

KERICHO COUNTY ASSEMBLY

THE HANSARD

Third Assembly

Fourth Session

Wednesday 21st May, 2025 A

(The House met at 10.00 a.m.)

[The Speaker (Hon. (Dr.) Patrick Mutai in the Chair)]

PRAYERS

The Speaker (Hon. (Dr.) Patrick Mutai): Good morning Hon. Members and welcome to our morning sitting, today being the 21st May 2025. We have started a bit late due to a technicality concerning the Order of Business for this morning. However we are now set to move on.

Clerk, Next Order!

COMMUNICATION FROM THE CHAIR

OFFICIAL MEETING BETWEEN H.E THE GOVERNOR AND ALL MEMBERS OF THE
COUNTY ASSEMBLY

The Speaker (Hon. (Dr.) Patrick Mutai): Honourable Members, I have one communication to make and this is in regards to the discussions that you had yesterday here after the morning sitting. Honourable Members this is to inform you that H.E the Governor of this County, that is Dr. Eric Mutai, has invited you, the 47 Members of the County Assembly and himself and the County Executive side The details of the meeting shall be communicated to you by of course the Leader of Majority. However I want to give a chance to the Leader of Majority who is in; is the Leader of Majority in? Yes! I give you a chance to say something about the meeting or rather the invitation.

Hon. Philip Rono (Leader of Majority and Member for Kamasian Ward): Thank you very much Mr. Speaker for the opportunity. First, this is the date that I had communicated that we will be proceeding for a recess after today's afternoon session. After yesterday's deliberations with the Hon. Members in regards to the agendas that are before us, Mr. Speaker, I want to communicate that I had a talk with the Governor and we agreed to our

demands and therefore, we set a meeting for today at the ITC Centre from 6.00 p.m. for all the 47 Members of the County Assembly. You are therefore invited, members, for that official meeting with the Governor together with the Speaker at the ITC Centre at exactly 6 p.m. today evening. Thank you very much, Mr. Speaker.

The Speaker (Hon. (Dr.) Patrick Mutai): All right. Thank you very much the Leader of Majority for the clarification. Hon. Members, please note that is a very important engagement between yourselves and the Governor in regards to the issues that were raised yesterday during your *Kamukunji*.

And Clerk, Next Order!

NOTICES OF MOTION

FORMATION OF AN AD-HOC COMMITTEE ON PENDING BILLS

The Speaker (Hon. (Dr.) Patrick Mutai): The notice of Motion by Hon. David Maritim. Please, proceed!

Hon. David Maritim (Member for Kedowa/Kimugul Ward): Thank you, Mr. Speaker, for this chance. Mr. Speaker, Sir, I beg to give a Notice Motion for the establishment of an Ad-hoc Committee on pending bills. Thank you!

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you! Clerk, Next Order!

MOTION

FORMATION OF AN AD-HOC COMMITTEE ON PENDING BILLS

The Speaker (Hon. (Dr.) Patrick Mutai): Hon. David Maritim, you can now proceed and table your Motion before the House.

Hon. David Maritim (Member for Kedowa/Kimugul Ward): Thank you, Mr. Speaker, Sir, for this chance again.

Mr. Speaker, Sir, I beg to move the following Motion:

THAT AWARE THAT the Constitution of Kenya 2010, establish County Governments that are distinct and interdependent;

FURTHER AWARE THAT the county Government Comprises of the County Executive and County Assembly and that the County Assembly has powers conferred to it under article 195 to summon witnesses and obtain information for purposes of fulfilling its mandate of Oversight and Representation as well as Legislation;

CONCERNED THAT the County Assembly has in the past allocated funds for the payment and subsequent clearance of the previous pending bills resulting from a directive that all the counties and indeed public entities were to pay and clear all the outstanding pending bills;

FURTHER CONCERNED THAT pending bills for the County Government of Kericho has been on the upward trajectory thereby being a burden and a killer of projects budgeted for in each Financial Year thus objective of devolution not met;

NOTING THAT the pending bills can be an avenue for corruption and payment of misplaced priorities and that the County Government has not been able to demonstrate the willingness and the zeal to end this pending bills menace;

COGNIZANT THAT all the pending bills accumulated is against a directive to clear all pending bills and that county departments have not been keen on this pending bills issue;

NOW WHEREFORE I urge this Honorable House to resolve the following;

- a) To establish a pending bills ad-hoc Committee whose terms of reference shall be as follows:
 - 1. Conduct desktop review research on all pending bills reports of committees established previously by the County Government of Kericho including reports from regulatory agencies and oversight bodies;
 - 2. Ascertain pending bills for the Financial 2022/2023, Financial Year 2023/2024 and Financial Year 2024/2025 where possible from all the County ten departments;
 - 3. Ascertain all the requisitions for the last three Financial Years verses the expenditure;
 - 4. Verify all the procurement works undertaken in the two financial Years above;
 - 5. Ascertain all the procurement works done in the two financial years;
 - 6. Determine what was paid in term of works, good and services including consultancy services by obtaining IFMIS statements and any other valid documents used to settle debts by the County Government of Kericho;
 - 7. Deduce the pending bills that have already been settled and provide proof of settlement per department and per Financial Year;
 - 8. Establish the outstanding pending bills and budgetary allocations for the said outstanding pending bills per department per Financial Year;
 - 9. Establish the effect of the settlement of pending bills on proposed new projects and approved projects in all the county Government of Kericho planning documents;
 - 10. Find out the Causes of the pending bills in each department and propose mechanisms that ensure that practices that occasion pending bills are minimized. This is not limited to disciplinary processes for state officers and public servants responsible for plunging the County into Pending bills cycle;
 - 11. Propose a clear roadmap including County Legislations on how to tame the menace of the pending bills in County Government of Kericho;
- b) Report the finding to this house within a period of 30 days from the date of the approval of this motion;

- c) The above report of pending bills is tabled before the budget estimates for FY 2025/2026 are approved by this honorable House.
- d) The Membership of the Proposed Pending Bills Ad-hoc Committee is as follows:-
 - i. Hon. Haroun Rotich
 - ii. Hon. Gabriella Chepngeno
 - iii. Hon. Hezron Kipngeno
 - iv. Hon. Vincent Korir
 - v. Hon. Kiprotich Rogony
 - vi. Hon. Albert Kipkoech
 - vii. Hon. Moses Rotich
 - viii. Hon. Beatrice Chepkemai
 - ix. Hon. Gilbert Ngetich
 - x. Hon. Cheruiyot Bett
 - xi. Hon. Vincent Kipngetich
 - xii. Hon. Peter Kemoi
 - xiii. Hon. Gladys Chesang

Thank you Mr. Speaker. I want to call upon Hon. Siele from Waldai Ward to second.

The Speaker (Hon. (Dr.) Patrick Mutai): Alright! Proceed Hon. Siele.

Hon. Julius Siele (Member for Waldai Ward): Thank you Mr. Speaker for the opportunity to support this Motion on establishment of the Ad-hoc committee. Mr. Speaker, this is a welcome step for the County Executive. We have seen how the works are selectively paid. We have seen a lot of injustices in our County Executive. We are not happy with what is going on in our county. I stand to support.

The Speaker (Hon. (Dr.) Patrick Mutai): Alright, thank you the Hon. Julius Siele for seconding the Motion. Honourable Members, before I propose the Question, I've noticed that the Motion that has been circulated to Honourable members and which has elicited a lot of conversation and that is the membership that has been proposed here whereby there are names of Anthony Ruto, Kibet Bosuben and Philip Mutai in replacement of Hezron Kipngeno, Albert Koech and Hon. Cheruiyot Bett. I think that is what was tabled before us at the House Business Committee and hence those names changed. Therefore, that is the true position in line with what Hon. Maritim has proposed. I think that is what had been circulated earlier, but we expect it to be changed.

So honourable members, I therefore propose the Question.

(Question proposed)

Hon. Members, the floor is open for deliberations and debate. Hon. Kiprotich Rogony!

Hon. Kiprotich Rogony (Member for Sigowet Ward): Thank you Mr. Speaker for the opportunity to contribute to the Motion before the House this morning. Mr. Speaker, this

Motion is long overdue. This is what we should have dealt with at the beginning of the financial year.

Mr. Speaker, when this administration took over, the Governor established an Ad-hoc committee to look into the pending bills and when the committee brought the report that they had done, if I may be right, the legitimate pending bills stood at 515 million, and that was according to the report from the committee that the Governor formed. If you look at the trend since 2022/2023 financial year, when we came in, the pending bills have taken an upward trajectory. The last, Mr. Speaker, in quarter one of the financial year, and even quarter two, the Controller of Budget put Kericho to having a pending bill of 1.13 Billion. Mr. Speaker, this figure, despite the fact that as a committee we sat and we've been allocating money towards offsetting the pending bills, now that it is a requirement from the Controller of Budget (CoB) and the Commission on Revenue Allocation (CRA) that the first charge in anything that is undertaken by the County is to offset the pending bills. Unfortunately, Mr. Speaker, if this is not checked, by the end of this financial year, the County Government of Kericho is going to have a pending bill of close to 1.5 billion. That will end the development agenda of this County because it will require that we offset the pending bills first.

Mr. Speaker, I want to thank the member who've thought about this and as a House, let us train our guns towards establishing the true position of these pending bills because if not managed, we have only two financial years before we go into election and in this county we will only be dealing with pending bills. I want to thank the member and I want to request this House that even as we go into looking into this, when the Report is finally tabled in this House, I want to urge this House that let us support all the recommendations that will be put forward because we must fix this County.

As I wind, again, I want to thank the member for the prayers that he has sought in this Motion, one of it being, we have contractors who are suffering at the moment. They are afraid that services in this county and their assets are being disposed off. There is one case in my Ward where a contractor was given a job which was an open tender in the last financial year and this financial year and the two contractors have not been paid. They have not been issued with even the award letter; leave alone the Local Service Order (LSO). It is not another Request for Quotation (RFQ) or any other tender. Mr. Speaker, it is unfair. It means the Department of Public Works particularly have been doing something that once this committee sits to investigate, it could be shocking. The revelations could shock this House.

Lastly, Mr. Speaker, in the Department of Water, we have a contractor who has done a very good job in my Ward. Water has been pumped to a town called Kiptere but the contractor has not been given all the necessary documentation for her to process his payment. The contractor is now battling depression because having rendered service, water has been pumped, the department engaged the contractor but the lady has not been given all the due documentation for us to be able to get the monies. Mr. Speaker, I want to urge this House, we will sit; fortunately, I am part of the team and I must appreciate those who saw it fit for me to be part of the team to look into this. I will not let down this House because we must deliver justice to the people who rendered service in this County. With this, Mr. Speaker, I support this Motion.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you! The Honourable Vincent Korir!

Hon. Vincent Korir (Member for Londiani Ward): Thank you very much, Mr. Speaker, Sir, for giving me this chance to contribute on this issue of pending bills. I would also like to thank the members of this House for the concerns that they have about the pending bills since this is a big wound and if we are not careful, it means in the next financial year we might not do a single project. It is our role as members to actually analyse what is happening because when you look at the Roads Department, Water Department and all the other departments, every time we are doing our budgetary allocations, there is a mention of pending bills and this has been a concern not only in our county but even also countrywide because it actually affects development. Mr. Speaker, Sir, this is an opportunity for us to cure this issue.

In the last year, our Governor had a Task Force which had to verify whether we have genuine or non-genuine pending bills. I have not gotten a chance to look at the report but I think it should have been brought to this House so that we could be able to analyse and see what the outcome was. We have a chance now through this committee of Ad-hoc to actually look at this issue of pending bills as a House, come up with a report, give recommendations, and we act on where it is.

Maybe, will it be the issue of maybe not raising enough revenue? Will it be that we as the County Government are doing over-procurement of projects? Will it be that there are projects that are being done without documentation? Those are the questions that we need to ask ourselves. But we must come up with a very clear report indicating every aspect.

Again, we have been having issues of not having fair distribution of resources across the county and you find that some of the projects in other areas or other sub-counties are being given a priority and you find that in other areas they are not maybe being paid. So these are the issues that we need to capture as a House and report and give recommendations that will help cure this issue of pending bills.

Otherwise, it is a big menace to our County. Thank you very much, Mr. Speaker, for giving me this opportunity as I also appreciate the member who moved this Motion. Thank you very much.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you! The Honourable Hezron Ngetich!

Hon. Hezron Ngetich (Member for Chilchila Ward): Thank you Mr. Speaker, Sir, for the opportunity that you have granted me so that I can rise to support this Motion.

Mr. Speaker, I think this Motion is timely because if due diligence and through investigation is done, we will save all the contractors and suppliers who have done their work previously. Failure to do it, the government is transiting, and this should be clear and everybody should be keen on this. From the next financial year, the government will be transiting from the normal accounting to what we call Accrual Accounting. So because all the counties and government is transiting to accrual accounting, it means, if any pending bill is not cleared and not captured in the budget by the end of that year, it will be gone. So, Honourable Members, for us to save our suppliers and contractors and those who have rendered services before, we need thorough audit not only for roads but for the entire County Government and then we capture the same so that when we'll be doing the budget, we ensure we capture and create a line item for them; failure to which all the pending Bills which will not have been paid by 30th June it will be forgotten because we are transiting to accrual accounting. Accrual

accounting means that works will be done based on the revenue which is there. So I think, and that is a directive from the Treasury, and I think that is the way to go.

I want to thank the Honourable Members who have been tasked with this matter and whom we are approving now to do thorough investigations and to marry the initial pending bill report by the Task Force which had already been done, and then the pending bills which started from 2022/2023 Financial Year to now and then to marry with the initial pending bills and then we know the entire amount so that when we'll be doing the budget, we capture all that. I thank you, Mr. Speake and I support this Motion.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you very much! Honourable Members, you will agree with me that Hon. Hezron Ngetich is an Accountant, nowadays...

(Laughter and applause)

And as the former County Executive Committee Member (CECM), I must commend you for trying to actually educate the House on the transition from what we call cash accounting to accrual accounting and basically, as we all know, the difference is really when the revenue and expenses are being recognised in the books, and I tend to agree with what the Honourable Hezron has said on this matter, more so on the matter of pending bills which must be sorted as at 30th June of a financial year. So, Honourable Member, I think you deserve an award. I think the Honourable Ngetich deserves a round of applause.

(Applause)

I want to urge all the Honourable Members, more so now those who are in the Budget Committee and Finance, to now go deeply and research on the matter of accrual accounting because that is now where we are going as a country and as county governments. So, we proceed! I can see the hands. Let me now go to the Honourable Anita first and the Honourable Majority Leader will be summarising. I have seen the Honourable Moses, the Honourable Paul Chirchir and then Honourable Erick in that order.

Please proceed Honourable Anita!

Hon. Anita Mibey (Member for Chemosot Ward): Thank you so much, Mr. Speaker, for this opportunity to also support this Motion that has come in handy at the right time when we are heading to another financial year.

Mr. Speaker, Sir, I think the matter at hand on issues pending bills, especially starting with Roads, really need some attention and especially looking into the history of what has happened in this department, I've just thought about some of the contractors recently who've been following up on payments of the works done way back in 2017/2016 on issues of the Roads Department and I think, I've just looked at this; I know we've mentioned from 2022 to date as something to look into but it is also my request that as we look into this, to look at, and also ask the implementation committee to look into the Task Force Report. I know there was a Task Force that was constituted when we came in that looked into all the pending bills backwards. But then, looking at what has happened, Mr. Speaker, Sir, unfortunately, we still have contractors who are yet to be paid even after concluding on that report and ruling out

that they were to be paid on the works that were done. So I think it's my request that as we even look into these pending bills and the committee report in a few weeks, that the report will be captured, especially as Mheshimiwa Hezron has talked about that we are going to consider having a budget for pending bills on a different line item because if we look into what happened in the past, or even this financial year, with the first charge being on pending bills, and failing to allocate funds for it in our budget, has really affected our development budget on roads.

I think, Mr Speaker, I want to support this in totality, that as we go into finalising our budget for 2025/2026, that we will have a line item that has captured the payments of pending works, so that we are not interfering with our budget that we will have to use for that year 2025/2026 going forward. So I support this in totality and if it can be done in the shortest time possible, that we will be able to make a decision on the budget that is coming up, Mr Speaker, I think this will help us to even move forward and even look into the works that were really done, vis-a-vis what is being expected to be paid and maybe what was not done.

So I think it's just a good room for us, Mr Speaker, and also as we move forward, let's not look into roads alone. We have other departments also with pending bills. So if there is a way out that we can accommodate other departments, so that as we move forward, we know that the rest of the departments' contractors are taken care of, and the works being done are actually getting value of that money that we budget in this House. So I support this. Thank you.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you very much! Dr. Moses Rotich!

Hon. Moses Rotich (Member for Tendeno/Sorget Ward): Thank you so much, Mr Speaker, for this opportunity that you have granted me. Mr Speaker, I opted to move this microphone from the other direction to face the East because what is before us this morning is a matter of development. It is a matter of transaction between our contractors and the County Government of Kericho.

Mr Speaker, we have also had an opportunity to learn a new term this morning of Accrual Accounting and also we are looking forward, as we also proceed since you are an accountant and Hon. Hezron as well, we will be engaging on new terminologies especially so that we can transact our business well in the budget committee.

Mr Speaker, I stand to support the Motion on the formation of this Ad-hoc committee so that the players can really bring issues on the table so that we have a proper way forward. The incorporation of a new line item has also been a norm that pending bills should form the first charge and it should be the practise. We have contractors who are now suffering. Many of them are going into depression. Their properties are auctioned and for the rule of law and engagement, it is not a crime to offer a service, to do business with the county government but what is being witnessed is not fair to our people. We are killing our economy. We are ruining our people and also we are putting them between a rock and a hard place on matters of finances.

Mr Speaker, I stand to support this Motion and also urge the committee to dispense with this matter as soon as possible so that we reach a good conclusion on time before we can even proceed to have the 2025/2026 budget. I support what Hon. Anita has said that we declare all

the pending bills in all the ten departments and also have a line item to factor in. It is better, Mr Speaker, we work within our budget other than an inflated budget. I thank you, Mr Speaker, on behalf of the great people of Tendeno/Sorget Ward whom I represent.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you! The Honourable Paul Chirchir!

Hon. Paul Chirchir (Member for Kapsoit Ward): Thank you very much, Honourable Speaker, for giving me an opportunity this morning of 21st May 2025 to make my contribution on the Motion before the House.

Mr. Speaker, I rise to support the Motion that has been moved by the Honourable Maritim. We are all aware that we are approaching the 2025/2026 financial year and this is a financial year that is very critical and very important to this House. Why am I saying so, Mr. Speaker? This will determine the future of this House. This will determine the performance between the electorate and the Honourable Members of this House.

The pending bills that are before this County, some have been declared, some have been declared as eligible, some are ineligible, all those are not very clear. So this committee has got a very important task before them and this House looks up to them to come back with a report that will inform the next budget that this House will be approving.

Mr. Speaker, the composition of the committee that is before the House is a team that is equal to the task. They have my support; they have the support of this House. I also support what the Honourable Hezron talked about that as the government is transitioning from the old accounting to the new one, where revenue is recorded when earned and not when payment is received. That is very important because of the revenue recognition principle that will address all this, including the pending bills which have affected several counties and even the national government that have not been able to sort out the pending bills.

So Mr. Speaker, I support the Motion and I hope and pray that when the report comes, it will be very tight. It will have areas that have been grey where some departments have given out works and the works have not been done. This committee and the report will be able to address those ones.

Mr. Speaker, Sir, when a budget is passed, it becomes law. That is why when it is before this House, it is a Bill. When this House passes it, it becomes law. So we need to remind the County Executive that they must adhere and follow what this House approves. Let me not pre-empt what the committee will do, but we hope and pray that when this House approves a budget, the department must follow to the letter what has been approved by this House so that they do not subject contractors and suppliers to issues to do with pending bills.

So I support the Motion, Mr Speaker.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you. We will now have Hon. Eric Bii, Hon. Cheruiyot Bett and Hon. Peter Kemoi in that order.

Hon. Eric Bii (Member for Kaplelartet Ward): Thank you, Mr. Speaker, this morning for giving me the opportunity just to discuss on this Motion today. I want me first of all to thank

the mover of the Motion, the one-minute-man, who today as you have seen he has taken around five minutes in tabling the Motion.

Mr. Speaker, in regards to the pending bills we hear the grievances from contractors, suppliers, and of course the kind of deliberations that the Finance Department has been dealing with these pending bills has not been in a fair manner; they have been doing injustices to our people because when we look at each and every financial year, there is an issue of lack of declaration.

The problem has been that all the departments have been declaring but the elephant in the house is the Department of Finance which has not been working on the right trajectory by ensuring that the first charge is the pending bills. We have been treated to exaggerations in the manner in which the department has been declaring these pending bills. One case in point, in this financial year, we have been having a very big problem in the Health department whereby they paid the last pending bills and the new ones that were rolled, none has been paid this year. That has been a very big problem because all the works have been committed but now when it comes to payment, they are not able to pay because they say when they declared their pending bills, they were not reimbursed during the Supplementary budget (I). So, I want to request this team that ordinarily they should work by having the right agendas and when they bring a Report to this House that all the declarations, all the pending bills for each department be submitted before the closure of the financial year. I know that if they are not able to pay, they should be able to declare. Failure to declare there is no carrying forward.

So, I want to believe that the team that has been given the work and I've gone through the Motion and I've seen the Chair for Finance Committee is among the members, that is, Hon. Kiprotich Rogony whom I know is equal to the task to bring to this House the report and to table all the pending bills beginning 2022 when we began this tenure. So, Mr. Speaker, I would like to request that as they go to each and every departments, all the committee chairs, should also be able to be involved so that when it comes to the supplementary budget or the main budget, all the chairs are able to support and confirm their pending bills.

Of course, we know also that there is a department of water which has been a headache and has been giving us challenges where we have not been able to roll any works for this financial year. Sincerely speaking in the Department of Water and I hope the chair is listening to this, we are not able to even produce one award letter for any project of which even as we deliberate on this issue of pending bills, we should be able to summon or to invite the CECM and the CO in charge of the Department of Water to tell us the reasons why there is no project that has been rolled yet the budget was done for this financial year. Immediately we come up from recess, we should be able to table a report on this matter. So, I want to believe that as we go for recess, let's allow this committee to work on this issue of pending bills and give us results immediately we come back.

Mr. Speaker, thank you, and I support this Motion. Thank you so much.

The Speaker (Hon. (Dr.) Patrick Mutai): All right, thank you very much. The Honourable Cheruiyot Bett and then Hon. Peter Kemoi!

Hon. Cheruiyot Bett (Member for Ainamoi Ward): Thank you, Mr. Speaker, for giving me this opportunity and by extension the great people of Ainamoi whom I represent. I stand

here to support the formation of this Ad-hoc Committee. From the onset, let me thank my Chair of Education Committee, the Honourable David Maritim.

As Honourable Chair for Health Services Committee said, this is someone whom we normally refer to as 'one-minute-man and the one-minute-man has today produced a very nice Motion which aims to save the face of this County.

Mr. Speaker this Motion is long overdue. The animal in the room is the pending bills and I want to thank you, Mr. Speaker, because it goes back to 2022/2023 for the entire ten departments.

Mr. Speaker, the reason why works are not being paid is because there is this theory that we are being told that no new works is going to be done because of the pending bills. Mr. Speaker, the Hon. Anita has just reminded us that there was a pending bill Task Force that was formed by H.E the Governor during the inception of this term but I doubt whether the recommendations were brought to this County Assembly.

I believe that when this committee retires and begins its work, we will get to know what was there in that pending bills report because I doubt whether we were given the recommendations of that report.

Mr. Speaker, I support this Motion. In fact the list of members that I have here omits my name and it is good because I wanted to move an amendment to tell the members to excuse me because of the other roles that they have given, Mr. Speaker, they take it, Mr. Speaker, to me as the Deputy Speaker; I am very busy man, so that we can give to some other very able Hon. Members but with your wisdom and the chair, Mr. Speaker, at least the members of this committee are Honourable members of high integrity and I know they are going to give us the report and I like the recommendation that the pending bills report be tabled before the budget estimates for financial year 2025/2026 so that, Mr. Speaker, before we even prepare the budget for the next financial year, we know the genuine and the eligible pending bills for every department. It should not only be for roads; we need the pending bills for all departments. There is a facility in my ward that was done in 2019 and to date Speaker, the contractor has never been repaid; six years down the line and someone is suffering Mr. Speaker.

Mr. Speaker, it is by law that the first charge in every financial year is the pending bills and we need to adhere to that. I know the recommendations that they are going to give us are going to cure the pending bills for this county especially those that were declared. I know there are lots of pending bills that were not declared at the end of the Financial Year and those do not qualify to be pending bills. But when it comes to payments, we have information that even if pending bills were not declared, they are being given a priority.

Mr. Speaker, I think it is timely, and I know the Honourable Members of this Ad-hoc Committee will table a very objective report that is going to save our county going into the future and now that we are gearing towards the next election, we need to have genuine pending bills even as we close this term.

Otherwise I support the mover of the Motion, I support the membership and we wish them well as they conduct their investigations on these pending bills. Thank you Mr. Speaker and I support.

The Speaker (Hon. (Dr.) Patrick Mutai): All right, thank you. The Hon. Peter Kemoi, Hon. Kibet Bosuben and then Hon. Gilbert Ngetich!

Hon. Peter Kemoi (Member for Kapsuser Ward): Thank you Hon. Speaker for the opportunity that you have granted me. I want to support this Motion that the issue of pending bills on what the Deputy Speaker said that there is a contractor who did works in 2019 and to date he has never been paid. This is total impunity on the part of the County Executive and we want to know all these pending bills. When they say the first charge should be the pending bills, I think also they should come up with a rule that as much as it is the first charge, we should also consider the duration of that pending bill. Maybe you pay the pending bill for last year yet we have also pending bills for the previous three years or five years down the line.

Secondly, Mr. Speaker, Sir, on the Department of Water, I want to support the notion by my colleagues that there is no works that have been rolled out in the Department that I chair. I have been requesting many times through the Department that they give us all those pending bills in the Department but they have been saying that they have very huge pending bills.

Remember when we were going for the supplementary budget, they requested for some allocation so that they can start rolling out works but after receiving those amounts, they said that they still need more to offset the pending bills. So I wonder which pending bills are these.

It is my plea that we should get all these records from all the Departments because they might be talking of pending bills which are not realistic. So if they provide us with the records, that is the time that we will approve all the pending bills. Thank you Mr. Speaker, Sir, for the opportunity.

The Speaker (Hon. (Dr.) Patrick Mutai): Alright, thank you! Hon. Kibet Bosuben!

Hon. Kibet Bosuben (Member for Cheplanget Ward): Thank you Hon. Speaker for giving me this opportunity to also to support this very important Motion before us today. In a very special way, allow me to thank the brain child of this very important Motion. Pending bills has been the elephant in the house and it has been a very big problem that has been there for a very long time. When we assumed office, the Governor formed a Task-Force to look into the pending bills and it is quite unfortunate that each and every year that we are preparing the budget, we always talk about the pending bills and I like what Hon. Hezron said, and he is my accounting student. Today I was having the same message but he explained it better than I did.

(Laughter)

In fact he forgot to say that I was telling him about the matching principle so that he can come and explain more on it because when we were doing the first budget, Hon. Hezron told us that we needed to live within our means. That we need to make a budget based on our revenues and the exchequer receipts. It is very unfortunate that we put so many projects that

were never rolled out. It is so unfortunate that today when I was sitting there, a contractor called me requesting me to talk to the Chief Officer-I do not want to say for which department-that he is planning to divert the payments that he is expecting. When you look at that contractor walking on the streets, you will pity him because he is a contractor who borrowed from shylock who are charging interest day in day out and the person is now into depression. In fact I was even thinking of selling some of my goats to assist him settle some of the debts. It is so unfortunate yet we have a government and we need to protect our people and so we are talking on their behalf and whoever thought about this, may God bless him but going forward we need to live within our means; that is the matching principle that our revenues must match our expenses.

Thank you Mr. Speaker for the opportunity and now you may allow me Mr. Speaker to go and talk to Hezron on matters accounts.

(Laughter)

Thank you Mr. Speaker, Sir.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you the Hon. Kibet Bosuben. I allow you to consult but in low tones. Hon. Gilbert Ngetich, then Hon. Martin and then I have seen the hand of Hon. Paul Bii. Proceed, Hon. Gilbert Ngetich!

Hon. Gilbert Ngetich (Member for Kisiara Ward): Thank you Mr. Speaker, Sir, for giving me this opportunity to also support this particular Motion and to really reiterate that it is long overdue. This issue of pending bills was supposed to be clearly known by the Assembly because it is a problem. I'm very sure, for those who are in second term like me, that in the year 2018 we failed to do works as expected because of the pending bills which, of course Mr. Speaker, you being the Minister for Finance, you ended up clearing them and we did some good work in 2019.

Mr. Speaker, with the rising of the pending bills in the departments at the moment, in the whole in the county, I am envisaging a problem in the coming financial year of 2025/2026 because if we can have pending bills of about one billion, as we speak, we may not manage to really do any development works as expected.

This Ad-hoc Committee, Mr. Speaker, is well in place. I'm glad that I'm one of the members of the committee where we want to know why there can be an existing pending bill of 2019 yet a pending bill of 2023 has been paid. What is the criteria of paying these pending bills yet they are supposed to be a first charge as per the orders from the Controller of Budget? Why are the pending bills from 2019 remaining unpaid until now?

Mr. Speaker, remember we had also a declaration last year, as we closed the financial year, of the unspent funds and committed funds. But I think that particular declaration was not obeyed. It was a theoretical declaration because when you find and check the existing works- and I've actually asked as the Chair of the Committee of Roads, Public Works and Transport, and they are trying to intermix the works of 2023/2024 and 2024/2025 that is, the financial year we are in. This means the unspent funds or the commitments made then were not obeyed because it came to the financial year where we are in as actually a pending bill to eat into the amount for the financial year. This means that what is being declared at the end of the financial year is not the real picture of what is existing in the department.

Mr. Speaker, we are going to sit and really check on this properly and Mr. Speaker, the true position of this county will be known through the report which we will table in this House as a committee. We will ensure there is no stone that will be left unturned. We will liaise with the departments concerned and we will check on all the departments and mainly this Water Department. I'm glad the Chairman of Water is here. We will actually investigate what's happening because there is a contractor who's done some work in my ward but the contractor was given a document which was hard copy but there is no IFMIS generated document to illustrate that there is no funds. My question is, where was the money appropriated to the Department used? We will know and thank you Mr. Speaker for this opportunity.

The Speaker (Hon. (Dr.) Patrick Mutai): All right, thank you so much Hon. Gilbert Ngetich. Hon. Members, for the few Members that I will be giving a chance, I will request that you utilise one minute each. Honourable Members, I know that today is a day for our plenary but however, with the approval of my office, there is a committee on Governance that is having a meeting with the County Public Service Board and I will request that we fast-track a bit so that we can allow them to sit with the Board. The Honourable Martin, then Hon. Paul Bii and then Hon. Philip Mutai and then I will give to the mover of the Motion to reply.

Hon. Martin Cheruiyot (Member for Kapkugerwet Ward): Thank you very much, Honourable Speaker, for giving me this opportunity to contribute to the Motion moved by the Honourable David Maritim on the formation of an Ad-hoc Committee on pending bills. I want to support this Motion. This is an issue, Honourable Speaker, concerning our contractors who delivered works and services in our county. I want to say that by addressing these issues that have been noted here, we will restore confidence in the way that the services and the works can be done by the contractors. I want also to put across that, as we look into this, all relevant departments that are procuring entities should actually do professional procuring, that is, doing all the documentation before the contractor is given works. I know, I may not be a professional in procurement, but I know there are stages up to where maybe something like an LSO is prepared so that by the time the contractor is allowed to go to the site, all the documentations need to have been done so that at least it will give confidence to contractors and reduce later on these pending bills.

Lastly, Honourable Speaker, I want to say that moving forward now, as we enter the next financial year, we need to create a line item as has been said by some Honourable Members, so that it will not affect our planned programmes or works and services in our next project. So, I want to say I support, and I thank you, Honourable Speaker.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you! Hon. Philip Mutai!

Hon. Philip Mutai (Member for Kipchimchim Ward): Thank you, Mr. Speaker, for giving me this opportunity to support the Motion. First, , I just want to congratulate my Chairman for Education Committee for coming up with this Motion on pending bills. This is long overdue given that we have had a lot of outcry from our contractors in terms of selective payment, when it comes to issues of procurement, and Mr. Speaker, I just want to quote an example that I was sharing with my colleagues yesterday, that a contractor came to my residence yesterday morning with the entire family, his mother included, father and some of his siblings, that a shylock wanted to dispose the family cows and when you see the amount that the cows could generate, is not even reach 200,000 yet, the contractor was doing a tender

valued at 1.4 million shillings. So, I want to urge this Ad-hoc Committee to take their work seriously and come up with a very conclusive report. So, Mr. Speaker, I rise to support the Motion. Thank you for the opportunity.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you! Hon. Paul Bii!

Hon. Paul Bii (Member for Kapsaos Ward): Thank you very much Hon. Speaker, for giving me this chance to contribute on the Motion and to support the formation of the pending bills Committee. First, allow me to congratulate my good friend Hon. Maritim for bringing this Motion.

Number two, it was said by my good friend Hon. Ngetich that this Motion is long overdue because as I was listening, it's so shocking that everybody here is affected. I thought there was a group whose contractors are being paid but it actually cuts across that almost everybody is affected here.

Have in mind, Mr. Speaker, that we are killing our own contractors. There's a contractor in my place who did some good work almost three years ago, and today, I'm shocked that he even doesn't have documents. This shows that there is a lot being done on the other side. So this is an eye-opener. It opens up our minds that moving forward, we need to be one. This division has affected our works and has really affected most of the things that are being done in our County Executive.

We want to wish well all those who have been appointed to go and look into all these matters. I support in totality that they be given enough time to bring us a report that will assist us to move forward. Thank you.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you! The mover of the Motion, please reply to your Motion!

Hon. David Maritim (Member for Kedowa/Kimugul Ward): Thank you Mr. Speaker. Mr. Speaker, the reason why I came up with this Motion is when I learnt what contractors are going through which was shocking. Again, Mr. Speaker, I've been interacting with contractors who are battling with depression because they have not been paid. What I would like to say is that if we just pass this budget like that it is either that there will be no work to be done this Financial Year or work will be done and paid in the year 2027 going forward.

I want to thank all the members who have contributed to this Motion and I urge this Honourable House to support this Motion. I beg to reply.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you Hon. David Maritim. I now rise to put the Question.

(Question put and agreed to)

ADJOURNMENT

Honourable Members, we have come to the end of this morning session. However, the Committee on Governance, Labour and Social Welfare is allowed to engage the County Public Service Board, as I had indicated before. They are within the precincts. You have up to 2 p.m. to do that. I believe that the Chairman, Governance and Labour Committee Hon. Francis Terer, you will note that because of the tight schedule that we have.

Honourable Members, we have other Business in the afternoon which are also very important since we are proceeding on recess. Let me also take this time to remind you again of the communication that I made in the morning about the meeting between the Governor and us from 6 p.m. The details of the meeting are to be communicated by the Leader of the Majority.

Therefore, there being no other Business, this House stands adjourned until 2.30 p.m. Thank you very much!

[The House rose at 11.15 a.m.]