

BARINGO COUNTY ASSEMBLY

THE HANSARD

The House met on Tuesday 6th April 2021 at 2:58 p.m.

The Deputy Speaker (Hon. Cheboiwo) in Chair

PRAYERS

The Deputy Speaker (Hon. Cheboiwo): Sergeant ring the quorum bell for five minutes

(Quorum Bell rung)

Welcome members for this afternoon session. Let us observe Covid-19 protocols to avoid contracting the disease, clerk...

PAPERS

The Deputy Speaker (Hon. Cheboiwo): We have a paper to be laid by the Leader of Majority

Hon. Leparsalaach (Deputy Majority Leader): Thank you Mr. Speaker sir with me is the Report of the Finance and Economic Planning Committee on the Baringo County Government Second Quarter Budget Implementation Report for the 2020/2021 financial year. I beg to lay.

The Deputy Speaker (Hon. Cheboiwo): I forward the document to the committee on finance to handle the matter accordingly, next order

NOTICES OF MOTION

REPORT ON IMPLEMENTATION OF BARINGO COUNTY GOVERNMENT SECOND QUARTER BUDGET FOR 2020/2021 FY

The Deputy Speaker (Hon. Cheboiwo): Chair Finance Committee.

Hon. Kebut: Mr. Speaker sir, I give notice of motion that this house adopts the report of the finance and economic planning committee on the Baringo County Government Second Quarter Budget Implementation report for the 2020/2021 financial year. I give notice.

The Deputy Speaker (Hon. Cheboiwo): The motion to come to the floor of the House on Thursday 8th April afternoon. Next notice is by Hon. Elizabeth Kipsang.

DEVOLVING OF PROCUREMENT FUNCTIONS TO EVERY DEPARTMENT

Hon. Elizabeth: I give notice that;

Aware that the constitution of Kenya provides that service delivery to the people is of paramount importance and as such the same shall be devolved to the smallest units that is the village,

Further aware that international human rights charter provides that all persons are equal and thereby entitled to their rights as stipulated under chapter four of the constitution,

Acknowledging that section 80 of the public procurement and disposal Act provides for a determination of qualified persons in any procurement processes,

Noting that there have been perennial delays in the procurement processes in the County government leading to payment delays to the contractors undertaking activities within County,

Now therefore, this motion urges the County government to:

1. Devolve the procurement department in the County such that every department must have its own procurement department to enable seamless procurement activities.

Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Cheboiwo): The motion to be taken to the House Business Committee for allocation of time, next order!

STATEMENTS

REGISTERED CBOs AND THEIR EFFECTIVENESS IN SERVING THE PEOPLE OF BARINGO

The Deputy Speaker (Hon. Cheboiwo): Statement 020 by Hon. Musa Cheruiyot to the chairperson County heritage, gender, culture and community services committee. Hon. Purity Tallam on behalf of your chair

Hon. Purity: Thank you Mr. Speaker I stand for my Chair. We are not ready and so we seek time until next week Tuesday.

The Deputy Speaker (Hon. Cheboiwo): Time granted until 13th April at 2:30 p.m.

Hon. Purity: Thank you.

(Statement deferred)

DANGER POSED BY BROKEN BOTTLES AND GLASSES

DISPOSED RECKLESSLY IN URBAN CENTRES

The Deputy Speaker (Hon. Cheboiwo): Next statement is number 004/2021 by Hon. Charles Koske MCA Mogotio ward to the chairperson environment and natural resources committee. Yes Chair environment or any Member of the committee, I can see that there is an answer. Are all Members of the environment committee not here?

So the Majority leader can take over. Yes Hon. Leparsalaach the Deputy Majority Leader.

Hon. Leparsalaach (Deputy majority leader): Thank you so much Mr. Speaker sir on behalf of the chair environment and the entire committee, I beg to respond to a question that was sought by Hon. Koske and his first statement was;

1. If we are aware that liquor glass bottles and glass waste are usually thrown away indiscriminately by users posing a health hazard in urban and rural trading centers in Baringo County.

The indiscriminate disposal of liquor bottles in urban trading centers of Baringo County is basically caused by those who sell liquor, these business men throw the bottles and glasses illegally without the knowledge of the County Government mostly at night in undesignated disposal sites hence posing great health hazard.

The removal and disposal of waste is an important part in the running of any business waste, producers have a duty to protect the environment under the environmental protection Act 1990 and environment management and coordination Act amendment EMSe 2015 to ensure that their waste is disposed of safely approximately and responsibly.

2. If we are aware that there is no dumpsite in Mogotio town. Mr. Speaker Mogotio town and even all the trading centers in the ward entirely has no dump site, acquisition of land is the

mandate of the department of lands and urban development and the department has been working closely with the department of lands to acquire dumpsite land for Mogotio town.

Several advertisements and even re-advertisements have been floated severally wanting to buy the land but it has not been successful because firstly Baringo residents are worried of having their land neighboring a dumpsite.

Secondly, at one time land was found at Chemogoch area but it was not environmentally suitable since it was very close to a river.

In regard to this the department is proposing that if it will be possible let a section of Almarai public/community land be converted to a dumpsite and adequate funds allocated to develop it to meet international standards of a modern dumpsite. ‘

The issue will be permanently solved and it will save County money for purchasing land.

3. If we are further aware that children break the carelessly disposed of bottles and glasses as part of their play further exposing the public to the danger of stepping on the broken bottles and broken glasses or causing damage to their motor vehicles.

As earlier mentioned most of the broken glasses are disposed of recklessly by those who legally sell liquor in urban centers of Baringo County. However there is a committee in every sub-County chaired by the sub-County administrator who sits annually to issue license to all those who sell liquor and to assess the compliance by the liquor sellers.

The committee should include the departments’ sub-County environment officers in the committee so as to team up and come up with measures which will help solve the reckless disposal of waste by those who sell liquor.

4. Whether we are aware that currently members of the public are exposed to great danger by thousands of broken bottles and broken glasses strewn all over our urban centers due to reckless disposal of used glass bottles and broken glass.

The department is aware and it is unfortunate that the seller throw bottles and glasses illegally without the knowledge of the town waste collection unit, but the department in collaboration with the sub-County administrator, town administrator, NEMA has held various sensitization meetings to talk to the communities to be alert and report any culprit so that action be taken against and the offender be charged under EMCA 1999 section 142 part 13.

The fifth question is that is there a policy for safe disposal of glass bottles and broken glasses to protect members of public from exposure to broken glasses and bottles in Baringo County. The response is that currently there is no Baringo County policy but the department is mobilizing for funds to develop Baringo County solid waste management policy. This will help in the proper management of solid waste in the County including broken bottles and glasses. However, the constitution allows that where there is no County law in place the national law fall in place and therefore environment and coordination act amendment EMCA 2015 has been applying so well in the control of waste disposal in the County.

The sixth question is that what measures has the County government put in place to ensure that members of the public are not exposed to the danger posed by broken glass and that there is a specific policy to deal with glass waste and that dumpsites are available in all markets and town centres across the County including Mogotio town. The response is that equally the environment department being mandated by the law to ensure citizens have access to clean and healthy environment and therefore various interventions with measures to address these subjects matter have been done. These interventions include partnering with both national and development parts awareness among the local communities through public barazas and meetings to be vigilant and report environmental offenders for action to be taken according to the

law. This has worked as far as Pemwai and Kaplelo where communities report cases of liquor sellers disposing bottles illegally. The culprits were summoned and action was taken.

The department has been taking regular cleaning of all urban centres in teamwork with schools, communities and the conservancies team so as to remove waste which is piling up in designated sites and ensure that it does not pose hazards to the public. A case in point is removal of liquor bottles in Kabartonjo town undertaken in February 10th 2021 which was later disposed appropriately. The challenge in this endeavor is lack of funds to do the collection consistently considering that there are very few cleaners/conservancies staff in major towns who in most cases are overwhelmed by the amount of waste generated. Thank you Mr Speaker sir

The Deputy Speaker (Hon Cheboiwo): I think you have not completed. You need to open the other page.

Hon. Parsalaach: Sorry Mr Speaker, the third reason Mr Speaker is lobbying and working closely with the Assembly Committee on Environment and Natural Resources to allocate more resources to the department through flagship projects to in order to efficiently and effectively implement activities related to solid waste management especially ensuring that all major towns have dumpsites facilities relevant to policies in place as well as construction of eco toilets at strategic place especially markets and bus stations.

The fourth reason is that the County Liquor licensing board in every sub County has been giving conditions to bar owners that if they fail to comply to be responsible for their waste generation then their licenses shall be revoked so this must be enforced to the latter. Thank you.

The Deputy Speaker (Hon. Cheboiwo): Hon Charles Koske.

Hon. KosKe: Thank you Mr Speaker sir, I want to thank the chair for environment for having tried so much although there are gaps in that answer that have to be done with...

Mr. Speaker sir when you move along the road from Mogotio all the way to Emining along the road bottles have been thrown by the users and are just scattered all over the road.

Mr. Speaker when you say that there are committees chaired by the sub-County administrators to give conditions when they are giving licenses I think they are just looking at the premises then they issue the licenses. They don't even ask where their disposal sites are.

Mr. Speaker sir almost all the towns in Baringo County doesn't have dumpsites, in Mogotio they are dumping in someone's plot it is full and the owner is complaining and is about to go to court because of that dumping.

Mr. Speaker sir when the environment teams say that they are waiting for the Assembly committee to allocate money on flagship project to buy land for that, I think flagship funds are controlled from the Executive we just control the ward funds mostly.

Mr. Speaker sir policies have to be made for the environment should have been done years back it is now 8 years since devolution and there have been no policy to that effect up to today, Mr. Speaker I think somebody is sleeping on his job and that policy should have been developed by now. Otherwise thank you.

The Deputy Speaker (Hon. Cheboiwo): I saw a reaction by Hon. Earnest Kibet.

Hon. Kibet: Thank you Mr. Speaker sir, I first must declare that I am a Member of this committee and Mr. Speaker sir mine is just to try and broaden this because I appreciate my colleague from Mogotio.

Actually Mr. Speaker the problem is more serious on my side, Mr. Speaker sir I don't know how the history of this Baringo will be written that in devolution we are in the 9th year or the 8th and we cannot pinpoint even a single dumpsite.

Mr. Speaker the Baringo County headquarters Kabarnet has no dumpsite, Mr. Speaker we have a problem like I have seen somewhere being enumerated that the people are resisting that they don't want their land like when you go sourcing how do you advertise and say we want to buy land for waste disposal.

You know you would even say waste management Mr. Speaker this is a Government which is looking for land to just throw waste and nobody will just accept, why we are having a problem in Kabarnet. The Government bought land twice and do you know that now and do you know that what people are referencing is what exists.

If you go to S.D.A school and church Mr. Speaker you will sympathize because our disposal is just open air, it is just like when we say we don't have latrines and people just defecate in the bush and this Government is doing the same.

The Deputy Speaker (Hon. Cheboiwo): Hon. Kibet believing you are the Member of environment committee you are the ones to answer us the best because you had been assisted by the majority leader and now you can support the majority leader to clarify more.

Hon. Kibet: Mr. Speaker what I said is that I declared my interest that I am a Member of this committee and I am going further to enumerate that ...

(Loud consultations)

Mr. Speaker my suggestions are very simple that the issues to do with waste disposals must be elevated to flagship status, it must be flagship project for the County.

First even if we were to organize like we have people here collecting, like I have seen the vote of garbage collector but collecting the garbage and taking to where, Mr. Speaker there was a time we had a problem with sewerage and even after you exhaust then you are told where you are disposing.

We were supposed to dispose in Eldoret and Mr. Speaker you know it became a problem that we could not even transfer this waste to Eldoret so mine is to say Mr. Speaker that as ...it is very simple the answers are very correct and there is no wrong answer here.

Mr. Speaker we don't ask questions in vain we ask questions so that we are able to solve a problem so for us to be able to solve this problem we need to look at this thing from a serious point of view that even Members as we are going on with the budget making process can we introduce the aspect of waste disposal as a serious aspect that is affecting ...

Mr. Speaker I can tell you, go to Marigat you will see how farmers are struggling with plastic everything is going to the river and it is terrible. The issue to deal with waste disposal is wanting. Mogotio to Marigat is a high transit area and those who are taking soft drinks just throw the plastic bottles through the window, if we were to collect where will we destroy them meaning we should be having incinerators, chaffers. Mr. Speaker hapa nyumbani tunasema *tumia akili ya kuzaliwa* to give us a ruling that can escalate this thing and bring forth a serious budget allocation, this is my request and you have the powers. Thank you.

The Deputy Speaker (Hon. Cheboiwo): Thank you. I want to give to the person who was responding to the answer the Majority Leader.

Hon. Leparsalaach (Deputy Majority Leader): Thank you so much Mr. Speaker when Hon. Kibet rose and said that he is a member of these committee I was relieved because I thought that he was going to own the whole statement and defend it but he is punching some bullets on the answers and Mr. Speaker my request is that the committee should own their own statement

because I was reading on their behalf. They should team up with the department because the suggestion put by the department are very valid because they said that there should be a flagship budget and it is the duty of the committee to follow the department and make sure that there is allocation on the budget

The second one is the concerned member because he comes from that town so he must start by putting some money annually to make sure that all these suggestions put here he supports them by putting some ward funds

Mr. Speaker the environmental issue is a collective responsibility we must be at the fore front as a County assembly to make sure that we lead in matters environment for instance in my ward all the rivers and the seasonal streams have been clogged by the notorious *Mathenge* and if we don't lead and tell our people that we must remove them then the whole area is going to be flooded the same applies to our towns. Hon. Kibet is a member for Kabarnet he must be at the fore front to make sure that a dump site is found because the department is ready with the money. You said that you cannot advertise that you want a dump site but you can twist the language and say you want a waste management site

Mr. Speaker I that the members and I request that since Hon. Kibet is the only member present I request him to own the statement and follow up with his Chair

The Deputy Speaker (Hon. Cheboiwo): Thank you Deputy Majority Leader, we have received a satisfactory answer but due to the request of Hon. Kibet I direct that this question be handled by the committee together with the department further so that they can source for money as it has been requested by the department.

Order members!

ADJOURNMENT

This House stands adjourned till tomorrow 9:30 A.M, 7th April 2021

The House rose at 3:34p.m