

BARINGO COUNTY GOVERNMENT

**SECOND ASSEMBLY
(No. 100)**



**FIFTH SESSION
(309)**

BARINGO COUNTY ASSEMBLY SECOND ASSEMBLY – (FIFTH SESSION) ORDERS OF THE DAY

THURSDAY 2ND SEPTEMBER, 2021 AT 2:30 PM

ORDER OF BUSINESS

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

5. PAPER LAID

(The Leader of the Majority Party)

The Baringo County Finance Bill, 2021.

6. NOTICE OF MOTION

(HON. BETTY BIRCHOGO, MCA, BARINGO COUNTY)

AWARE THAT, Article 1(2) of the Constitution of Kenya provides that the people may exercise their sovereign power either directly or through their democratically elected representatives,

FURTHER AWARE THAT, Article 185(3) provides that a County Assembly, while respecting the principle of separation of powers, may exercise oversight over the county executive committee and any other county executive organs;

ACKNOWLEDGING THAT, Section 57 of the County Governments Act, 2012 provides for the establishment of the County Public Service Board and that its composition and functions are well spelt out under sections 58 and 59 of the County Governments Act, 2012 respectively;

COGNIZANT of *Standing Orders No:196*, Section (5) which bestows upon the Committee on Labour and Social welfare, Children, Youth and Sports the powers and mandate to oversight the County Government and by extension the County Public Service Board on labour related matters as follows:

- a) *Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Sectors;*
- b) *Study the programme and policy objectives implementation of sectors and relative success as measured by the sector results obtained in comparison with their stated objectives;*
- c) *Make reports and recommendations to the House as often as possible among other mandates.*

NOTING THAT, Article 232(1) of the Constitution of Kenya provides for the values and principles of public service which include-

- a) high standards of professional ethics;
- b) efficient, effective and economic use of resources;
- c) responsive, prompt, effective, impartial and equitable provision of services;
- d) involvement of the people in the process of policy making;
- e) accountability for administrative acts;
- f) transparency and provision to the public of timely, accurate information;
- g) subject to paragraphs (h) and (i), fair competition and merit as the basis of appointments and promotions;
- h) representation of Kenya's diverse communities; and
- i) affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of— men and women; the members of all ethnic groups; and persons living with disabilities.

APPRECIATIVE OF THE FACT THAT, Article 251(1) of the Constitution provides that a member of a commission (other than an *ex officio* member), or the holder of an independent office, may be removed from office only for—

- a) serious violation of this Constitution or any other law, including a contravention of Chapter Six;
- b) gross misconduct, whether in the performance of the member's or office holder's functions or otherwise;
- c) physical or mental incapacity to perform the functions of office;
- d) incompetence; or
- e) bankruptcy.

AWARE THAT, the Second Baringo County Public Service Board came into office on 14th May, 2020 and comprises of the following members who were nominated by the Governor and duly approved by this House namely:

1. Mr. Joseph Korir- Chairperson.
2. Dr. Stella Cheboi- Vice Chairperson.
3. CS Samson Kibii-Secretary/ CEO to the Board.
4. Mr. Julius Munge- Member.
5. Mr. Julius Ewoi- Member.
6. Ms. Christine Ronoh-Mmember.
7. Mr. Samuel Lentete-Member

FURTHER AWARE THAT, the Committee on Labour and Social Welfare, Children, Youth and Sports Committee, pursuant to Standing Orders No. 124(4) of the Baringo County Assembly Standing Orders submitted its report on the Baringo County Public Service Board Annual Report for the year ending 31st December 2020 as evidence by the Hansard Report of 11th August, 2021 dated 31st August, 2021.

DISTURBED THAT, the Committee findings indicated that the Baringo County Public Service Board had indeed failed to perform its functions as required by the law by violating the provisions of Chapter Six of the Constitution and more so Articles 10, 232(1) of the Constitution much to the detriment of the people of Baringo County who continue to suffer as a result of the actions of the Baringo County Public Service Board;

NOW, THEREFORE, arising out of the Committee findings, this Motion urges this House to pass a resolution to form a thirteen (13) member select committee to conduct investigations by summoning and interrogating the Baringo County Public Service Board and thereafter report to this House within a period of 21 days from the date of its adoption on the following pertinent issues:

1. Regarding promotions since the Board came to office, indicate in details the following:

- a) The names of those promoted since the Boards' inception to office.
- b) The promotion spread per department.
- c) The ages of those promoted.
- d) The gender spread per department.
- e) IPPD numbers of those promoted.
- f) Previous and current Job groups of those promoted.
- g) Year of employment for those promoted.
- h) Reasons for promotions.
- i) Promotions per ward.
- j) Financial implications for such promotions.

2. With regard to the Universal Health Coverage employment, provide a detailed information on the following:

- a) List of all applicants.
- b) List of all those shortlisted.
- c) List of all those interviewed and the interview results.
- d) List of those employed.
- e) The names, age and ward of all those employed.

3. With regard to Contractual staff, provide sufficient information on the following:

- a) Contractual staff and casual laborers' per department.
- b) List the names of the contractual staff per department.
- c) The period that they have served on contractual terms.
- d) What job group were they placed upon entry into the service.
- f) When were the interviews conducted and subsequent confirmations.

4. With regard to the Board activities, provide the following:

- a) The minutes of all the Board meetings since it assumed office.
- b) The Board resolutions since it came into office.
- c) Account for all the funds allocated to the Board since it came into office.

7. STATEMENTS

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?

008/2021: Hon. John Tarus, MCA, Sacho Ward, seeks a statement from the **Chairperson Lands, Housing and Urban Development Committee** on the following matters of concern:

- i. If he is aware that cemeteries have been set aside by the County Government?
- ii. How many of such public cemeteries have so far been set aside?
- iii. What is the acreage of each of them?

- iv. Is he aware that some of the land parcels set aside for public cemeteries have been grabbed by private developers?
- v. How many of the land parcels set aside for public cemeteries have been grabbed as alleged and what acreage is each of the grabbed parcels?
- vi. What plans has the County Government put in place to ensure that the parcel meant for public cemeteries but have been grabbed are reposed and put to the intended use?
- vii. What plans are there to acquire more land parcels for public cemeteries bearing in mind that those so far acquired are inadequate?

(The acreage of the land to be verified)

020/2021: Elizabeth Kipsang, MCA, Baringo County, seeks a statement from the **Chairperson County Heritage, Gender, Culture and Community Services Committee** on the following matters of urgent concern:

- i. If he is aware that there are recreational facilities in Baringo County?
- ii. Can the Chairperson provide details of the number of such recreational facilities and where they are situated?
- iii. Can the Chairperson inform this House of the status or conditions of such recreational facilities?
- iv. Can the Chairperson further inform this House if such recreational facilities are in use and if not, why are they not in use?

025/2021: Hon. Elizabeth Kipsang, MCA, Baringo County, seeks a statement from the **Chairperson Health Services Committee** on the following matters of concern:

- i. If he is aware that asbestos used in roofing construction is a silent killer which can often go unnoticed, and the idea of its presence in the building

surrounding people is enough to create feelings of uneasiness and concerns health-wise?

- ii. Can the Chairperson provide details of the number of casualties who have suffered as a result of use of asbestos roofing materials since the dangers of asbestos poisoning have been well documented and has been banned in other countries such as the United Kingdom?
- iii. Can the Chairperson inform this House if adequate civic education has been conducted to educate the people of Baringo County of the adverse effects of the use of asbestos as roofing material?
- iv. Can the Chairperson further inform this House if he is aware that when asbestos fibers become loose and potentially airborne and when inhaled pose a risk to dangerous diseases such as lung cancer, pleural thickening etc. and if so, what is the County Government doing to avert these risks?

026/2021: Hon. Joel Kipchew, MCA, Kabartonjo Ward, seeks a statement from the **Chairperson Transport, Public Works and Infrastructure Committee** on the following matters of concern:

- i. If he is aware that there was Ksh. 2,000,000 allocated for fuel to be used in the construction of various roads in Kabartonjo ward in FY 2020/2021?
- ii. If he is aware that in the FY 2021/2022 the above mentioned amount was reduced from Ksh. 2,000,000 to Ksh. 400,000 yet there are no roads that have been constructed?
- iii. Can the Chairperson list and name the roads that were constructed if any using the Ksh. 1,600,000 meant for fuel that was reduced after the 1st Supplementary budget of 2021?

- iv. Can the Chairperson further inform this House who used the allocation meant for fuel for the construction of the roads if no road was constructed?

(NEW)

027/2021: Hon. Joel Kipchew, MCA, Kabartonjo Ward, seeks a statement from the **Chairperson Trade, Tourism and Co-operatives Committee** on the following matters of concern:

- i. If he is aware that there are cooperative societies in the County?
- ii. Can the Chairperson inform this House, how many cooperatives are in the County, how many are active and how many are dormant?
- iii. With regard to the dormant ones, what plans does the County Government have to ensure that they are re-started?
- iv. What plans does the County Government have to improve the active cooperative societies?

(NEW)

(No. 100)

THURSDAY 2ND SEPTEMBER, 2021

(318)

8. MOTION - ADOPTION OF THE REPORT OF THE PUBLIC
ACCOUNTS AND INVESTMENTS COMMITTEE ON
THE REPORT OF THE AUDITOR GENERAL ON THE
FINANCIAL STATEMENTS OF THE BARINGO
COUNTY EXECUTIVE FOR THE PERIOD ENDED 30TH
JUNE, 2017

(The Chairperson, Public Accounts and Investments Committee)

THAT, this House **adopts** the Report of the Public Accounts and Investments Committee on the Report of the Auditor General on the Financial Statements of the Baringo County Executive for the period ended 30th June, 2017

9. ADJOURNMENT FOR LONG RECESS

(The Leader of the Majority Party)

THAT, this House **Adjourn** for the Long Recess as from Friday 3rd September, 2021 to Monday 4th October, 2021

ADJOURNMENT