

BARINGO COUNTY ASSEMBLY

THE HANSARD

The House met on Wednesday 15th March 2023 at 2:56PM

The Deputy Speaker (Hon. Kimosop) in Chair

PRAYERS

The Deputy Speaker (Hon. Kimosop): Clerk!

COMMUNICATION FROM THE CHAIR

The Deputy Speaker (Hon. Kimosop): Hon. Members in the morning a matter came up from the member of Loyamorok ward on a question that ostensibly this House had dispensed with. It became emotive that the member who had sought that question had felt a bit dissatisfied. She was not present when the matter was dispensed off. Excising Standing Order number 1 and bearing in mind that matters that come to this House are meant as much as possible to facilitate full satisfaction on the questions that members bring up and in a situation where the owner of the question has concerns, if defeats the logic of this House raising concerns that are actually brought by members.

In that regard, I order that matter goes back to House business committee with the view of being reintroduced. It so ordered. Clerk!

PROCEDURAL MOTION

EXTENSION OF APPROVAL PERIOD OF THE
COUNTY FISCAL STRATEGIC PAPER (CFSP) FOR 2023/2024

The Deputy Speaker (Hon. Kimosop): Hon. members in Standing Orders number 1, we have procedural motion to be moved by the Chairperson budget and appropriations committee. The Chair to move the motion, Vice Chair or any member of the Budget and Appropriations Committee.

Hon. Losile: Thank you Mr. Speaker for allowing me to move the procedural motion on the extension of approval of County Fiscal Strategic Paper (CFSP) for 2023/2024 financial year.

That notwithstanding the provisions of 17(6) of public finance management act 2012 which states that not later than 14 days after submission of County fiscal strategic paper to the County Assembly, the County Assembly shall consider and may adopt it with or without amendments.

And further notwithstanding the provisions of regulation 25 and 26 of PFM County regulations and standing order 211 of the County Assembly of Baringo County on the process of consideration of CFSP approval.

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This House resolves 10th of the period of approval the County fiscal strategic paper by an additional of seven (7) days from today Wednesday 15th march 2023 to Wednesday 22nd march 2023 to allow the County treasury planning incorporate recommendations of the approval CIDP 2023/2027 financial years to CFSP 2023/2024 financial year.

Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Kimosop): That is the procedural motion and it is going to be dealt with in standing orders as a procedural motion. Next, motion by Chairperson Social Welfare, Children, Youth and Sports Committee. Hon. Ayub Kibet...

MOTION

REPORT ON BARINGO COUNTY PUBLIC SERVICE BOARD ANNUAL REPORT FOR THE YEAR ENDING 31ST DECEMBER, 2022

Hon. Everlyne: Thank you Mr. Speaker. Our Chair is not in and I will move the report on his behalf. I now move the motion that this House adopts the report on the Labor and Social Welfare, Children Youth and Sports committee on the Baringo County Public Service Board Annual Report for the year ending 31st December, 2022.

Mr. Speaker, I will begin with chapter three, establishment of the public service board; Mr. Speaker Sir, it is important at this point to inform this House of the Legal basis for the establishment of a County Public Service Board. County Public Service Board(CPSB) are devolved units of governance ostensibly established for the purposes of establishing and managing a professional, effective and efficient public service so as to enable the County Governments achieve the objectives of devolutions.

Mr. Speaker Sir, a County Public Service Board is established in accordance with Article 235 of the Constitution of Kenya coupled with Section 57 of the County Governments act, which establishes a Public Service Board for every County. The powers and functions of a County Public service Board are set out in Section 59 of the County Governments act and relates to the public officers in the County Public service. The powers of a County Public Service board do not extent to include and cover: the Governor, the Deputy Governor, Member of the County Executive Committee and the Members of the County Assembly.

Mr. Speaker Sir, the Board as per the law should comprise of a Chairperson, not less than three and not more than five members and a Secretary, all of whom are nominated and appointed by the Governor with the approval of the County Assembly.

Functions of a County public service board; Mr. Speaker sir, a County Public Service Board is responsible for:

- i. Establishing and abolishing offices in the County Public Service,
- ii. Appointing persons to hold or act in those offices and confirming appointments.
- iii. Providing for the organization, staffing and functioning of the County public service in ways that ensure efficient, quality and productive services for the people of the County.

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- iv. Advising the County government on human resource development and management and utilization that best enhances service delivery by County public service institutions;
- v. Providing for human resource management and career development practices to address staff shortages and barriers to staff mobility
- vi. Facilitating development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;
- vii. Making recommendations to the Salaries and Remuneration Commission, on behalf of the County governments on the remuneration, pensions and gratuities for the County Public Service employees;
- viii. Exercising disciplinary control over and removing persons holding or acting in those offices.
- ix. To promote, in the County Public service, the values and principles set out in Articles 10 and 232 of the Kenya Constitution. They evaluate and report to the County Assemblies on the extent to which the values and principles are complied within the County public service and provide standards to promote ethical conduct and professionalism in County public service.
- x. CPSBs advise County Governments on implementation and monitoring of County performance management systems and prepare regular reports for submission to the County Assemblies on the execution of the functions of the Board.

The Baringo County Public Service Board; Mr. Speaker Sir, the second Baringo County Public Service Board was established in 2020 and it comprises of board members who were nominated and approved by the 2nd Governor after they were vetted and approved by 2nd County Assembly.

Composition of the Baringo County Public Service Board; Mr. Speaker Sir, Membership to the Baringo County Public Service Board as now obtained is as follows:

- | | |
|----------------------|-------------------------------|
| 1. Hon. Joseph Korir | - Chairperson, |
| 2. Dr. Stella Chebii | -Vice Chairperson, |
| 3. CS Samson Kibii | - Secretary/CEO to the board, |
| 4. Julius Munge | - Member, |
| 5. Christine Ronoh | - Member, |
| 6. Samuel Lentete | - Member, |
| 7. Musa Ewoi Lochom | - Member |

The committee findings; Mr. Speaker Sir, the Committee established that the Baringo County Public service Board as it currently obtains has established in within itself four Committees which are being assisted by a secretariat comprising of Eight staffers which includes a director of Human Resource and a legal Officer. These Committees are:

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- i. Finance and Administration,
- ii. Recruitment, Training and Development,
- iii. Performance Management and Disciplinary Control,
- iv. Audit, Risk Management and compliance,

Mr. Speaker Sir, the above four Committees were formed to facilitate efficient and effective decision making by the board for appropriate and timely execution of its constitutional mandate.

Mr. Speaker Sir, the Committee was rather disturbed that the report tabled does not indicate who among the Baringo County Public Service Board members belong to which sub-Committees. The Committee felt that it was very necessary for the Board to indicate the names of the members of each sub-Committee with the secretariat supporting them so that this Committee and the entire Assembly is aware of their composition.

Achievements of the board; on recruitment, Mr. Speaker Sir, Pursuant to section 59(1) (b) of the County Governments Act, 2012, The County Public Service Board is mandated to appoint persons to hold or act offices of the County Public Service. In the backdrop of the above mandate, the Committee learned that the Baringo County Public Service Board has had on three occasions tried to recruit qualified persons to fill the advertised position.

Mr. Speaker sir, the first advertisement was done in March ,2022, where six hundred and twenty six positions under various departments which included the advert for recruitment of 230 ECDE teachers but the process was stopped under Eldoret court vide case ELRC NO10/2022-Isaiah Biwott versus County government and CPSB.

Mr. Speaker sir, the second advert for recruitment done in September, 2022 was that of the 13 Chief Officers which was later cancelled after the interview report was submitted to the executive. The cancelation of the recruitment exercise was attributed to re-organization of the departmental changes.

Mr. Speaker sir, the third advert of recruitment done by the Board was that of the 19 Chief Officers which was done in December, 2022 is currently under progress as the shortlisted candidates are undergoing interviews.

On ratification of employees on p&p terms of service; Mr. Speaker Sir, with respect to the above, the CPSB indicated in their report that Pursuant to a National Government Circular NO.OP/CAB.1/8A dated 20th ,November,2020 were able to absorb 108 employee who were seconded when the functions were devolved. Mr. Speaker sir, the Committee would not verify such claims as the list were not annexed as indicated in the report.

On confirmation of employees after probation; Mr. Speaker Sir, the Board in its annual report for the calendar year ending on 31st December 2022, indicated that it was able to confirm eleven (11) employees who were serving under probation were confirmed to permanent and pensionable terms. However, the Board did not indicate when and how the said employees were recruited.

on re-designations', re-designation of town and ward administrator's; Mr. Speaker Sir, during the period under considerations the Board in its annual report indicated that it was able to re-designate Fourteen (14) employees as per the Human Resource policy manual. However, the

committee noted that the said re-designations were majorly on the Ward and Town Administrators. The Committee would not fully ascertain the reasons behind such mass re-designation that appeared skewed to town and Ward administrators alone.

Promotion, promotion of medical specialist ; Mr. Speaker Sir, during the period under considerations the Board reported that it was able to promote sixteen (16) various Medical specialist who were in job group “M” to job group “N”. These promotions were in line with the medical specialist Scheme of Service.

Promotion of through suitability interviews ; Mr. Speaker Sir, during the period under considerations the Board reported that it was able to promote six (6) various Medical specialist who were in job group “M” to job group “N”. These promotions as reported were in line with the medical specialist Scheme of Service.

Mr. Speaker sir, the said promotions included two (2) Medical specialists I at job group “Q” who were promoted to Deputy Director of medical services/Senior Medical Specialist at job group “R”. With them are the four (4) Senior Medical officers at job group “N” promoted to Assistant Director Medical Service at job group “P”.

Promotion on common cadre; Mr. Speaker Sir, during the period under review, the Board reported that it was able to promote eleven (11) staffers of various specializations and cadres. Mr. Speaker Sir, the promotion on common cadre refers to the promotion of a given staffer from one job group to the next upon completion of a specified period of service and subject to meeting the specified qualifications and satisfactory performance of duty. Those who benefited from such a promotion are six female and five male staff.

Extension/renewal of appointment on contract terms ;Mr. Speaker Sir, during the period under considerations the Board reported that it approved extension and or renewal of appointment of contract for fifty five (55) officers in various departments and another one thousand six hundred and forty nine (1649) ECDE teachers for another one year.

Mr. Speaker Sir, of great concern is the continuous contracting of the ECDE teachers for over ten years of service consecutively. As currently established, the contracts are about to expire.

Absorption of elias ict center staff; Mr. Speaker Sir, during the period under considerations, the Board reported to have absorbed eight (8) staffers from the Elias ICT Centre, a ICT facility developed by the Korean donors in collaboration with the County government of Baringo. The absorption of the said staff was based on a MOU between the County government of Baringo and the Korean donors.

New appointments; Mr. Speaker Sir, during the period under considerations, the Board with respect to section 59(f) of the County Governments Act reported to have appointed six persons to the following positions on contract terms of service at the office of the Governor and Deputy governor. The positions appointed were;

- i. Economic Advisor,
- ii. Chief of staff,
- iii. Political Advisor,

- iv. Personal Assistant,
- v. Liaison Officer,
- vi. Senior driver.

Mr. Speaker Sir, the referred appointments were tied to the term of the 2nd Governor.

Acting appointments; Mr. Speaker Sir, during the period under review, the Board with respect to section 59(f) of the County Governments Act reported to have appointed thirteen (13) Officers to act in the various vacant positions of the chief Officers after the exit of the substantive Chief Officers upon the expiry of their contract. The said acting chief officers shall hold such offices pending recruitment of the substantive Chief Officers for the 3rd Administrative Cycle-2022-2027.

Approval of staff establishment; Mr. Speaker Sir, during the period under review, the Board in February, 2022, with consultations with the County executive and its departments reported to have reviewed and approved the Baringo County Staff Establishment in Annex I.

Mr. Speaker Sir, the approved establishment is expected to guide departmental budgeting and staff projections for Human Resource planning. However, the board didn't indicate the expected budgetary cost for such approved County Staff Establishment.

Development/domestication of public service commission human resource and procedure manual Mr. Speaker Sir, during the period under analysis, the Board reported to have reviewed and domesticated several policies making it to be one booklet. The said policies are as follows;

- i. Human Resource Policy and Procedures Manual for the County Public Service
- ii. Ethics and Code of Conduct for County employees
- iii. Disciplinary procedure manual
- iv. Recruitment Policy
- v. Promotion Policy
- vi. Transport Policy
- vii. Performance Management Policy
- viii. Staff Training Policy.

Performance management and disciplinary; Mr. Speaker Sir, under section 59(1)(c) of the County Governments Act, 2012, the Board is mandated to exercise disciplinary control over as well as remove persons holding or acting in such public service offices. With respect to the above mandate, the board was able to;

- i. Prepare briefs for disciplinary cases.
- ii. Adopted Disciplinary Committee reports.
- iii. Advised County Department on Disciplinary procedures and processes.
- iv. Collaborated with the County Attorney office on disciplinary and Labor related cases.

- v. Liaised with the public Service commission in handling disciplinary appeals and case reviews.
- vi. Availled witnesses and adduced evidence in litigations involving disciplinary cases.
- vii. Conducted investigations on matters related to the mandate of the Board.
- viii. Processed general complaints from the public on matters related to the mandate of the board.
- ix. Conducted research on employee work related e.g. during public participation and public hearings.
- x. Acted on disciplinary case recommended by the County human resource Advisory Committee.

Disciplinary cases; Mr. Speaker Sir, under section 59(1) (c) of the County Governments Act, 2012, the Board in pursuance to its mandate was able to handle the following cases;

Case one, financial misappropriation/fraud were 3 in number, board action ongoing/pending. Case two, Negligence of duty is one and was surcharged/ reinstated. The third one Abscondment/Desertion five in number and were Warning and reinstated.

Mr. Speaker Sir, the distribution of the disciplinary cases outcome as handled by the Board during the year under review is as indicated.

Dismissal, number of cases 3. Appeals,1. Warnings,5. Surcharged, 33. Reinstated, 1. Pending Cases.

Audit, risk management and compliance; Mr. Speaker Sir, under section 59(1)(e) of the County Governments Act,2012, the Board is mandated to promote in the County public service the values and principles referred to in Articles 10 and 232 of the Constitution.

Declaration of assets, income and liabilities by County officers; Mr. Speaker Sir, under this mandate, the board had initially prepared a guideline referred to as Baringo County Public Service Board Procedures on declaration of Income, Assets and Liabilities by Public Officers, thus in the previous year of the year under review, the board reported that three thousand, five hundred and thirty three (3533) members of staff complied and those who dint comply were two hundred and twenty eight(228). Further, it was reported that those who did not comply by filling the wealth declaration forms were procedurally disciplined.

Legal suits; Mr. Speaker Sir, under the Audit and risk compliance mandate, the board reported to have been enjoined in some four legal suites during the period under review. The nature, outcome and the standing of such case as established during the reporting period. Case one by Isaiah Biwott versus County Government and County Public Service board, claimant sued the County Government and County Public Service Board challenging the employment of 626vacant positions advertised by the board on 17th March 2022, the appeal withdrawn with no order as to cost.

Second case in Eldoret, ELRC no E003/2021, Moses Kirui Toroitich versus County Government of Baringo and the County Public Service Board , claimant sued the Baringo County Government and County Public Service Board challenging his transfer from the department of Finance and Economic planning to the department of Industry , Commerce and Cooperative Development by the County secretary, judgment delivered upholding the transfer of the officer and cost were awarded to the respondents. The case is currently pending appeal in the court of appeal in Eldoret.

Case three, was in Nakuru no. E011/2021, David Kiplagat Lagat versus the County Government of Baringo and Baringo County Public Service Board, claimnant sued the BCG and CPSB challanging the decision of the board to advertise for the position of chief officers , they aver that their contracts were illegally terminated before they expired. Case dismissed with no orders as to cost.

Case four, Nakuru ELRC no. 7/2019, Jane Chepkorir Barus versus County Assembly of Baringo, County Government of Baringo and County Public Service Board, claimnant sued the Baringo County Assembly, BCG and BCPSB challanging her alleged impeachment by the first respondent which is the County Assembly . Judgement delivered against the respondents , matter is currently pending execution.

On promotion of national values and principles; Mr. Speaker Sir, under the provisions of the Public Service (National Values and principles) Act, 2015, the County Public Service board is the designated service commission for the implementation of the National Values referred to in Articles 10 and 232 of the constitution of Kenya.

Mr. Speaker Sir, The national values and principles of governance in Article 10 binds all State organs, State officers, public officers and all persons whenever any of them -

- a. Applies or interprets this Constitution;
- b. enacts, applies or interprets any law; or
- c. makes or implements public policy decisions

Mr. Speaker Sir, Article 10 of the Constitution outlines the National Values and Principles of Governance which includes;

1. patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
2. Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
3. Good governance, integrity, transparency and accountability; and
4. Sustainable development.

Mr. Speaker, further to the above, Article 232 of the Constitution outlines the values and principles of public service which the County Public Service is expected to adhere to. Such high standards of professional ethics;

Efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable, provision of services, involvement of the people in the process of policymaking, Accountability for administrative acts; Transparency and provision to the public of timely, accurate information; subject to paragraphs (h) and (i), fair competition and merit as the basis of appointments and promotions; 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:-

1. men and women;
2. the members of all ethnic groups ;and
3. Persons with disabilities.

Mr. Speaker Sir, while adhering to Articles 10 and 232 of the Constitution of Kenya, the board during the period under review;

- i. Included at least a paragraph on the values and principles referred, their applications and need for compliance in its communications to staff and stakeholders, job advertisements and in its reports.
- ii. Wrote specific circulars to staff regarding compliance to certain values and principles as required by law. For example the requirement on Declaration of Income, Assets and liabilities.
- iii. Carried out Declaration of Income, Assets and Liabilities exercise for Baringo County Government staff for the year, 2021 Bi-annual declaration.
- iv. It included in its published report the manifestations of National Values and Principles and recommendations.

On challenges faced by the board; Mr. Speaker Sir, the Committee observed that the board in its report had enumerated about five constraints in their operations, these included among others;

Budgetary constraints; Mr. Speaker Sir, the Committee observed that the board has had and incessantly reiterated that their Budgetary allocation was very insufficient, in its report also it indicated that the budgetary allocation was reduced from Kshs. 44,582, 329.00 to Ksh.17, 922,030.00, a claim which would not be justified since the budget indicated to be reduces initially comprised of Board and staff salaries which was moved to the Devolution and Public Service.

Board office space; Mr. Speaker Sir, the Committee observed that the board has been occupying a rented office space at Mwalimu plaza and as currently established the building does not provide sufficient space to accommodate the board members and its secretariat thus obstructing effective and efficient working environment and service delivery.

Fraudsters; Mr. Speaker Sir, the Committee noted that the board had indicated in its report that the matter of con-Persons had become a major headache to them. This is simply because the fraudsters masquerade as either the members of the board or its secretariats and were purporting to be in a position to offer them employment opportunities on the event that they pay

“something”. The board as indicated in their report reported to have taken up the matter and reported to the relevant investigative authorities. However, the Committee could not ascertain how far the investigations had gone and its outcome and action if any.

Board official vehicles; Mr. Speaker Sir, the Committee noted that the board had brought up the issue of lack of suitable and sufficient County allocated official vehicles to the board. This thus would hamper service delivery by the Board.

Committee recommendation; Mr. Speaker Sir, the Committee made the following recommendations

1. That, the Board indicates the names of the members of each sub-Committee with the secretariat supporting them so that this Committee and the entire Assembly is aware of their composition.
2. That, the Board indicate department which the recruited staff were deployed to and their number,
3. That, the County Executive Committee approves the policies while at the same time ensuring that they are categorically deployed and monitored for quality service delivery by the Baringo County Public Servants.
4. That, the budgetary allocation to the Board be objectively reviewed in the subsequent financial years.
5. That, this House urges the County Government to move with speed towards the development of offices in the available spaces so as to provide office accommodations while at the same time avoiding more expenses in terms of rental expenditures which at the end of the day shall be very expensive.
6. That, the Board should report on the outcome of the fraudster’s investigations as reported.
7. That, the board fast-track on the employment frame work and policy that would guarantee competitive and balanced employment with a reflection of the face of the County.
8. That, Board be assigned sufficient Vehicles for efficient service delivery.
9. That, the Board fast-track the development of Affirmative Action Policy to gather for the physically challenged persons in the subsequent employment so as to meet the disability threshold.
10. That, the County Government engages all the 1649 ECDE teachers on permanent and Pensionable terms with a clear scheme of service.
11. That, all the Wards and Sub-Counties whose substantive administrators have been re-designated and transferred to other departments be replaced.

Mr. Speaker sir, the report is herein signed by the Committee members as seen in the table

Mr. Speaker Sir, it is my humble duty as the Chairperson of the Committee on Labour and Social welfare, Children, Youth and Sports to table this report.

Mr. Speaker Sir, it is my humble duty as the Chairperson of the Committee on Labour and Social welfare, Children, Youth and Sports to table this report.

The Deputy Speaker (Hon. Kimosop): There is the last part that you need to complete.

Hon. Everlyne: I request Hon. Kigen to second.

The Deputy Speaker (Hon. Kimosop): Because we are on Hansard there is the last part after the report where you beg to move.

Hon. Everlyne: Mr. Speaker sir I beg to table.

The Deputy Speaker (Hon. Kimosop): It is okay. The motion is properly moved and it is now a motion but it needs to be seconded .

Hon. Kigen: Mr. Speaker sir I second the motion.

The Deputy Speaker (Hon. Kimosop): This motion is now properly moved by Hon. Everlyne Korir on behalf of the Chairperson and seconded by Hon. Henry Kigen so it is duly moved and seconded .

(Question proposed)

Debate is open. This is one of the statutory obligations that we have to consider the report of the County Public Service Board annually. Members' debate is open. Hon. Satoi

Hon. Satoi: Thank you Mr. Speaker for giving me this opportunity. I congratulate the team led by able Chair Hon. Ayub...

The Deputy Speaker (Hon. Kimosop): Hon. Everlyne who is holding brief for the Chair should be in to take notes when debate is going on to reply after. The whip mobilize her to be present until the end of the session, proceed Hon. Satoi

Hon. Satoi: Thank you Mr. Speaker I was congratulating the team for this report and their recommendations they have made. One critical area for our development is the issue of ECDE teachers. In the report it states that the County that among whose contract is renewed under 4.16 is that the County government has renewed contract for 55 persons and further renewing contract of 1,649 and this worries me a lot.

This tells us that all ECDE teachers in Baringo are in contract. The trend is dangerous, that we are renewing each contract for ECDE teachers and we must put up a policy to ensure our ECDE teachers are permanent and pensionable basis, so that those who elected us including the governor and see the fruit of their children through early childhood education.

In the recommendation of the team, I would have loved to see the committee coming up strongly that the ECDE teachers should be employed on permanent and pensionable basis. But unfortunately the recommendation is not coming out. We will continue with contract terms for our ECDE teachers. I suggest that recommendation be included and comes out strongly the same

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way that they have checked the staff establishment in various departments and the list is attached and happy of this. If we follow up and ensure that these staff required, are recruited to fill the deficit especially key departments like education, health water and all other departments generating income in this County are given a priority and employment. Mr. Speaker I request that a recommendation is added to this report so that it is clear that we are advocating for the ECD teacher to be employed on permanent and pensionable basis. Thank you.

The Deputy Speaker (Hon. Kimosop): Thank you Hon. Sitoi. I had asked Hon. Everlyne to be whipped back to the Assembly because as the mover of this motion now holding brief for the Chair you will have the opportunity to reply. So, you need to take up notes so that you will have the final opportunity to make the replies. Secondly, as a way of guidance, our Standing Orders allow amendment while these motions and reports come to the floor, they become the property of this House and the Members have the liberty to amend them and the recommendations as a procedure of that.

Amendments are supposed to be in writing and be presented 2 hours before but in exceptional circumstances the Speaker can relax the rule. So if Hon. Sitoi you are determined to have that amendment, Section 54, Sub-section 2 of our Standing Order allows amendments. If that happens, our Clerks will amend the report to include the amendments that were brought here. Hon. Majority Leader.

Hon. Lokorio: Thank you Mr. Speaker. I support the motion and congratulate the Chair and his team. My concern is drawn from item on re-designation. You realize that from this report, the committee went ahead to report on promotions to different Job groups and in various departments in Baringo County Public Service Board. But Mr. Speaker, what has amused me here is that when it comes to re-designation it comes silent and this one has only discussed officer at the level of Ward Administrators and the Sub- County Administrators.

Those re-designated must have gone and now they should be assuming new offices in higher ranking. I would wish that the committee elaborated on this so that we are most aware. There are some Wards that don't have Ward administrators and the committee would have gone ahead to recommend that we should immediately employ new Sub-County and Ward Administrators now that they have been re-designated. I am suffering because I share one ward administrator with almost three Wards. So allegiance and loyalty is divided. Thank you.

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

Hon. Alex: Thank you Mr. Speaker. I congratulate the team for the well elaborated report but I want to point out on some few concerns but before so, I join hands with my colleague Hon. Sitoi that the ECD Teachers need a better pay and terms of service. These are people that mould our children and we have entrusted them with our children at a very tender age and we expect them to make people that we depend on in the future. I feel like our ECD teachers need the best from us.

We are talking about a board that is wounded and I am looking at their responsibilities and really this board has a lot to do in human resource development. I am a member of Budget and Appropriations Committee and when we were doing our First Supplementary Budget in Nakuru,

the team from the Public Service Board came and made their submissions. It is unfortunate to report that in their Wards they term themselves as begging board. These are people that we expect to do all this job. From the report, it is clearly indicated that their budget was reduced from Kshs. 44 million to about Kshs. 17 million. That is serious allocation and the reduction was done up to 60percent. The other time we tried allocating them money as a committee and proposed an increment of Kshs. 15 million which was again taken away by...I don't know who took their money but it was not there to facilitate their function.

I still feel like when this committee engaged the Public Service Board, and make their own recommendations; Public Service Board should be one of the board that should be independent so that they can function well. We should allocate them funds for their use and running. In the morning I clearly indicated that the Agriculture Committee lost 70 percent of their staff through retirement and natural attritions. This is a board that is supposed to make sure that those positions are filled. It is also sad to note that in Baringo we have people who have been in casual basis for more than 5 years.

It is even sad to note that some of them are approaching 20 years in casual and empowering this board will allow them look into things that we face in human resource. I support the report.

Hon. Kimosop (Deputy Speaker): Members, I am in receipt of a written amendment by Hon. Sitoi which seeks to amend the report by including an additional requirement. Amendment of motion according to our Standing Orders is covered by Section 53 all the way to Section 54 and 55. The effect of it is that an amendment will have to be moved by a Member and seconded by another Member and we now debate the amendment and put the question then revert back to the original report.

So it is in a way a Member seeking leave to move an amendment. I invite Hon. Sitoi to move that amendment.

Hon. Sitoi: Thank you Mr. Speaker for that fair consideration. I propose that the committee's recommendations be amended to include recommendation No. 10 that; the County Government engage all the 1,649 ECD Teachers on permanent and pensionable basis with a clear scheme of service. I beg to move and request Hon. Kiprono to second.

Hon. Kimosop (Deputy Speaker): Hon. Kiprono is invited to second.

Hon. Kiprono: Mr. Speaker, it is a real sacrifice that our ECD teachers are really doing this selflessly. I am aware that some of them are not even on contract right now but are still working. We really need to think about them and as Mhehimiwa said, we trust them on our children and entrusting our tender age children to a stressed teacher is very dangerous. I know they are working on the scheme of service for the ECD teachers which is very important but I agree and I support Hon. Sitoi that all these teachers should be absorbed on permanent and pensionable basis.

This cuts across all the Wards and if we are united and agree that lets up a small budget to support these teachers, we will once say that we supported them.

Hon. Kimosop (Deputy Speaker): Hon. Members, an amendment now has been dully moved by Hon. Sitoi and seconded by Hon. Kiprono. So that this report now shall include a recommendation No. 10 and I want to propose that amendment that the Committee recommendation on 5.0 of the report shall include number 10...

(Question on Amendment Proposed)

The debate is now open and it will be limited to this particular amendment and I will put the question to this particular amendment and Hon. Sitoi will have an opportunity for reply and I will put the question and we revert back to the debate on its original form, the debate on the amendment is now open... Hon. Henry Kigen MCA Tenges Ward.

Hon. Kigen: Thank you Mr. Speaker I want to begin by thanking my friend Hon. Sitoi for bringing the amendment knowing that our ECD teachers have really suffered for long what they are being paid Mr. Speaker is not even peanuts but simsim ...

(Laughter)

Mr. Speaker our teachers are really suffering and they are the people...

The Deputy Speaker (Hon. Kimosop): Just for clarity because we are on Hansard and we are in our official proceedings, I may want to know what exactly did you say just for clarity...

(Laughter)

Hon. Kigen: Thank you Mr. Speaker, Mr. Speaker if payment of pin outs is small amount now the payment of *simsim* is the smallest payments one can be given.

(Laughter)

Mr. Speaker it is an English term, Mr. Speaker as a unionist we have been always using this word, Mr. Speaker our teachers have really suffered, these are the people who we have entrusted our angels, our young people and our generation Mr. Speaker, some of them are working with no pay, I will also ask the Board because some staff left because of salaries issue and the school committees have employed trained teachers who sacrifices and offer services with the hope that they will get employment I would wish that we consider those in that category.

Mr. Speaker I would urge this House to support because the Ministry of Education only want Ksh.202 Million to support ECD teachers, Mr. Speaker if we sacrifice all the flowers and cheese in these offices we will employ these teachers Mr. Speaker. These teachers are in every village and ECD is in every corner... this has been what we used in our campaigns and so I would wish that this Assembly makes a difference for the first time and settle these things once and for all.

Mr. Speaker as we also do that, I would wish to urge this House also to consider teachers that have worked for the last 10 years in the same service and they have retired Mr. Speaker, in my Ward I have a mother who was a teacher and she has since retired and she is asking me what next, what will she get after this retirement, Mr. Speaker I think as an House we should have to rethink and help those people, we are the voice of the voice less, we are the voice of the less fortunate in the society Mr. Speaker, I want to say I support this Mr. Speaker, thank you.

The Deputy Speaker (Hon. Kimosop): Very well Hon. Members that is a debate on an amendment and when the question is put it becomes part of the entire debate ... unless there is anything extremely burning we could consider disposing this amendment so that we revert back to the original debate... Hon. Sitoi, may be a quick comment...

Hon. Sitoi: Thank you Mr. Speaker and thank you Hon Members for supporting that amendment, Mr. Speaker I can confirm that the Constitution of Kenya on Schedule 4 it provides that ECD is a function of the County Government so we are not wrong in making this amendment we are in the right direction.

Mr. Speaker I want just to thank Hon. Members that we are allowing... especially the members of this Committee, Mr. Speaker last week I received a call from one of the ECD teachers who was affected by this renewal and non-renewal... and the teacher did not receive her salary for the month of January and February, she is yet to know what will happen in March but her follow-up ended up with an information that her contract could not be renewed because her age was outside the brackets and that tells us the challenges that are there, so Mr. Speaker I want to thank you very sincerely for allowing that and thanking Hon. Members for supporting, thank you Mr. Speaker I beg to reply.

The Deputy Speaker (Hon. Kimosop): Hon. Members I am now going to put the question on the amendment

(Question on amendment put and agreed to)

(Applause)

Hon. Members that in effect as the secretariat work out this report they will include number 10 which was not in the original committee recommendation, we yet have another amendment by the majority leader and I will give him the opportunity to do that, I also would not want to repeat what I had said earlier because it will just follow the same process.

Hon. Lokorio: Thank you Mr. Speaker and thank you for the guidance in the protection of the law, initially I thought there was no room for amendment because seemingly I have not gone through the whole Standing Orders so that I am properly guided but thank you for guiding us through this one.

Mr. Speaker I now move an amendment that the report be amended by including an additional recommendation number 11 to read; That all the Ward Administrators and Sub-County Administrators should be replaced to all those Wards or Sub-Counties which do not have or had not been designated to other duties. Mr. Speaker I request that Hon. Kigen who is my able deputy to second this amendment.

The Deputy Speaker (Hon. Kimosop): Let me have that amendment even before it is seconded... the amendment in writing which I had read and approved is not what you read, the interpretation of what you read is different from the interpretation of what I had read so I will order that you read keenly because we are on record to reflect exactly what we had approved and so that it will be properly seconded, you read word by word carefully.

Hon. Lokorio: Thank you Mr. Speaker and again thank you for guiding me, Mr. Speaker I now move an amendment that; the report be amended by including an additional recommendation number 11 to read that all the Ward Administrators and Sub-County Administrators should be replaced to all those Wards or Sub-Counties whose Administrators had been designated to other duties.

The Deputy Speaker (Hon. Kimosop): That is now the amendment that I approved and it brings the sense that I thought, now it can now be seconded.

Hon. Lokorio: Now I request Hon. Kigen to second.

The Deputy Speaker (Hon. Kimosop): Hon. Kigen to second.

Hon. Kigen: Thank you Mr. Speaker I second the amendment, Mr. Speaker our Wards which do not have the admins are suffering because acting Ward admins cannot execute what our Wards require, my own Ward Tenges Ward we have an acting admin and the complains around the community is of them having their own Ward admin and I support that, thank you Mr. Speaker.

The Deputy Speaker (Hon. Kimosop): Very well, this amendment is now duly moved and duly seconded and I will now propose the question to the amendment...

(Question amendment proposed)

Debate is open specifically of this amendment. Hon. Maria Losile

Hon. Losile: Thank you Mr. Speaker sir for giving me this opportunity to contribute to this amendment on the Ward and Sub-County Administrators, first I would like to thank Hon. Lokorio for coming up with this very important amendment, Mr. Speaker sir this a very important amendment that should be included in this report because most Wards and Sub-Counties have been suffering since the Ward and Sub-County administrators were promoted or moved to higher positions.

As I stand here and support this amendment Kolowa and Churo/ Amaya Wards in Tiaty Sub-County do not have Ward Admins so this is a very important amendment. Mr. Speaker I am also sure that other Sub-Counties and Wards have the same issue where the Ward Admins have been moved to higher position, so this is a very important amendment and I support, thank you.

The Deputy Speaker (Hon. Kimosop): Very well, Hon. Kiprono.

Hon. Kiprono: Thank you Mr. Speaker, I rise also to support this amendment and I want to add that as we all know, the Ward Admins and the Sub County Admins are the highest of mostly the executive and they also do a lot in support of the MCAs. So I feel that it is very important that all Wards which do not have Ward Admins should be considered as fast as possible so that they can do the Ward errands and those one who don't have the Sub County Admins also do the same.

Apart from some areas that recently we had some debates that some Ward Admins plays also politics and derail the work of Hon. Members, those also be should be taken keenly so that they don't sabotage the good work of the Hon. Members. So I want to support that we amend.

The Deputy Speaker (Hon. Kimosop): Very well I think we now have the contributions and as I said Members, once we put the question on the amendments, it forms part of the original report and we can continue the debate on the original report so that we do not...unless there are completely hard feelings on that amendment, I think we could just have the replying comments and then we put the questions.

Hon. Lokorio: Thank you Mr. Speaker and Hon. Members. I want also to extend and thanking you also for contributing on this. Mr. Speaker you will realize that this Ward Administrators and Sub County Admins are the most important people who implement our thoughts as the legislators. Mr. Speaker you also realize that particularly the Ward Administrators who serve at the lowest unit of the structures of the County Government and they are very important and every Ward that do not have a Ward Administrator have a lot of challenges.

Mr. Speaker like this time we are about to disburse bursary which has a lot of contention. You will realize that some Wards who do not have Ward Administrators will have a lot of challenges and this Mr. Speaker calls for the reason that we must have these people on board.

Mr. Speaker just sample a few of the Wards that do not have these officers, the Ward Admins is as the Hon. Member just said include; Koloa, Barwessa where I come from, Churo, Tenges and Mochongoi. I suspect you will represent and you have a problem but I want to say Mr. Speaker, meanwhile as we struggle to do this, we want to ask that the committee moves very fast to make recommendations so that we have these people on board as soon as possible, thank you Mr. Speaker.

(Question on amendment put and agreed to)

(Applause)

The Deputy Speaker (Hon. Kimosop): So Members we revert back to the original debate on the original report which now includes amendment No. 10 and No.11 and whenever this report is published as the official account of this House, it will include recommendation No. 10 and No. 11. So we proceed with the debate and as usual, the Members who had made their contributions will not make their contributions again. So maybe we can have few more Members.

(Question proposed)

I can see Hon. Robert. Who else so that we are in sequential? So Hon. Robert you can take the floor.

Hon. Cheruiyot: This week Hon. Speaker, I don't have much to say but I appreciate what the Hon. Members in that labour committee did. Hon. Speaker I have seen that they have done a very good job and I just want to mention something about the *simsim* and loyalty and to tell Hon. Lokorio that Ward Administrators don't pay allegiance to him as a Hon. Member but they serve the good people of Barwessa and I think sincerely Hon. Speaker that it has been long overdue. Even your own Ward where you come from and its only that you cannot speak for yourself now but you could have articulated so well about this issue Hon. Speaker that there are not more than 10 administrators but it has taken over three years and they have not been replaced.

You can imagine the level of heart the people of Mochongoi, Barwessa, Churo, Lembus and we have at least two Wards in Eldama Ravine that don't have Ward Administrators that should be replaced immediately. On the question of teachers earning little salaries, I also want to thank this and Hon. Speaker I have been watching the National Assembly and Senate, the standard of debate and input this House is contributing cannot be even measured by the National Assembly at the moment. After Hon. Aden Duale left Parliament, Senator Murkomen and Orengo, now this Assembly is ranked high. That is true Hon. Speaker.

(Applause)

Because most of the recommendations here were touching on the welfare of the Service Board Members but this Hon. Members led by Hon. Sioi and now our Hon. Member from Barwessa Deputy Majority have made contributions that touches on the real *mwanaainchi*; the real citizens of our County and when you study what the Plato wrote in his book *The Republic*; he said how shall we preserve the character of our Republic the city state? And he said we will preserve the character and security of our city state by placing military men in strategic places.

For example, in Nairobi you have to place military barracks in Kahawa, place another one in Embakasi, another one in Langata, another one in Westland's and another one at Department of Defense (DOD) but he said the character of that state will still be compromised if you don't build the character of its citizens. Then he said how do you build the character of these citizens? Then he said we must be careful of the nature and kind of literature our young children receive and he said how shall we now manage the nature of poetry and training our children receives? It goes down to the teacher and that teacher is the ECDE teacher.

Hon. Speaker I want to commend so much for bringing that amendment. It really touched my heart. We really moved around this County. I saw how ECDE teachers were crying that they are earning 6,000 or 7,000 and they cannot borrow loans from co-operatives. So you know how they manage to get their loans? Microfinance then they remain with 1,000 shillings. The only way this Assembly can thank this ECDE teachers for their unwavering commitment to continue teaching our children is to push service board to do these things like yesterday. So thank you Hon. Speakers and allow me to sit.

The Deputy Speaker (Hon. Kimosop): Very well Hon. Robert you are right. The fact that I am in the Chair, I am restrained and I can see heavy provocation to get a comment but I am restrained to speak for myself. I am completely impartial on the direction we take in this debate. So Members I think we can have the replying comments by Hon. Everlyne Korir on now the Motion and the report. Hon. Everlyne.

Hon. Everlyne: Thank you Mr. Speaker sir. First I want to acknowledge all the Hon. Members for the immense support on the report. I am happy as a Member of this committee especially on the amendments that this Hon. House as seen that it was wise to be added on the report, thank you so much. My prayer Mr. Speaker sir to the Hon. Members is that kindly on the matters of resources, let's work hard and ensure that we allocate enough resources for the employment of these ECD teachers. Mr. Speaker sir Baringo has been amongst the Counties moving on the right direction. Let's not be left behind on these matters of ECDE teachers.

Thank you Hon. Members and as a committee we welcome all the amendments and also I thank the Members for planning to adopt this report, thank you Mr. Speaker.

(Applause)

The Deputy Speaker (Hon. Kimosop): Thank you so much for the replying comments by the mover of the Motion Hon. Everlyne Korir.

(Question Put and Agreed to)

(Applause)

So Hon. Members I must thank you most sincerely and I must also thank you on behalf of the Speakers Panel team. On behalf of our Speaker Hon. Vincent Kemboi and on behalf this week, my colleague in the Speakers Panel Hon. Sharon Keter, for the deliberations that we had and seasoned contributions from the members. We are impressed from this space by the commitment we are seeing with Members engaging and putting their inputs to these reports.

It is only our wish that they don't just become reports. We need to give life to this reports. The Chair of Implementation Committee need to give life to these reports so that the people of Baringo can have impact of our deliberations here.

ADJOURNMENT

Order Members! This House stands adjourned to 21st March 2023 Tuesday at 9:30am.

The House rose at 4:46PM.

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