

BARINGO COUNTY ASSEMBLY

THE HANSARD

The House met on Tuesday 28th February 2023 at 3:25 p.m.

The Speaker (Hon. Kemboi) in Chair

PRAYERS

The Speaker (Hon. Kemboi): Clerk!

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Kemboi): Hon. Members as noted previously I nominated Hon. John Aengwo to the Speaker's panel and it was upon me again to nominate two other members to the same panel. I take this opportunity to inform you that I have today nominated and the House Business Committees have approved the nomination of Hon. John Tarus and Hon. Sharon Keter to be the second and third members of Speaker's panel.

(Applause)

Next order!

PAPERS

The Speaker (Hon. Kemboi): Majority Leader

Hon. Lokorio (Deputy Majority Leader): Thank you Mr. Speaker sir, I beg to lay the appointment of County Secretary and Head of County Public Service. In accordance and powers conferred upon the Governor by the Constitution of Kenya 2010 and Section 421(a) of the County Government Act 2012 as amended in section 15 of the County Government Act of 2012 amendment number 11 of 2020, I Benjamin Chesire Cheboi EBS EGH Governor Baringo County nominate Jacob Kurui Chepkowny of ID 10941963 of P.O. BOX 470 Kabarnet. This is to forward the nominee to the County Assembly of Baringo for approval and appointment to the position said above. I table the document, Mr. Speaker.

{Hon. Lokorio (Deputy Majority Leader) laid the paper on the table}

The Speaker (Hon. Kemboi): Hon. Members this paper BCG/BCA/62/VOL.2/ 21 is committed to the committee on appointment to deal accordingly.

STATEMENTS

NUMBER OF HEALTH SERVICES AND PROFESSIONAL STAFF PER FACILITY

The Speaker (Hon. Kemboi): Hon. Members we had further to the debate in the morning I promised to deliver my ruling at 2:30 p.m. this is the ruling;

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Speakers ruling on statement by Committee on Health Services. Hon. Members on 28th February 2023 Hon. David Sitoi a member representing Bartabwa Ward vide order paper 044 sought a ministerial statement from the chairperson Health Services committee on the following matters of concern. Hon. Jeruto and Hon. Ayub the Chair are heard in silence

- i. How many health facilities are in Baringo County per level and or classification and location in the County?
- ii. How many health professionals do we have in Baringo County and what are their areas of specialization?
- iii. How are the said health professionals distributed per facility in the County?
- iv. What is the department doing to ensure that all health facilities have the minimum requisite staff for optimal operations?

Hon. Members the response presented to this House by the office of the County Executive Committee Member for Health Services dated 27th February 2023 was inadequate and unsatisfactory and portrayed the said department was in blatant breach of their roles and responsibilities owing to the following;

1. Issue of signing of statements; this issue was raised by several members that the said response was signed for or on behalf of the CEC. My ruling on the same is Hon. Members the said statement has been signed by an individual with an undisclosed name on behalf of the CEC Health Services. On this issues, it is worth noting that an office of a CEC is a constitutionally health office which seeks for high levels of commitment and responsibilities as stipulated in article 79 and article 183 of the constitution of Kenya. Therefore, any responses sought by the County Assembly through the MCA raised on any issue MUST be signed by the relevant CEC or instances of unavailability its counterpart or the County Secretary and not any individual lesser in rank than a CEC.

(Applause)

The individual signing for the CEC should append his signature, names and designation for accountability purposes.

Hon. Members this position is heavily substantiated by good parliamentary practices traditions and precedence as the in the previous First and Second County Assembly.

2. Procedure of tabling of statements; Hon. Members there was the debate whether this motion was tabled before the committee of health and whether the said committee met and approved the said report before tabling to this House. Hon. Members the procedure for tabling of response of statements upon received form the County Executive should be as follows; the response from the Executive is received by the County Assembly Clerk the response is forwarded by the Clerk to the relevant Committee Chairperson for further deliberations by the committee.

The said committee may summon the CEC or other relevant technical officers to enrich the response. The committee Chairperson forwards the amended response to the office of the Clerk

for onwards transmission to the House Business Committee thereafter the House Business Committee deliberates on it schedules the Order Paper for tabling before the Hon. House.

Finally, the County Assembly to deliberate on the matter to finality. Hon. Members it is also paramount importance to note that no member belonging to a particular committee is permitted to seek statement or questions from the same committee where he or she belongs to as a member. Secondly, a committee ceased with a matter should be in a position to deliberate at length on the issue at committee level and record its dissenting views in their report before tabling in the County Assembly.

3. Issue of summoning of witnesses; Hon. Members article 195 of Constitution of Kenya clearly states that a County Assembly or any of its committee has the power equivalent to that of the high court of Kenya and has powers to summon any person to appear before it for purposes of providing evidence or information. Therefore in the instance scenario the committee of Health Services abdicated their role and proceeded to table an incomplete response before the Assembly yet it has all the powers to summon the CEC or any other technical person to substantiate his or her response. Hon. Members further its prudent to note that part three and four of information by Hon. David Sitei has not been responded to completely. The said CEC is directed to respond on the questions as presented satisfactory with supporting evidence.

Lastly, all responses by CECs should be in writing and properly substantiated with well acute facts that can be ascertained on the ground. Hon. Members allow me to remind all of us here of our role of oversight as a County Assembly as provided in article 185 (3) of the constitution of Kenya. While at the same time respecting the principle of separation of powers all committee chairpersons are reminded that they offer oversight role to the County Executive first and not vice versa of defending the non-performance of CECs or any other officer.

(Applause)

Conclusion and way forward;

Hon. members committee in the Assembly are a vital tool or organ in the working processes of all legislature that might render all proceedings to halt if they do not perform their function well by conducting detailed investigation before debate and plenary and subsequent adoption of its findings.

It is worth to note that this House cannot be everywhere all the time and as such some of the powers of this House has been delegated to committees. All committees are expected to conduct a detailed investigation and to provide responses that they themselves believe is adequate or response appropriately to the question after.

Following the unanimous outcry by the members during the morning session, I hereby direct as follows;

- i. That all Hon. Members to interrogate the report that was presented in the morning and seek clarification or comments from the Committee on Health Services by 5pm or close of business on Friday 3rd March 2023.

- ii. That this issue be ventilated upon thoroughly by the Committee on Health Services. This expanded committee includes the additional 6 members from the 6 sub-counties alongside their CEC and report back to the House on Wednesday 8th March, 2023 at 2:30pm.
- iii. That all statements henceforth to follow this procedure in the manner of handling statements and their responses.

This is the ruling of the Speaker this day 28th February 2023.

(Applause)

(Statement deferred)

Next Order!

MOTION

APPROVAL OF CALENDAR FOR THE THIRD ASSEMBLY, SECOND SESSION 2023

The Speaker (Hon. Kemboi): Majority Leader

Hon. Lokorio (Deputy Leader of majority): Thank you Mr. Speaker. I beg to move the following motion; that the approval of the calendar of the House for the Third Assembly, Second Session of 2023. It is notified to the general public pursuant to the Standing Order No. 26 of the Baringo County Assembly Standing Orders, the County Assembly on 28th February 2023 approves the calendar of the Assembly that is the regular sessions for the Second Session of the Third County Assembly as set out in the Schedule herein.

Mr. Speaker, the calendar has been clearly set out in here down and we can go through it. I ask Hon. Lemlem...

(Loud Consultations)

I am guided. Mr. Speaker, I ask Hon. Lolgisoi to second. Thank you.

Hon. Lolgisoi: Seconded.

(Question Proposed)

The Speaker (Hon. Kemboi): The debate is open. Hon. Lemlem.

Hon. Lemlem: Thank you Mr. Speaker. Looking at these sittings and from experience, we have done the first part that was in December before we went for the long recess. Honestly speaking and I will seek your guidance, I don't know if this is a motion that can be amended since we changed the sittings to be on Tuesday and Wednesday, it is my prayer that this House considers that we revert to the normal sittings on Tuesday afternoon, Wednesday morning and afternoon, and Thursday afternoon.

This sitting of Tuesday and Wednesday inconveniences us and I want to use my example as an elected Member. It means that I lose the whole of Tuesday and Wednesday instead of waking up on Tuesday morning and handle community issues and then again on Thursday. I can still handle it in the morning.

Mr. Speaker it is my request that if it is possible this House and Honorable Members can consider because we will have Monday and Tuesday morning and then we will have again Thursday morning and Friday.

Mr. Speaker it is very difficult to get quorum even for committees especially on Thursday and even Friday because once Members are done with plenary sittings on Wednesday people disappear the whole week until the following Wednesday.

Mr. Speaker for the balance of this House and for us to optimally function and discharge our duties to this House at committee level, at the plenary and even at the Ward level, it is my prayer that we reverse back to the initial days of Tuesday, Wednesday and Thursday. Thank you.

The Speaker (Hon. Kemboi): Hon. Tarus.

Hon. Tarus: Thank you Hon. Speaker. I thank you and the House Business Committee for considering me to be in the Speakers panel which I had served before and did very well and Mr. Speaker you count on me on this one because I have never failed in any other activity that I have done before.

In any responsibility that I am given I usually deliver and I believe that is why Sacho people gave me a second term because I have delivered and count on me in my leaving certificate the principal of the school where I schooled in high school, he said I am dependable and hardworking, which to me that is what I am bringing to this House.

(Laughter)

And I will do what it takes to make sure that we succeed and you have my full support and this House will realize the good things that are in me have actually been idle, you know I have been coming to this House sometimes, I look at the work that is there and I just disappear to the ward but I will be available now to discharge those duties and work with you very well. Thank you Mr. Speaker.

Now, I support the motion on the calendar, Mr. Speaker Tuesday and Wednesday morning and afternoon will give us time to go and work on those other days in our wards. So I support the motion and urge this House to approve the calendar as it is and work amicably to make sure that we take Baringo forward. Thank you.

The Speaker (Hon. Kemboi): Hon. Sitoi

Hon. Sitoi: Mr. Speaker the Majority Leader is intimidating me that I should not oppose this motion ...

(Laughter)

Mr. Speaker thank you for giving me this opportunity and allow me to thank you also for that ruling you gave and to congratulate the learned sister Hon. Sharon and also Hon. Tarus for their appointment to the Speaker's panel.

Mr. Speaker allow me to join my colleague Hon. Lemlem in opposing this calendar, Mr. Speaker I have been one person who has been advocating for the three day calendar for this Assembly.

Mr. Speaker if these Members would be sincere and I wish they were majority of them are not even able to have their committee sittings because of the calendar of this week because most of the time we find the sittings for Mondays and Thursdays Members are not available.

So Mr. Speaker the committee sittings will not get the maximum number of sittings that Members are supposed to enjoy. I would really plead and invite Members to think along our line and agree that we change our calendar so that we have three days that is Tuesday afternoon and Wednesday the whole day and Thursday afternoon.

Mr. Speaker that will give us opportunity to ventilate on important issues that are supposed to be handled by the committee. So I don't really know whether to oppose or say we amend this calendar. Thank you.

The Speaker (Hon. Kemboi): Hon. Cheboiwo.

Hon. Cheboiwo: Thank you Mr. Speaker, I saw it fit to talk about this thing. I asked myself if I can be silent but my heart told me not to be silent because this is something that affects my rights. I am on the side of proposing amendment for this calendar. If we go legally and follow the law we will actually deny members time to sit on committees. Imagine every Thursday members will be reporting on report writing or trainings and they will come back here on Tuesday morning so we have Wednesday and Tuesday as days for the Assembly. When will these members sit for their committees? Because we assume that this Assembly starts at 9:30am to noon and 2:30pm to around 5:00pm. So when the House has enough business to discuss we would not have any time to sit in for committees.

Mr. Speaker about the duration for sessions we had discussed sometimes ago in the House Business Committee that we review the recess because we just go for recess from November to February. Why did we come here? We came here to do business for our people when you give the whole time sitting with the people there who are representing our people here at the County. The other departments are working.

Secondly the welfare of these members, when we are in recess there are no minutes for the committees and you know we don't have payment for plenary. The pay slips for these members are terrible you can go and check. This is because they have not had time in January to sit in their committees. There is no member who can come for those committees. We know ourselves, if one committee goes outside for a meeting the other committees will not get quorum and so I request you with your own wisdom you defer this thing for rearrangement or amendment because we don't want to shoot down this document. I had suggested this thing from the House Business Committee and I still have that stand because this calendar is not favorable for members. Colleagues please support this for amendment and your well-being; otherwise I don't care because I am also going for retirement. Thank you.

(Laughter)

The Speaker (Hon. Kemboi): Hon Cheboiwo I delivered a ruling some minutes ago and I said that all members of committees should record their dissent; you don't come to the Assembly and oppose a motion that has been passed by your committee. You are a member of House Business

Committee it was expected of you to record your dissent in the committee so that when you come to this House, but for today I am giving you an amnesty on this one.

(Laughter)

What is the information Hon Logorio?

Hon. Logorio: Thank you Mr. Speaker we realized that in this new timetable. You know we went on long recess early December and since then we have been coming to do the business that we forgot to deliberate on this item. I want to ask my Hon Members to support this motion and pass it because we are already late and we cannot do anything much. That is the information; we are already late in passing this motion. Thank you Mr. Speaker.

The Speaker (Hon. Kemboi): Hon.Lekakimon

Hon. Lekakimon: Thank you Mr. Speaker I am here to support this calendar at times changes can bring some good things to members. When we first came to this Assembly the time we were sworn in, the time we had the first House Business Committee we ran this calendar and it was surprising to me because during the First Assembly we had three days of deliberations in the Assembly and there were funds to play for plenary. For the last six months we have been coming for the Assembly for two days, it had been difficult before but we have now adjusted and we have come to like the system.

Mr. Speaker these two days if you are an elected member you have about four days to be with your people and being with your people will reduce chances of spending to a member. Because the more you become closer to these people some will feel shy because it is the other day you attended to them but when you go for a long time without being with them it will become very expensive to the member. Mr. Speaker, the system we have been using for the six months up to December we have come to realize that most of the committees had time to go out of the County and deliberate their issues. So the Thursdays to Mondays will be the best opportunity for the committee to organize themselves and according to your deliberations in the House Business Committee if we go that direction Mr. Speaker because it will come to these members I think there will be no member who will be disadvantaged in this Assembly.

I urge these members that we adopt this system up to December and you see in the House Business Committee we lost last December because we went for recess on 1st December and we came on 13th February so we lost the whole December and we also lost January.

Mr. Speaker this time round if you look at the last date that we will be in this Assembly that it will be on 8th December, so our month of December is catered for and we said around January before children go to school we can have a special meeting to allow us have something on January and officially the month of December is catered for... remember this is a replica of the National Assembly.

Mr. Speaker I want to urge these Hon. Members that let us use the days that we are not in the Assembly to engage the CECs and deliberate in committees and be active on Tuesday and Wednesday being our days in this Assembly. I am sure by the end of this year Mr. Speaker having met the President of this Country the other day and we have told him our needs as

member of this Assembly once the plenary money comes then we can extend because we have something to draw when we are here.

Mr. Speaker, I thank you and I support this calendar and we make use of those days because they are still within our presets as members and we will get days for our perdiems, committee meetings or engage the CECs... this will depend on the pro-activeness of the committee, how they organize themselves and carry on their activities, Mr. Speaker, I support this because we have made use of ourselves for the last six months so let us continue for this one year up to December then we shall see how things goes, thank you Mr. Speaker.

The Speaker (Hon. Kemboi): Let me call upon the mover to reply

Hon. Lokorio: Thank you Mr. Speaker I find I am not very safe with my very good friend and my neighbor at Home. Mr. Speaker having looked and ventilated through this motion I want to thank all members for their contributions and indeed I am of the serious proposal that we approve without any amendment and we move forward.

Mr. Speaker I realized that when Hon. Lekakimon who has more experience than most of us particularly myself , I find it so ideal same to Hon. Lemlem who also have a lot of experience and with a lot of knowledge but this one he might not have gotten it right. However Mr. Speaker I am pleading with my Hon. Members particularly the elected Members that we will have all the time since on Mondays you cannot see anybody in office and on Wednesday you wind up whatever you are doing and if you have to get an appointment with any serious Government officer CEC or any other person you will find them on Thursdays and if it may spilt over then it will be on Friday.

Mr. Speaker I want to ask all Hon. Members that we confine and do all our things between Tuesdays and Thursdays meanwhile because we are learning then let us keep learning and adopt this timetable that it is so touching and so nice for the time being, Mr. Speaker I am in support and ask every member to support and approve it as it is, thank you Mr. Speaker.

(Question put and agreed to)

(Applause)

Order Members!

ADJOURNMENT

This House stands adjourned till Wednesday 1st March 2023 at 9:30am.

The House rose at 4:10PM