside for water provision under Covid-19 funds that was to be used to repair boreholes, offset community water electricity Bills and purchase of water tanks?
- ii. How many water tanks have been purchased to date?
- iii. How many of the said tanks did each Sub-County receive? (Kindly attach the delivery notes used on the deliveries).
- iv. Who is responsible for the distribution of the said tanks?
- v. Can the list of the repaired boreholes with the cost of each repair be availed to the Assembly?
- vi. Which community projects were supported on the payments of electricity bills? (Kindly provide the list per Sub County).

(Thursday, 16th July, 2020 at 2.30 p.m.)

015/2020: Hon. Richard Cheserem, MCA, Saimo Soi Ward, seeks a statement from the **Chairperson Agriculture, Livestock and Fisheries Committee** on the following matters of concern:

- i. If he is aware that a budget of Kshs. 541,537 was set aside during the 2017/18 Financial Year for the purchase of ground nut seeds?
- ii. If he is further aware that there were delays in purchase of the said seeds?
- iii. What occasioned the said delay?
- iv. Who were the intended beneficiaries of the ground nut seeds purchase scheme?
- v. What measures has the County Government put in place to ensure that the purchase of these seeds is expedited for the benefit of the targeted farmers?

(Thursday, 16th July, 2020 at 2.30 p.m.)

016/2020: Hon. Richard Cheserem, MCA, Saimo Soi Ward, seeks a statement from the **Chairperson, Water and Irrigation Committee** on the following matters of concern:

- i. If he is aware that the following projects were budgeted for in the 2014/15 Financial Year?
 - a. Mogotkot (Chemakot) water pan (excavation)
 - b. Kaptara (Ngechararim) water pan (excavation)
 - c. Oswonin - Koroto water supply (piping)
- ii. What is the status of the above mentioned projects?
- iii. How much has been paid towards the said projects to date?
- iv. Who are the contractors of the said projects?
- v. Have the said contractors delivered as expected?

- vi. What urgent measures has the County Government put in place to ensure the speedy completion and handing over of the said projects to ensure value for money and accrued benefits for the targeted communities?

(Thursday, 16th July, 2020 at 2.30 p.m.)

017/2020: Hon. Maureen Cherus, MCA, Baringo County seeks statement from the **Chairperson, Transport and Infrastructure Committee** on the following matters of concern:

- i. If he is aware that Midworld-Markisis road was allocated Ksh. 5.1 million RLMF in 2017/2018 financial year and an additional Ksh. 4.45 million in 2018/2019 financial year?
- ii. If he is further aware that the said road was washed away by rains due to poor drainage and lack of culverts?
- iii. What was the scope of work indicated in the two Bill of Quantities (BQ's)? And was it adhered to by the contractor?
- iv. Who were the contractors of the said road and did they follow the engineers' guidelines on the road works? And were they paid for unfinished works like installation of culverts as well as undone road sections?
- v. What remedial measures is the County Government taking to ensure value for taxpayers' money which is approximately Ksh. 10 million with little work done?

(New)

018/2020: Hon. Maureen Cherus, MCA, Baringo County Ward, seeks a statement from the **Chairperson County Heritage, Gender, Culture and Community Services Committee** on the following matters of concern;

- i. If she is aware that there are several cases of Gender Based Violence (GBV) and teenage pregnancies in the County?
- ii. How many cases have been reported in the County so far?
- iii. If she is further aware that the said cases have been aggravated by the Covid- 19 pandemic where the Government directives to contain the spread though imposition of curfew and restriction of movement have resulted in financial constrains especially for families in informal settlements?
- iv. What plans and interventions do the County Government have in place to cushion the victims of the said violence to dignify them during these harsh economic times?

(New)

019/2020: Hon. Eunice Kakereel, MCA, Baringo County, seeks a statement from the **Chairperson County Heritage, Gender, Culture and Community Services Committee** on the following matters of concern;

- i. If she is aware that Baringo County is one of the pastoralist Counties targeted for the Ushanga initiative?
- ii. How many groups have registered with cooperatives so far?
- iii. What was the criteria of engaging the women beaders for the initiative?
- iv. Is the County prepared to mainstream the initiative sustainably by the end of the 5years?

(New)

020/2020: Hon. Musa Cheruyiot , MCA, Koibatek Ward, seeks a statement from the **Chairperson County Heritage, Gender, Culture and Community Services Committee** on the following matters of concern;

- i. If she is aware that Community-Based Organizations (CBOs) are non profit, organizations on a local and national level, facilitating community efforts for community development in various areas including health, micro-finance, and education among other initiatives aimed at improving the livelihoods of the people of Baringo County?
- ii. How many CBOs are registered in the County and what is their physical location, scope of activity and their current Status (active or inactive)?
- iii. What is the relationship between the County Government and the said CBOs in ensuring that the CBOs through their unique scope and mandate effectively and efficiently serve the people of Baringo County?

(New)

021/2020: Hon. Betty Birchogo, MCA, Baringo County, seeks a statement from the **Chairperson County Heritage, Gender, Culture and Community Services Committee** on the following matters of concern;

- i. If she is aware that the National Government through the state department of culture and heritage launched the Work for pay” 100 Million Artists stimulus Package, in line with H.E President Uhuru Kenyatta’s Executive order issued on 6th April 2020?
- ii. What were the criteria for engagement of the said package?
- iii. What was the mode of mobilization of the said artists participate in the exercise?
- iv. How many artists applied for engagement in the said programme?
- v. How many artists benefited from the programme in Baringo County at Ward level?

(New)

MOTIONS

8. HON. ELIZABETH KIPSANG – MCA, BARINGO COUNTY

AWARE THAT, the Constitution of Kenya as stipulated under Article 43 (1) (a) provides that every person has a right to the highest attainable standard of health which includes the right to health care services,

FURTHER AWARE THAT, Under Article 57, the Constitution obligates the state to take measures to ensure Older Persons' participation, personal development, dignity, respect and protection from abuse; and together with the family, the obligation to provide care and reasonable assistance to Older Persons.

ACKNOWLEDGING THAT, older persons especially those having various limitations are living in depilated status where most are left to take care of their own despite their vulnerability,

NOTING THAT, there is need to ensure the safety, security and the general well-being of the senior citizens are taken into consideration by the government,

CONCERNED THAT, there have been dire reports both in print and electronic media showing the sorry state of living of the elderly persons which has pushed most of them to early deaths due to lack of proper care and protection,

DISTURBED THAT, despite the fact that the senior citizens in the County are living in dire conditions there have been no habitable houses to aid their already deplorable conditions,

NOW THEREFORE, this Motion urges the County Government to:

- i. Provide or construct safe houses for the elderly persons in each sub county where there are special installations in those houses where panic buttons are in case of emergencies,
- ii. To set aside funds in the Budgetary allocation to ensure there are adequate funds to construct safe houses for the elderly to cater for those who periodically fall into the elderly persons bracket.
- iii. Ensure that the elderly are encouraged to break from the tradition especially those accustomed to the bustling life in towns move into a home where they can spend their sunset years in peace.

(HBC TO ALLOCATE TIME)

9. HON. KIPRUTO KIMOSOP – M.C.A MOCHONGOI WARD

AWARE THAT Article 188 of the Constitution provides for alteration of county boundary by taking into consideration population density, physical and human infrastructure, historical and cultural ties, cost of administration, views of communities affected, geographical features and objects and devolution of governments;

ACKNOWLEDGING THAT, Article 10 of the Constitution provides for the promotion of national values and principles of good governance which include human dignity, equity, social justice, inclusiveness, equality and human rights;

COGNIZANCE of section 3(b) of the Inter -governmental Relations Act, 2012 which provides for a framework for consultation and cooperation amongst county governments and that county boundaries are highly protected in the 2010 Constitution and that the status quo as at its promulgation must be respected at all times by all stakeholders;

APPRECIATIVE of the native English law principle of good neighborliness and acknowledging the fact that land has from time immemorial been a highly emotive issue;

CONCERNED THAT, in the recent past, there has been encroachment of areas bordering Ng'elecha, Tandare, Korkoron and Lamaiywe areas in Mukutani and Mochongoi ward-Baringo South Sub-county, posing a threat to peaceful coexistence among the communities which may further spark political tension, disharmony and heightened animosity if the situation is not addressed at the earliest instance;

DISTURBED THAT recently, unknown surveyors accompanied by a contingent of security officers were spotted doing survey work and demarcation of land at Ng'elecha, Tandare, Korkoron and Lamaiywe areas in Mukutani and Mochongoi ward respectively within Baringo County;

NOW THEREFORE; this Motion urges the County Government of Baringo to:

- 1) Immediately move with speed in conjunction with Laikipia County government and address the encroachment within Ng'elecha, Tandare, Korkoron and Lamaiywe areas in Mukutani and Mochongoi ward respectively and other areas with imminent encroachment within Baringo County Governments boundary.

- 2) Pending intervention by county governments, the surveyors and security agents to desist from conducting any further survey or any similar activities pertaining the aforesaid boundaries.
- 3) Pursuant to Article 188 of the Constitution as read together with part one of the fourth schedule, the national government through IEBC with the approval of the National Assembly and the Senate to undertake independent boundary review between Baringo and Laikipia Counties before the 2022 general elections.
- 4) Engage all leaders (M.C.A's Members of Parliament, Senators and Governors) from both County Governments to amicably resolve the escalating conflicts arising from the boundary disputes.

(HBC TO ALLOCATE TIME)

10. REPORT OF THE FINANCE AND ECONOMIC PLANNING COMMITTEE ON THE BARINGO COUNTY GOVERNMENT THIRD QUARTER BUDGET IMPLEMENTATION REPORT FOR THE 2019/2020 FINANCIAL YEAR

(The Chairperson, Finance and Economic Planning Committee)

THAT, this House **approves** the Report of the Finance and Economic Planning Committee on the Baringo County Government Third Quarter Budget Implementation Report for the 2019/2020 Financial Year, *laid on the Table of the House on Tuesday, 5th May, 2020.*

(Thursday, 16th July, 2020 at 2.30 p.m.)

11. ADJOURNMENT FOR SHORT RECESS

(The Leader of the Majority Party)

THAT, this House Adjourn for Short Recess as from Friday 17th July, 2020 to Monday 27th July, 2020.

BILLS

12. THE BARINGO COUNTY ECONOMIC DEVELOPMENT CORPORATION BILL, 2019

(Second Reading)
(HBC TO ALLOCATE TIME)

13. THE BARINGO COUNTY PERSONS LIVING WITH DISABILITY BILL, 2019

(Second Reading)
(HBC TO ALLOCATE TIME)

14. THE BARINGO COUNTY YOUTH, WOMEN AND PERSONS LIVING WITH DISABILITY FUND BILL, 2019

(Second Reading)
(HBC TO ALLOCATE TIME)

15. THE BARINGO COUNTY LIVESTOCK SALES YARD BILL, 2020

(Second Reading)
(HBC TO ALLOCATE TIME)

16. THE BARINGO COUNTY PRE- PRIMARY AND EARLY CHILDHOOD BILL 2020.

(First Reading)
(HBC TO ALLOCATE TIME)

17. THE BARINGO COUNTY DISASTER MANAGEMENT BILL 2020.

(First Reading)
(HBC TO ALLOCATE TIME)

*******END*******