

JULY 31, 2019

COUNTY ASSEMBLY DEBATES

KERICHO COUNTY ASSEMBLY

THE HANSARD

Second Assembly

Wednesday, 31st July 2019

(The House met at 2.30p .m.)

[Speaker (Hon. Dominic Rono) in the Chair]

PRAYERS

The Speaker (Hon. Dominic Rono): Let's proceed!

COMMUNICATION FROM THE CHAIR.

The speaker (Hon. Dominic Rono): Honorable members there is a letter dated 25th July 2019 addressed to Mr.Epus on the official opening and closing of the Kenya Inter Counties Sports and Cultural Association (KICOSCA) games. The annual KICOSCA games will take place in Kericho on 12th to 17th August, 2019 inviting you to the official opening and closing ceremonies of the games. In addition it kindly requests all members of the County Assembly and staff to attend at Kericho Green Stadium. The games will feature in order to celebrate national coalition and integration. This is a letter inviting all members.

Honorable members we also have a communication from CEC Agriculture, Livestock and Fisheries and acting Trade and Industrialization that is Eng. Philip Mason. The letter is dated 15th May 2019 but the letter is received at the Assembly on 24th July 2019. So the reference is the motion passed by the House on control of betting reference is here dated 2nd January 2018 concerning the matter as devolved function under the fourth schedule pursuant to section 4(a) of the Constitution of Kenya. The department has indicated policy documents on county betting,

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lottery and gambling which was approved by CEC to regulate the gambling business in our county. This policy document seeks for your necessary action. I therefore want to commit this policy document to the committee on Trade and Industrialization to look at the policy and advice the House with the view of this policy.

There is a communication here by the Chairman Public Works, Roads and Transport. The communication is in respect to all elected members who are requested to meet at Hills County Hotel tomorrow at 10.00 am. The agenda is to debate on progress report on the; Road maintenance on County roads and infrastructure. This is signed by Honorable Paul Chirchir who is the chair.

PAPERS

The speaker (Hon. Dominic Rono): Under papers, this is to be tabled by the Honorable Leader of Majority.

Hon. Hezron Ngetich (Majority Leader): Thank you for giving me this opportunity so that I can lay the paper, but before, I would like to take this opportunity to convey our deepest condolences to our neighboring county for the loss of our lovely Madam Governor who lost her life the day before yesterday due to cancer. On behalf of the people of Chilchila I wish to convey a word of condolence to the family, friends and relatives and members of Bomet County and the nation. I also wish to extend a warm welcome again so that we can give Madam Governor a befitting send off because she will be laid to rest at her home in Kandege near Fort Tenan adjacent to my ward on Saturday. I wish to extend a request that the Honorable members were requesting to join the members of County Assembly of Bomet and people of Bomet in receiving the body of Madam Governor who shall be flown hopefully tomorrow. So we were requesting that you facilitate the members with two night outs so that we can welcome and escort the body in solidarity with Bomet which is our Sister County and we are the mother county. So we will play a big role in condoling with them.

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I want to say that I would like to table the report on the oversight view to various projects on members of the County Assembly and the Senator Kericho County in February 2019.

NOTICE OF MOTION

The speaker (Hon. Dominic Rono): There is a notice of motion in respect to house allowance for members of the County Assembly. Leader of Majority you may give the notice.

Majority leader (Hon. Hezron Ngetich): Thank you once again Honorable Speaker for giving me this opportunity so that I can move notice of motion pertaining the house allowance.

Aware that the devolved governments are a key component of governance in the republic of Kenya established under Article 11 of the Constitution of Kenya. Further aware that the offices of the members of the County Assembly have been strongly anchored as a fundamental component in the county government administrative system;

Cognizant of the remunerative needs of each public and state officer to ensure adequate facilitation for successful execution of their duties and mandates. Further cognizant of the existence of disparities within the state offices within the republic on remuneration of the office holders, particularly the payment of the house allowances to which the members of the county assembly have to their detriment been deprived of;

Noting that the high court in the republic has in Constitutional Petition no.328 of 2016; Council of Governors versus Salaries and Remuneration Commission pronounced that denying some state officers similar benefits enjoyed by other state officers is discriminatory, unjustifiably selective and contrary to Article 27 of the constitution;

Acquiescing that such conduct is a violation of the fundamental rights of the state of state officers which such conduct is desirous of denunciation by the members of the County Assemblies *ab initio*;

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And

Whereas the Governing Council of the County Assemblies forum has resolved that the non-payment of house allowance for the members of the County Assembly is fundamental breach of the rights of the members;

Whereas the Governing Council has further resolved and directed that there be affected payment of house allowance for the members of the county assemblies in tandem with the High Court finding;

And whereas the resolution of the governing council finds precedence and relative applicability from the parliament of Kenya's payment of housing allowance to its members despite lack of Salaries and Remuneration Commission directive in affirmative of the same;

It is now therefore resolved that this house does approve and adopt the resolution of the County Assemblies forum governing council that;

- i. The members of the County Assembly be paid a housing allowance in tandem with the ideal and adequate endowment;**
- ii. That the payment of the house allowance be effected and implemented as of the date of issue of the ruling of the high court in constitutional petition no.328 of 2016 being the 5th day of October,2018;and**
- iii. That the implementation of the payment of the house allowance to the members of the County Assembly be commenced with immediate effect.**

Thank you Mr. Speaker.

The Speaker (Hon. Dominic Rono): Thank you. Next order. Majority Leader, move the motion.

MOTION

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Hon. Hezron Ngetich: Thank you Mr. Speaker for giving me another chance so that I can move the motion that;

Aware that the devolved governments are a key component of governance in the republic of Kenya established under Article 11 of the Constitution of Kenya. Further aware that the offices of the members of the County Assembly have been strongly anchored as a fundamental component in the county government administrative system;

Cognizant of the remunerative needs of each public and state officer to ensure adequate facilitation for successful execution of their duties and mandates. Further cognizant of the existence of disparities within the state offices within the republic on remuneration of the office holders, particularly the payment of the house allowances to which the members of the county assembly have to their detriment been deprived of;

Noting that the high court in the republic has in Constitutional Petition no.328 of 2016; Council of Governors versus Salaries and Remuneration Commission pronounced that denying some state officers similar benefits enjoyed by other state officers is discriminatory, unjustifiably selective and contrary to Article 27 of the constitution;

Acquiescing that such conduct is a violation of the fundamental rights of the state of state officers which such conduct is desirous of denunciation by the members of the County Assemblies *ab initio*;

And

Whereas the Governing Council of the County Assemblies forum has resolved that the non-payment of house allowance for the members of the County Assembly is fundamental breach of the rights of the members;

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Whereas the Governing Council has further resolved and directed that there be affected payment of house allowance for the members of the county assemblies in tandem with the High Court finding;

And whereas the resolution of the governing council finds precedence and relative applicability from the parliament of Kenya's payment of housing allowance to its members despite lack of Salaries and Remuneration Commission directive in affirmative of the same;

It is now therefore resolved that this house does approve and adopt the resolution of the County Assemblies forum governing council that;

- iv. The members of the County Assembly be paid a housing allowance in tandem with the ideal and adequate endowment;**
- v. That the payment of the house allowance be effected and implemented as of the date of issue of the ruling of the high court in constitutional petition no.328 of 2016 being the 5th day of October,2018;and**
- vi. That the implementation of the payment of the house allowance to the members of the County Assembly be commenced with immediate effect.**

Mr. Speaker. I would like to say before I welcome the seconder of this motion that this motion is a timely one and it has come at the right time because recently we elected the new governing council and we elected people who are serious who know The members of The County Assembly and we cannot allow those cartels to deprive the members of The County Assembly their rights to be paid house allowance and yet there is no difference between The county Assembly, National Assembly and the Senate. There is precedence and in some other cases we follow precedence even in how we conduct our business but when it comes to the welfare of Members of County Assembly, we are being deprived of our rights they are doing injustice to

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members of the county assembly and we are the people at the grass root level. In fact, most of the Honorable members are coming from as far as Tendeno, Chilchila distance almost hundred kilometers to the County Assembly and it is not enough to only pay them the commuter allowance because me as an example, I have to reside in town because I cannot come from Chilchila and go back and I don't enjoy any benefit of house allowance and other honorable members. So this motion Mr. Speaker, I urge the honorable house to support this motion in totality because if there is one time we require unity, this is the time Honorable Member. We have to unite and fight this fight together because you will see the National Assembly wherever there is anything that touches on their welfare, they come up irrespective of what the people are saying, they team up and move and they ensure that whatever they wanted to achieve they achieve. So pertaining this motion of today, I urge each and every Honorable member in this house because this is a welfare which touches on each and every Member of this House. So I urge Honorable members to support this motion in totality because once we pass this motion we are entitled to this house allowance and will be back dated up to the date on which the ruling was done way back in 2016. So Mr. Speaker if we can do just a simple mathematics literally, house allowance is 35% of the Net salary. So a honorable member here earning almost, let's say if the Net is 150,000 at 35% is almost 50,000/= and you back date for two years. These Honorable members will go home happily with over half a million and that is a plus especially at this period where “*uchumi ni mbaya*”. So Mr. Speaker I urge Honorable members to support this motion in totality and to pass it immediately and we send the resolution of the House today to the governing council so that we move to the next step of deciding the amount to be paid because Mr. Speaker you see on this motion and I want to note on almost second last paragraph “And whereas the resolution of the Governing Council finds precedence and relative applicability from the Parliament of Kenya's payment of housing allowance to its Members despite lack of the Salaries and Remuneration Commission directive in affirmative of the same” so even us Mr. Speaker because the salaries and remuneration has found a tendency of gawking the County Assemblies and not gawking the National Assembly; so if they pay themselves House allowance

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despite the directives of the Salaries and Remuneration commission , ‘who are we and all of us are state officers; so if we resolve after passing this motion, we should resolved that even the County Assembly of Kericho should be the first to implement the payment of the House Allowance because even the National Assembly, the state officers should have to get the direction from the Salaries and Remuneration Commission so even us we are equal , we should enjoy everything. We seek the precedent from the National Assembly.

So having said that Mr. Speaker I don’t want to take much of the time, but I would like to call my seconder of the motion so that we give time to Honorable Members to air their views because this is a pertinent motion which touches on the welfare of every member and I wish every member should be in record because this touches on your welfare, every member in fact should air his views and come to the floor and support this motion. So Mr. Speaker I would like to call upon Hon. Edith Kaptich to second this Motion. Thank you Mr. Speaker;

The Speaker (Hon. Dominic Rono): Honorable Edith?

Hon. Edith Kaptich: Thank you Mr. Speaker for giving me this opportunity so that I can second this motion. Mr. Speaker before I continue I would like to join our able Majority Leader in conveying my heart felt condolence to the people and the family and the greatest voters of Bomet County and the Country at large for the loss of Bomet Governor Dr. Joyce Laboso.

Dr. Joyce Laboso was an inspiration to many, even to us as women leaders who are growing; we want her to rest in peace till we meet again. Fare thee well Honorable Dr. Joyce Laboso.

Mr. Speaker Sir, I second this motion in totality, now that it has come at the right time when we have been expecting. I want to thank the Majority Leader for moving this motion; thank you very much Majority Leader for bringing up this motion because we have been waiting for it. Mr. Speaker Sir am seeing that the resolutions are very much highlighted and we wish that these resolutions be implemented. Thank you Mr. Speaker and I urge this honorable House let us support this motion the way it is and we believe that it will be effected as soon as possible. Mr.

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Speaker I don't want to talk so much on this motion because it touches directly on our welfare and everyone us has to support his /her welfare. Thank you Honorable Speaker and I urge this honorable house let us support this motion. Thank you.

(Question proposed)

The Speaker (Hon Dominic Rono): Honorable Erick Bett.

Hon Erick Bett: Thank you very much Honorable Speaker for this opportunity you have given unto me. Allow me first of all to pass my message of condolence to the family of Bomet County Governor Dr. Joyce Laboso for the loss Mr. Speaker I understand that cancer has been a great killer to our nation and we will like to request that the national government to allow this to be a national disaster in this country. Thank you.

Secondly, I want to say that I have to thank the mover of the motion for the great motion today Mr. Speaker this is the motion we have been waiting for a long time and I want to thank the member CAF for the great work they did. They did elections and also they came up with very knowledgeable people who came up with this motion I want to say there should be no disparity between the members of the County Assembly and the National Assembly. This will cut the gap between the state officers of the County Assembly you see Mr. Speaker we play a key role as the County Assembly officers because we are the people who are next to the *mwana-inchi* and I want to believe that there should be no disparity as the mover of the motion have said that almost all of these Honorable members come from far and wide they come from areas that range from Bureti region to the late Tendeno region and for them to be able to live they should not be moving at night they should be having houses to live near to The County Assembly chambers and I want to believe that when they are residing around this County in this town they live in a house. Personally I represent the youths from Kericho County and I cannot move from my area that is from down there Kaplelartet to this region Mr. speaker. I have a house to live so we should be given this allowance so we want to say that the Salaries and Remuneration

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Commission should fastract this payment of this allowance so that this members should never suffer again. Currently Mr. Speaker they are being taxed the houses within Kericho County and they are paying more than 50,000 per house. And I want to believe that if we pass this motion Mr. Speaker today we are going to get this house allowance. I want to request Honorable members that we approve and we pass this motion. Thank you Mr. Speaker.

The Speaker (Hon Dominic Rono): The Honorable Alex Bett?

Hon. Alex Bett: Thank you very much Honorable Speaker for also giving me an opportunity to also contribute on the motion before this house but first and foremost let me join the Honorable members by sending my word of condolence to the great people of Bomet due to the loss of their beloved governor her Excellency Dr. Joyce Laboso indeed it has also affected us as the residents of Kericho and more so the people of Litein we are more close and more of neighbors to the people of Bomet so I want to register my word of condolence on behalf of people of Litein and also wish the family of Dr. Joyce Laboso peace at such trying moments like this.

Now Mr. Speaker let me come to the motion that is before this house today and first and foremost let me also congratulate the Honorable Majority Leader for bringing this motion this afternoon. Indeed the issue of house allowance is long overdue we have suffered a lot knowing very well that county and national assembly have no difference, but unfortunately for a long time as county assembly we have been looked down upon. So I think this motion will put us on equal footage with national assembly and I don't think there is any inch in passing this motion what I will urge is that SRC to move first and implement this motion so that also we may start enjoying house allowance in our salaries. These are hard times where every little cent in our pay slip will go and will be much appreciated, but this one is our rights, we have rights as Members of County Assembly to enjoy house allowance and will serve our people better when we have houses maybe near our work stations. I pity those members who come maybe 100km away from their homes to come and serve their people only to use their pocket, only little salary

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which we are earning to rent houses in town, so Mr. speaker I want to support it on behalf of the people of Litein .I support this motion only to use their pocket, only little salary which we are earning to rent houses in town, so Mr. speaker I want to support it on behalf of the people of Litein. I support this motion

The speaker (Hon.Dominic Rono): Hon. William Soi?

Hon. William Soi: Thank you Mr. Speaker for giving this chance. Before I support this document, I would like to pass my condolences to Bomet County at this dark moment for losing their governor. Also would like you allow us to joint them when they are receiving body in Bomet so that they will see our presence. I support this document because this is a time that at least we will get something in our pockets because at this time our pockets are empty now, because if we will be asked to produce something that will assist the facilitation of anything we don't have money.so I urge the Honorable members to approve this so that it will rescue our life's .Thank you Mr. speaker sir.

The speaker (Hon. Dominic Rono): Hon William Soi, I think you can go over with Majority Leader to Bomet. Hon. Paul Chirchir?

Hon. Paul Chirchir: Thank you for giving me this opportunity to make my contribution, First may I convey my sincere message of condolences to the thousands of people of Kenya, to the hundreds of people of Kapsoit ward whose life has been cut short by cancer, which is becoming a national disaster. More so to the governor of Bomet Dr. Joyce Laboso, may her soul rest in peace. May the people of Bomet County be comforted by the blood and the love of Jesus Christ.

May I rise to support the motion by Majority Leader. When we took the oath of office we were classified as state officers and to date we are still state officers and there was a ruling that was made that all the state officers must enjoy house allowances. I do not know why we have been discriminated by not being given house allowances. This motion has come at the right time. I

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fully support it and I hope that this motion and resolution to this motion be implemented ASAP, thank you Mr. Speaker sir.

The Speaker (Hon. Dominic Rono): Hon. Emily Kerich?

Hon. Emily Kerich: Thank you very much Hon. Speaker for giving me this opportunity this afternoon to add my input to the same motion of the day. First and foremost let me take this opportunity to convey my condolences to the people of Bomet, family of Dr. Joyce Laboso for the loss of her, for this is the saddest moment for our country for we have lost a hardworking and tedious leader for the county of Bomet. I want to say the cancer disease is becoming terrible to the people of Kenya and we pray for our country leadership to do something about the same disease, because it is taking much people in our country, this season we hear of cancer everywhere in our country.

Secondly, allow me to say something about this motion for today, I want to thank the Majority Leader and leadership of the house and the committee who have sat down for the same. Talking of Honorable members of this County Assembly and also to the County Assemblies of this country, this is touching majorly on our part and I want to say that the house allowances talked about in this motion is really in the right time, and I want to say I support the motion. I support that the Honorable members be given their part which is their rightful part of the house allowances. Thank you.

The Speaker (Hon. Dominic Rono): Anyone else, yes Majority Leader!

Majority Leader (Hon. Hezron Ngetich): Thank you Hon. Speaker for giving me this opportunity to reply. I want to take this opportunity to thank all the Honorable members for positive contributions and positive support to this motion. This motion is a motion which is timely and we urge that once we approve we strongly insist on recommendation number three; that the implementation of the payment of house allowance to the Members of the County Assembly be commenced with immediate effect. I don't want to take much time but to thank all

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Honorable members and leadership of County Assemblies Forum (CAF) and all the 47 County Assemblies for unanimously accepting and supporting this motion. So may I beg to end my contributions and thank you and the administration for Assembly for facilitating this motion. Thank you and God bless all of us.

The Speaker (Hon. Dominic Rono): Thank you

(Question put and agreed to)

The Speaker (Hon. Dominic Rono): So Honorable members I have consulted with the Leader of Majority and he has informed me that the late Dr. Joyce Laboso shall be flown on Friday. We were thinking of adjourning tomorrow but we can still make it there at the end of tomorrow's session. Let's observe a minute of silence for our heroine.

(Adjournment)

The Speaker (Hon. Dominic Rono): Thank you, the assembly stands adjourned until tomorrow in the afternoon at 2.30pm.

(The House rose at 3.15 pm)

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