

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES

(OFFICIAL REPORT)

DAILY HANSARD

Tuesday, February 10, 2015

PLENARY

February 10, 2015 (Afternoon Sitting)

**COUNTY ASSEMBLY
OFFICIAL REPORT
Tuesday, February 10, 2015
The House met at 3.00 p.m.
[The Speaker (Hon. G. K. Korir) on the Chair]
PRAYERS**

Hon. Speaker: Honourable members, I want to welcome you to this third session and because our Deputy Governor is around, using Standing Order number 23 (1&2) I can be able to allow him to sit in front because the Governor is not around. Your Excellency the Deputy Governor!

(The Deputy Governor moved to Chambers and sat at the right arm of the Speaker).

ADMINISTRATION OF OATH

Hon. Speaker: Honourable members, as you are aware that last year in 2014 this House managed to pass the Bomet County Assembly Service Act, 2014 which was printed and published by the Government Printers in Nairobi and it came into effect third October, 2014.

As per the new Act, the Bomet County Assembly's Act 2014, all the Bomet County Assembly Service Board members are supposed to take oath of office pursuant to that Act and therefore the members of the County Assembly Board will be able to take the oath.

The procedure as per section 25 is that the Speaker will be sworn in by the Clerk and then the Speaker will be able to swear in all the other members. We will be able to take an oath of office. Yes honourable Serbai.

Hon. R. Serbai: Thank you honourable Speaker, I stand on a point of order whereby if this Assembly is a replica of the National Assembly, when the president is absent the Deputy President acts and because the Governor is also absent, I was expecting our Deputy Governor to sit on the chair in which the Governor was supposed to be sitting on, thank you.

Hon. Speaker: Honourable Serbai, I didn't receive any communication to that effect that the Deputy Governor will be delivering a speech on behalf of the Governor, and therefore I used Standing Order number 23 which is very clear that apart from the governor, a Senator or a visiting dignitary can be able to address the House and that is the specific Standing Order that I used to allow the Deputy Governor to sit here, and that is why I didn't allow him to sit on the seat of the Governor because from that Standing Order, I have tread him as a dignitary who can be able to address the House. I hope that matter is clear. I wish I had received proper

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communication that the Deputy Governor will be representing the Governor in this House but as you are aware this is a grey area. We didn't provide for the Deputy Governor in our Standing Orders and of which I challenge the members that you can also amend our Standing Orders. Under that circumstance, I hope that matter will take place, because I hope the Governor, Senator or a visiting dignitary and that is why I used that Standing Order number 23. Honourable Ngeno.

Hon. B. Ngeno: Thank you; regardless of the ruling I equally insist that in the constitution the Presidency refers to the President and the Deputy President and when we talk about the Governor we equally refer to the Governor and the Deputy Governor. When it has come to that extend, regardless of whether it has been put in the Standing Orders or not, we equally rely on the constitution assuming that the National Government is a replica of a County Government. We were expecting the Deputy Governor to sit in the position where the Governor is always there in the absence of the other, thank you.

Hon. Speaker: Honourable Metet.

Hon. R. Metet: Asante, nafikiria lile jawabu ulikuwa umetoa hapo awali kwamba haukuwa umepata barua rasmi kwamba tutakuwa na naibu Gavana, ni vyema kwamba umemtafutia yeye kakiti kidogo ili awe mgeni wetu, lakini ni vyema sana kwa sababu hakukuwa na mwaliko na umepatia yeye nafasi aketi mbele.

Hon. Speaker: Honourable Joyce.

Hon. Joyce Korir: Is it in order for the honourable member to say even any seat to a whole Deputy Governor of this County?

Hon. Speaker: Honourable Metet, I want to rule out that you are totally out of order because the basis why we have the members of the public as well as the Deputy Governor is that he is fully invited to attend this session; the Governor, Senator, all MPs from this County, CECs and all the members of the public are fully invited to attend this session. You are totally out of order and I wish you withdraw the statement before I proceeded.

Hon. R. Metet: Nimeondoa.

Hon. Speaker: Honourable members lets proceed, do you have any issue to challenge the issue on oath?

Hon. J. Molel: I don't know if I heard it well when you say you never received the communication that the Governor will not be around yet this is a very important day on which the Assembly will be opening. Even if you use the Standing Orders to recognize the presence of the Deputy Governor, to me it is not in order because this is a very important occasion where the

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Governor should have communicated that he will not be there and whoever will represent him is so and so. If you are telling that you never received communication then I am a bit confused. Thank you very much.

Hon. Speaker: Honourable members, I think we will proceed with the debate until we forget about the issue. Honourable Molel let me make it clear that we need to go back to our Standing Orders again because the Standing Orders are very clear that the only specific day on which the Governor is supposed to address the House is on a new session. When you were elected, the Standing Orders, especially; I can even read to you Standing Orders number 22 on the issue of Governors' address to the County Assembly. It states that the Governor may be accompanied in the Chamber by an Aide-De-Camp whenever the Governor addresses the County Assembly. The Speaker of the County Assembly shall take the seat on the right hand side of the Governor and the Senators of the County shall take the seat on the left of the Governor.

What is very critical is Standing Order 19 which says the Governor shall address the opening of each newly elected County Assembly and at the conclusion of the Governor's address, the sitting shall stand suspended or adjourned as the Speaker may direct until such time or to such day as may be specified by the Speaker but on these circumstances the Governor can come and address the House on the state of the County Affairs which we are going to create a special day. Remember last year the Governor was not able to address this House on the issue of the state affairs but what I came to understand later on he addressed on the state of the County Affairs at Green Stadium; and of which in my own opinion he was supposed to come here, if he wanted to address it in the Green Stadium, that was well and good but he should have come and addressed the House on the State of Affairs of this County. I hope we are making those issues very clear. Honourable Molel, I hope you are satisfied that I have treated him with a lot of respect because is the second senior most person in command in this County, and in my own wisdom I thought he should at least taste here so that in all these issues, as one of our dignitaries, he is a respected member of this County.

(Murmurs by some members among them honourable Robert Serbai)

If it is on the same issue we need to respect the rules of this House because I have given out my ruling on the same issue. Let's proceed honourable members and when the Speaker has given out a ruling let us not proceed. The Clerk we can proceed with the swearing-in of the members.

The Clerk called upon the Chair of the County Assembly Service Board who is also the Speaker to take his oath.

Hon. Speaker: I, Geoffrey Kipng'etich Korir having been appointed to exercise the functions of the Chairperson of the Bomet County Assembly Service Board do swear solemnly and sincerely

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declare and affirm that I will, without fear or favour affection or ill will discharge the functions of the Chairperson of the County Assembly Service Board and I will not directly or indirectly reveal any matter relating to such functions to unauthorized persons or otherwise than in the course of my duties, so help me God.

Hon. Speaker: The Leader of the Majority? What honourable, you can't be able to... I am here.

(Murmurs)

Hon. Speaker: But the administration of oath has already taken place and I am proceeding.

Hon. J. Kirui: I honourable Kirui Josphat Kiplang'at having been appointed to exercise the functions of the Vice Chairperson of the Bomet County Assembly Service Board, do swear solemnly and sincerely declare and affirm that I will without fear or favour, affection or ill will discharge the functions of the Chairperson of the County Assembly Service Board, and I will not directly or indirectly reveal any matter relating to such functions to unauthorized persons or otherwise than in the course of my duties, so help me God.

Hon. Speaker: Clerk.

The Clerk stepped forward to take his oath of office.

Hon. Speaker: Honourable members let us proceed.

Mr. I. Kitur (The Clerk): I, Isaac Kiplang'at Kitur having been appointed to exercise the functions of the secretary of the Bomet County Assembly Service Board, do swear solemnly and sincerely declare and affirm that I will without fear or favour, affection or ill will discharge the functions of the Secretary of the County Assembly Service Board and I will not directly or indirectly reveal any matter relating to such functions to unauthorized persons or otherwise than in the course of my duties, so help me God.

Hon. Speaker: What were you saying honourable Joyce? Now you can say whatever you wanted to say before the clerk proceeds to swear in the other member of the board. The member representing the public.

Mrs. Linda Cheron: I, Linda Cheron having been appointed to exercise the functions of the member of the Member of the County Assembly of the Bomet County Assembly Service Board, do swear solemnly and sincerely declare and affirm that I will without fear or favour, affection or ill will discharge the functions of the member of the County Assembly Service Board, and I will not directly or indirectly reveal any matter relating to such functions to unauthorized persons or otherwise than in the course of my duties, so help me God.

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Hon. Speaker: Yes honourable Serbai.

Hon. R. Serbai: I wanted to ask whether it is in order in this House that the first members were sworn in while your seat was vacant. I want to believe that the member representing the public is legally sworn in but the first three, I want to say that all of them were improperly sworn in.

Hon. Speaker: Honourable Serbai, you can hold on to that and I give a proper ruling tomorrow afternoon after we have done research. We also need to read what is happening at the national level. I hope that we will be able to clear any doubt whether the first members were sworn in procedurally or un-procedurally, I hope you are okay with that. Why are you laughing again? I have given out my ruling. I wanted to give you a proper ruling, sound in law, a well-researched ruling and the matter which will set precedence on any future swearing-in of board members. I hope that one will be able to satisfy you, are you okay with that or you are still challenging it. Honourable Serbai.

Hon. R. Serbai: Despite your wise ruling that you are going to give a ruling in our next session but all the same the procedure is very clear that we have the Deputy Speaker who was supposed to be sitting there when the Speaker was being sworn-in. We also have the Deputy Majority Leader who was also sitting next to where the Leader of the Majority was. Through my layman interpretation, I want to believe the Leader of the Majority was also un-procedurally sworn-in but the Speaker of this Assembly was un-procedurally sworn-in because the seat was vacant.

Hon. Speaker: And that's why I am saying honourable Serbai so that we can rest the matter, we will be able to give out a ruling tomorrow afternoon and it's going to clear all this doubt whether things were done procedurally or unprocedurally. That should be left until tomorrow afternoon so after at least all the issues pertaining to that...reading through the standing order and the County Assembly Service Act it did not provide what happened next so are you seeing the procedure so honourable members let's...what's your order, honourable Langat.

Hon. R. Langat: It's has really disturbed me that you make a ruling and you ask the same person whether he still has something to say and you have made a ruling and I thought once you make a ruling, it's the end of everything.

Hon. Speaker: That is why he wanted to say something and I had seen him trying to put his hand up, and that is why I was having the opportunity, but you should also remember the Standing Order number one; that the Speaker has the powers at any given time and that is not cast in stone. The general rule is; the standing order number one is always in my discretion at any given time even if I have given out a ruling, so honourable member lets proceed but you

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should know this honourable Langat; I hope that you are satisfied with standing order number one which gives powers the Speaker at any given time. So let's proceed. Next order.

COMMUNICATION FROM THE CHAIR

❖ **WELCOME TO ALL GUESTS AS THE ASSEMBLY OPENS THE THIRD SESSION OF THE FIRST ASSEMBLY OF BOMET.**

Hon. Speaker: So honourable members, the Deputy Governor, the CECs who are present today and all the members of the public, I want to really welcome you as we open this third session of this first assembly of Bomet. Your Excellency, the Deputy Governor, Hon. Stephen Mutai, Honourable Members, Chief Officers, who might be here, distinguished guests, Ladies and Gentlemen, welcome to the re-opening ceremony of this highly esteemed Assembly of Bomet for its third session.

Honourable members, the Constitution of Kenya 2010 create two levels of government that is the National Government and the County Governments. The two levels of government are distinct and interdependent and are meant to conduct their mutual relations on the basis of consultation and co-operation.

The Counties, ladies and gentlemen, are the devolved units of government. The devolved units are envisaged to bring down the resources and opportunities closer to the people. Honourable members, one of the objects of devolution as contained in Article 174 of the Constitution of Kenya 2010 is to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya. It is also expected that there shall be decentralization of state organs, their functions and services from the capital of Kenya.

Honourable members, the devolved units of government were ushered in by the March 2013 General Elections. The units have faced challenges and experienced successes in unequal measure the later superseding the former and ensuring continued existence of the units.

The 10th parliament having been visionary on the challenges which the devolved units were likely to face during its earlier stages enacted transition laws one of which created the Transition Authority which is supposed to ensure smooth transition to the devolved system. The transition laws gave a grace period to respective counties to enact their respective laws and develop their respective organs and structures.

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Honourable members, Chapter 11 of the Constitution establishes a County government consisting of a County Assembly and a County executive.

Article 185 of the Constitution vests the legislative Authority of the County governments on the County Assembly. The mandate of the County Assembly apart from legislation includes oversight and representation.

SUCSESSES ACHIEVED BY THE ASSEMBLY SINCE ITS INCEPTION

Honourable members, the County Assembly of Bomet was formed after the March 4, 2013 general elections and like all the other County Assemblies had an interim clerk seconded by the Transition Authority. The Assembly has twenty five elected and ten nominated Members. The Interim clerk successfully organised for the swearing in ceremony of the Members of the County Assembly and assisted in locating offices for the seconded officers. Members of the County Assembly elected their first and later the second Speaker in peaceful, free and fair elections.

The members of the County Assembly also successfully passed the Assembly's budget and the Clerk was instrumental in preparing the same despite the shortage of staff in his office.

The County Assembly of Bomet has also approved several appointments made by his Excellency the Governor including but not limited to Executive Committee members, the County Secretary, members of the County Public Service Board and the Chief Officers.

The Assembly also approved a member of the County Assembly Service Board who isn't a member of the County Assembly.

The model standing orders of our Assembly provides for the establishment of select committees and as such the County Assembly of Bomet has established standing and sectorial committees. These committees, Honourable members, discharge their mandate as stipulated in our Standing orders and I am happy to report that they have discharged their mandate very well.

Honourable members, in its legislative role, the Assembly was also among the very few Counties Assemblies to beat the 30th June deadline required by the Public Finance Management Act 2012 and passed the County budget estimates for the last 2 financial years. The Assembly also passed the requisite Appropriation Bills to give effect to the budget estimates within the timelines given under the statute.

The Assembly of Bomet has since its inception passed the following Bills and policies;

BILLS

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NO	BILL	DATE PASSED
1	Bomet County Appropriation Bill 2013(Bills N0.1)	29 th June 2013
2	Bomet County Appropriation(Amendment)Bill 2013	4 th November 2013
3	Bomet County Finance Bill 2013(Bills N0.2)	11 th December 2013
4	Bomet Alcoholic Beverage Control and Management Bill 2014(Bills N0.1)	13 th March 2014
5	Bomet County Agencies Establishment Bill 2014(Bills No.3)	8 th May 2014
6	Bomet County Coordination of Government Functions Bill ,2014 (Bills N0.2)	14 th May 2014
7	Bomet County Supplementary Appropriation Bill, 2014(Bills N0.9)	21 st May 2014
8	Public Appointments(Bomet County Assembly Approval)Bill, 2014(Bills N0.8)	10 th June 2014
9	Bomet County Assembly Service Bill,2014(Bills N0.6)	11 th June 2014
10	Bomet Office of the County Attorney Bill, 2014(Bill.N0.4)	12 th June 2014
11	Bomet County Disaster and Emergency Management Bill, 2014(Bills N0.7)	19 th June 2014
12	Bomet County Support of the Needy Bill 2014(Bills N0.11)	24 th June 2014
13	Bomet County Appropriation Bill 2014(Bills N0.12)	30 th June 2014

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14	Bomet County Finance Bill 2014	23 rd December 2014
15	Bomet County Collection of Revenue Bill	23 rd December 2014

POLICIES

NO	POLICY	DATE PASSED
1	Bomet County Budget Review and Outlook Paper 2013	23 rd October 2013
2	Policy on Support of Needy Children Sessional Paper N0.1 of 2014	11 th March 2014
3	Policy on County Enterprise Development Fund(CED) Sessional Paper N0.2 of 2014	12 th March 2014
4	Bomet County Medium Term County Fiscal Strategy Paper,2014	13 th March 2014
5	Policy on old and Aging Persons Sessional paper N0.3 of 2014	26 th March 2014

In addition to the above stated Bills, the County Assembly has the following legislative proposals;

1. Bomet County Public participation Bill 2015
2. Bomet Statutory Instruments Bill 2015
3. Bomet County Nuisance Bill 2015
4. Bomet County Petition to County assembly(Procedure) Bill 2015
5. Bomet County Public Entertainment and Amenities Bill 2015
6. Bomet County Solid Waste Management Fund Bill 2015
7. Bomet County Co-operatives Management Bill 2015
8. Bomet County Emergency Bill 2015

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The Assembly has also passed several resolutions through Motions urging the County Government to discharge functions which it is constitutionally mandated to discharge. Some of the motions which have been passed include motions urging the County Government to appoint chief officers, Policy on Water Conservation and Conservation of riparian strips, mechanism for registration of groups and issuing certificates, adopt the 30% Public procurement policy for the Benefit of Youth and persons with disabilities, construct bumps in our county roads and place signals showing those bumps, subsidize fertilizers for tea farmers, create a policy for tea collection, encourage corporate social responsibility, establish a well-organized town planning mechanism in our towns and centres, identify and demarcate public land which the County holds in trust for its residents among others.

Honourable members, the County Assembly Service board has also recruited staff to serve in different departments including the Clerk of the County Assembly which was approved by the County Assembly. The Service Board took into account the relevant employment procedures and guidelines. The County Assembly Service Board has also approved the following policies;

1. ICT Master plan
2. ICT policy
3. Internship and Attachment policy
4. Internal Audit Charter

There are also other policies which are on-going and are due for approval by the board. These include the Human Resource Policy and the Training policy.

The County Assembly Strategic Plan is in its final stages and is awaiting approval of the Assembly for its launch.

In its oversight role, Honourable members, the County Assembly of Bomet has overseen the functions of the executive. The Assembly Committees has been summoning various personnel in the County executive for purposes of shedding light on some issues. The Assembly has on some occasions rejected appointments done by the executive giving reasons for its rejection.

In the representation role, the Assembly members have always addressed issues concerning their electorate in the County Assembly plenary sittings and in its committees. The members have been conducting public participation forums and have collected information and views of the public which have always been accommodated. Such representation has also come in handy

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during times of disasters and has prompted the County government to intervene and give support.

CHALLENGES FACED BY THE ASSEMBLY

Despite the numerous successes enumerated above, the County Assembly of Bomet faced teething problems during its infancy stage.

Honourable members, I wish to state that the County Assembly has passed several Bills and policies as well as motions but the County Executive arm of government is very reluctant to implement them and in some instances does not even recognize them.

I wish to state that the County Assembly has its own Rules of procedure which basically are its rules of engagement which are guided by its Standing orders and various statutes. The Assembly has undertaken to protect and uphold the Constitution and its various Acts and is therefore the first body to uphold its enacted laws.

I urge the executive and the members of the County Assembly to respect the County Assembly's core functions among them Legislation, and take it seriously.

CONCLUSION

Honourable members, save for the few challenges captured above, the County Assembly of Bomet has made a giant step towards ensuring that devolution is fully realised in Bomet County. The Assembly has able Members and staff who are well equipped to undertake the legislative, oversight and representative roles vested in the County Assembly.

Thank you and God bless you, God bless the County of Bomet.

So honourable members, I hope this new third session will be able to really give us at least more strength, the last two sessions we can take it that we were learning but now since we have learnt the processes, I think the learning stage is over and we should be able now during this 2015, as we start this third session, we should be able to take our roles very seriously and be able to execute our core functions with zeal that actually will be able to restore the confidence in the members of the public. So I wish you well as we start this new session and thank all of you for 2013 and 2014 but we know now with the new 2015 we will be able to scale up our efforts so that we will be able to meet the demand of the county as well as citizens of this county. So thank you very much, I hope we shall be able to put aside the differences that we might have been having in this County Assembly and be able to forge as one team, so that we can be able to deliver because we only have this year to deliver on major milestone because we had promised

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our members because come next year we should be able to deliberate what are the key things that we have been able to assist in developing the County Government of Bomet so, thank you very much. Next order!

Papers

Hon. Speaker: Honourable, Majority Leader?

Hon. J. Kirui: Thank you honourable Speaker for this opportunity.

Hon. Speaker: What is it honourable Serbai?

Hon. R. Serbai: Honourable Speaker, we are aware that we have the leader of majority and the leader of minority. I wonder why and when honourable Leonard became the leader of minority. Thank you. I was seated here and I wonder whether it's in order for the member to unseat me.

Hon. Speaker: Honourable Kirui you are totally out of order, kindly look for your seat. You are totally out of order to sit on the seat occupied by the member who is speaking. Unless he has given you written permission for you to represent him. Before I ask the Serjeant at arms to move you out, kindly honourable Leonard Kirui just move and let honourable Serbai sit. I request the Serjeant at arms to escort honourable Serbai to escort to the member outside peacefully. What is your point of order honourable Kirui.

Hon. J. Kirui: I think it's totally out of order and unfair because the seat has not been labelled honourable Serbai.

Hon. Speaker: Honourable members, honourable Ngeno the honourable Joyce.

Hon. B. Ngeno: Everything needs not to be documented for it to be seen that someone is seating in that position. Mr Speaker, like we were still challenging the position in which the governor should be sitting on and it is not clearly labelled as we talk now that it's a reserved for the governor. Based on the right of the Speaker but we all know based on the general knowledge, that seat belongs to the Governor. The same case applies to where we are seating now. The majority leader is out of order to say it not labelled for anybody. Thank you.

Hon. Speaker: Honourable Joyce.

Hon. Joyce Korir. Thank you very much honourable speaker I just wanted to ask whether the labels that have been put on the chair were placed there purposely.

Hon. Speaker: I think honourable Josphat you are on record severally because I still remember honourable Serbai and Ngeno have been raising very serious issue when you sit on the wrong

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position. I wonder today why you are the first to pin point; is it a mechanism that you want to be evading such issues that you don't want your chair to be labelled but any way you are totally out of order lets proceed. Yes honourable Mosonik.

Hon. W. Mosonik: Honourable Speaker, my point of order is we have Chairs which are not labelled and you are aware I was seating there when we came in supposing that honourable Kirui was sitting here consulting.

Hon. Speaker: Honourable members let us not really dwell on matter that does not matter so much. Because honourable Kirui (*Allows honourable Kirui to come in*) We hope honourable Kirui you are totally out of order to sit on the Minority's seat and two you were totally out of order not to move on the seat to which the speaker has told you to move to. You actually refused to move out. So we hope that settles the matter. Let's us proceed honourable member. Honourable Kirui just seat down I will not allow you. What your point of order?

Hon. D. Rotich: The issue of accusing the Majority Leader of siting in another place is wrong Mr. Speaker. The reason I am saying that is most of the time majority goes down consulting with members so when you accuse him it seems you have different issues in the House.

Hon. Speaker: Order Honourable members, Honourable members, I think...

Hon. Speaker: Hon. D. Rotich, you are totally out of order. You are also one of the victims of the situations in this House. So you cannot be able to move and say whatever the Speaker said is out of order. Let us proceed with the other matters.

Hon. J. Kirui: Thank you so much Hon. Speaker. I was on the floor of the House tabling papers and as I do so, I wish to assure you that you have the full protection of the Chair and your wisdom is not questioned, Hon. Speaker. So you don't need to be intimidated by Serbai.

House cheers

(On a point of order)

Hon. S. Kirui: I think the Majority Leader is out of order to refer a colleague by calling him Serbai rather than referring to him as Hon. R. Serbai. He should apologize even if he has anything against Hon. R. Serbai. He shouldn't show their differences in the House. The Majority Leader should be leading this County Assembly in terms of how we address other members. He should lead by example. I respect him and he shouldn't belittle the rest of the members who have no titles, Hon. Speaker. We know Hon. R. Serbai as our first Chief Whip and he was capable of performing that task, it is only that politics took a different direction.

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Hon. J. Kirui: Thank you very much Hon. Speaker. I would wish to withdraw and apologize to Hon. R. Serbai. Hon. Speaker, it is with good faith that I wish to table the 1st paper on the vetting of the new nominee for the vacant position of CEC, Children and Social Services. Hon. Speaker, kindly refer to the above matter following the resignation of CEC Tourism, Energy, Trade and Industry and subsequent reshuffling of the cabinet, I hereby forward to you the following name which has been nominated by the Governor to be the new CEC Children and Social Services for vetting; Samuel Kipkoech Barchok, Id No. 8662896, Department of CEC Children and Social Services. The letter is written by S. K. Keter and the attached CV is for reference.

Hon. Speaker: The letter is committed to the Committee on Appointments.

Hon. J. Kirui: Thank very much Hon. Speaker. I also wish to table the 2nd paper referenced vetting of Chief Officers. Hon. Speaker, kindly refer to the above matter following the successful interviews conducted by the County Public Service Board for the position of Chief Officers, the Governor wishes to appoint the following recommended persons for the said positions. The purpose of this letter is therefore to forward the said persons for vetting.

S/No.	Names	ID Number	Department
1.	Beatrice Chepkorir Tonui	11638781	Agribusiness, Cooperatives and Marketing
2.	Dr. Sowek Benard Kiplangat	22646482	Health & Sanitation
3.	Hellen Chepkoech Baliach	10383212	Social Services
4.	Dr. Richard Kipkirui Sigei	1001225	Lands, Housing and Urban planning

(On a point of order)

Hon. Joyce Korir: Thank you very much Hon. Speaker. I thought the document is just to be tabled and not to be given the inner details of it.

Hon. Speaker: The executive should have broken down each name but under the circumstances you realize the county executive only gave us one list while in the real sense they should have given for each department so that I can be able to commit to the Committees. Under the circumstances, I requested the Majority Leader to read through because the mistake occurred

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from the executive side. We have been requesting that we be consulting each other so that we can move forward. I hope the members will be able to indulge that.

(On a point of order)

Hon. W. Mosonik: My point of order is that I thought the Leader of Majority should read the names of the officers and in particular the departments they will be in-charge for the sake of Hansard.

Hon. Speaker: I think the Leader of Majority has given us the name, ID number and the department. So I don't know what you are referring to yet the information is being given.

Hon. J. Kirui: Thank you very much Hon. Speaker. The Hon. Member was busy resting his eyes, Hon. Speaker.

S/No.	Names	ID Number	Department
5.	Rose Chepkirui Kositany	24243972	Finance
6.	Renny Mutai	11298531	Economic Planning
7.	Kurgat David Kibet	10887221	Public Works, Roads and Transport
8.	Eng. Peter K. Chebose	0735048	Water and Irrigation

Attached are the CVs of the nominees for reference.

Hon. Speaker: Thank you very much Majority Leader. The list and other documentation are part and parcel of the documents of this House. I now commit the nominees to the various Committees that Beatrice Chepkorir Tonui will be vetted by the Committee on Agriculture. The nominee is traversing almost more than 3 Committees but I think the Committee on Agriculture is capable of doing the work other than the other 2 Committees. Dr. Soweke Benard Kiplangat will be vetted by the Committee on Health and Sanitation

(On a point of order)

Hon. Joyce Korir: Thank you very much Hon. Speaker and the House at large. Hon. Speaker, I hope you are aware that this House passed names of two chief officers and the procedure was different from what we are getting today. May be you can clarify that.

Hon. Speaker: Hon. Members, as I have stated that time is running out and if you remember in my speech, I have stated clearly that there are some certain procedures and rules of engagement

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in this House which every time I have always say, the county executive should take time to really learn how we do things here so that it makes our work easier. For the County Attorney, he should have at least delivered the CV and the nominee for each department so that it can be easy for the Chairs of various departments to table the names and the CV for each sector. But under the circumstances, the County Approval Act is very clear on the timelines. Who knows if this isn't a trick? So that when we are running up and down the days will have elapsed and the nominees will automatically be chief officers. So using that discretion that I used to refer Hon. Langat, I decided that the Majority Leader read the list the way it is and then I can be able to commit to respective Committees so that at least we move forward. Time is running out and we may end up not vetting these people and the executive will have an upper hand. You remember what happened in 2013 where a list was brought to this House when the House was in recess and they never managed to vet, and they became automatically members without vetting. So I think that is the procedure which was given to the Clerk as far as Approval Act is concerned. So I hope that clarifies Hon. Joyce Korir so that we proceed

Hon. Joyce Korir: The reason why I am very much concerned is because we are continuing cheating the public that we are now being read the names yet some of the names weren't in the list given by the Public Service Board. So giving it to the Committee to deliberate on it will take time and at the end of the day it will be overtaken by events because some of the names aren't the ones submitted by the Public Service Board to the relevant office, and that one I can substantiate right now.

Hon. Julius Korir: Thank you Hon. Speaker. I rise to ask the question through your Hon. Chair that we are somehow confused because the County Public Service Board had initially advertised the positions for chief officers in the year 2013. They had again shortlisted and interviewed and forwarded the qualified candidates to the office of the Governor. Again, they advertised the same positions without clarifying why the people who had qualified were not appointed and why it was it delayed. Now, they are coming up with another list. Hon. Speaker, this is lying to the public and wasting public resources because advertising, shortlisting and forwarding the list for appointments involve the use of resources and give hope to the sons and daughters of this County that they have qualified as chief officers and the list isn't brought forth to the Assembly for vetting and approval. Now, they are coming with another list. Hon. Speaker, I think you need to give direction on that. What of those people who had qualified? What did the County Governor do to them and why has he not brought the list to the County Assembly, thank you.

Hon. Speaker: Hon. Members, to answer what Hon. Julius Korir has said is that these are the issues we can deal with substantively at the Committee stage because at the end of the day, these names will come to the floor of the House so that members can challenge so that you can be able

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to know what are the real issues. What is happening now is committing to the sectorial Committees and everybody will have an opportunity to challenge it. Hon. Joyce Korir is saying that the names which were forwarded to the Governor are totally different from what we have here. From where I sit, I think we will be jumping the gun because in the first case, where did you get the information? It is at this Committee stage where you as a member will be able to ask for information, the first list which was submitted and even the list which was forwarded to the Governor. But you should also remember that the County Government Act is very clear, I think it is around 3 names which are forwarded to the Governor and he has a leeway to choose from any of those 3 names. So Hon. Joyce Korir, it is unfortunate that you asked a question and it stepped out. What I am saying is that as at now not unless you have been able to assess the full information on the full names that were forwarded to the Governor. But I am requesting that we hold our horses until all these matters are before the Committees. That is when you can interrogate all the issues. How many names were shortlisted? How many did the public service board interviewed? And how many were finally selected by the Public Service Board and forwarded to the Governor? So these are some of the issues that you can be able to deal with. So we can proceed from there.

Hon. S. Towett: Thank you very much Hon. Speaker. I don't know whether I will be in order to request that I lead the team to vet the nominee of Agribusiness, Co-operatives and Marketing despite you referring it to the Committee on Agriculture, Livestock and Fisheries but will be happy to have the other members of the Committee on Co-operatives and Marketing if that pleases the House, I will be happy.

Hon. Speaker: Due to your application, the said name **Beatrice Chepkorir Tonui** is committed to the two Committees. I hope this time round Hon. Samson you will be able to lead and we don't have to face the recent challenges when the two Committees were dealing on some issues, we had some serious challenges. So, the next is **Hellen Chepkoech Baliach** whom I commit to the Committee on Social Services. The next is **Dr. Richard Kipkirui Sigei Ezekiel** whom I commit to the Committee on Land, Housing and Urban Planning. The next is **Rose Chepkirui Kositany** whom I commit to the Committee on Finance and Economic Planning. The next is **Renny Mutai** whom I commit to the Committee on Budget and Appropriation because the Committee on Finance and Economic Planning is already dealing with Rose Chepkirui Kositany. The next is **Kurgat David Kibet** whom I commit to the Committee on Roads and Public Works. Finally, the next is **Eng. Peter K. Chebose** whom I commit to the Committee on Water and Irrigation. As the way Hon. Joyce had stated, this House had vetted two chief offices who are the Chief Officers on Public Administration and Water and Irrigation. And I am seeing again there is a nominee. I think that is why the whole country is now grumbling now with the issue of whether the Governor has power to move chief officers or executives without the vetting of this House.

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That is an issue currently and you saw what the CIC (Committee on Implementation of the Constitution) stated on the dailies in their opinion last week. So I think those are some of the issues which we will be able to handle when the right time comes. The various Committees should start dealing with the matter and I request the Clerk that he informs the said nominees so that they can be able to attend the vetting process.

(On a point of order)

Hon. Joyce Korir: I still want to say that the Office of the Clerk and the Office of the Speaker at all costs have to look at anything that comes before the House; to see whether it qualifies to be brought to this House. Unfortunately, the list was given to the Clerk by the County Public Service Board and another list was given to the Clerk from the Office of the Governor. Hon. Speaker, the names from the executive do not tally at all with the names which have been given by the County Public Service Board. If right now we can pick anything anywhere and bring for deliberations in this House yet we have documents, yet we have the offices which are supposed to vet these things before they get to this House or Committees. Even if we are saying that we are going to do right things this year, we are starting on a wrong foot. That is my stand!

(On a point of order)

Hon. Speaker: Honourable Majority

Hon. J. Kirui: Hon. Speaker, I wish to rise on a point of order to really defend the Clerk. The Clerk may not have a chance to really prove whether he has two lists or not. So when we touch the name of the Clerk Hon. Speaker, I believe it won't be fair to the office of the Clerk. And I think there is a House Business Committee which is supposed to deal with all the names that come to this House.

Hon. Speaker: Honourable Chepkwony

Hon. J. Chepkwony: Thank you Mr. Speaker. In fact it is really a great wonder. Why do we need to cross bridges before we reach them? The list will have to reach this House so that every member will have to deliberate according to his or her conscience given that we shall be ready to accept or reject the list. So please let us wait until that time when their turn comes. Thank you very much

Hon. Speaker: Honourable Bett

Hon. R. Bett: thank you Mr. Speaker. I am further standing to clarify on the same issue. Mr. Speaker we know you've clarified and we know in this Assembly whenever anything is tabled in this Assembly Mr. Speaker, it is subjected to various and rigorous exercises to the effect that

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when it is brought back to the House, it has been deliberated upon by relevant committee Mr. Speaker. So when somebody brings an opinion or a pre-concluded opinion to this Assembly, it is tantamount to say that the person is trying to say to hoodwink us from deliberating on the various areas. Thank you, Mr. Speaker.

Hon. Speaker: Honourable Kirui

Hon. L. Kirui: Thank you very much Hon. Speaker for giving me the chance. What I just want to say is this. This is a dignified House and it deserves dignity and you have stated clearly Hon. Speaker that this is the first session where we should start in a procedural manner. I also challenge the chair of this House that if we start with selective anticipation we will head nowhere. I am bringing this because what Honourable Joyce is saying, is out of order.

Hon. Speaker interrupted

Hon. Speaker: Hon. Kirui may be to get clarification. The Chair of this House is Mr. Speaker so you are referring to me?

Hon. L. Kirui: I am referring to you Hon. Speaker in the fact that you are not fair when you are distributing the chances in this House. Mr. Speaker, I also want to say this is something that has been taking place and I thought we are going to start with a good note as we start. On top of that Hon. Speaker I also want to say...

(Point of order)

Hon. J. Kirui: Hon. Leonard Kirui is my good friend and the wisdom vested on that Chair might not be questionable Hon. Speaker. The only thing that we need as an Assembly to assure the Speaker is that you have the full protection of the House, Hon. Speaker and do not feel intimidated by Hon. Serbai or Hon. Joyce

Hon. L. Kirui: Mr. Speaker I concur with the Leader of Majority because he is my friend and I really know that the heart that you have, Hon. Speaker, signifies wisdom. So I term that what you did was a sign of wisdom. Hon. Speaker, I now bring in my issue of order. I think it is not in order Mr. Speaker, for any Honourable member to talk in this House without substantive evidence that shows that there were some... You know when you look at the standing orders, anticipation is not allowed in the House. So we cannot anticipate like what some Honourable members are saying the lists are different. I think this House always relies on documentation, substantive reasons and evidence to show that certain things have happened. If that has happened, this time round we need to be very strict and we need not leave any stone unturned. If we will be given such evidence, we will be ready to deal with it but I want to say is not in order to bring that issue now because we have to have substantive reasons and we sit as a House and

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we use those evidence to show whether such things have been done. However, this is a dignified office and not a radio station. It is a dignified House that needs evidence. Thank you very much Mr. Speaker.

Hon. S. Kirui: Thank you very much for giving me this opportunity to raise some issue or to inform the House. Hon. Speaker, I think what we are deliberating in the House touches on the Public Service Board and the procedure is that the Public Service Board advertised for the position as per the intent of the executive, then interview the applicants and forward three names to the Governor. I think the Public Service Board does not have any obligation to bring the list to the Assembly as was stated by Hon. Joyce. I think it will be up to the committee that has been mandated to dig the information from the PSB whether the list which is before the House contains the same list containing the three most qualified in the three sectors, Hon. Speaker. So I think we are crossing the bridge before reach the river, Hon. Speaker. It will be good if we let the committee handle the issue of whether some particular person, like for me the Budget and Appropriation committee, whether he went through the Public Service Board before being committed to that particular docket. It will be up to the committee now. Let us not cross the bridge before we reach there and let us give the committee time to dig into the real issues whether it was done procedurally. Mr. Speaker I wish to request your honourable chair that we dispense this issue of whether it went through the right process because we have committed it.

Hon. S. Towett: I am also rising to inform the House but already Hon. Kirui has talked of what I wanted to say, and I don't want to go back to it because he did put it correctly. I also want to inform the House that when you read the County Governments Act at section 46, it gives powers to the executive to rearrange the departments. We are questioning whether the reshuffling or the transfer of the Chief Officers, who had already passed through this House, was in order. You said earlier that the issue is before other legal experts and I think we better leave it to the legal experts to give a clear interpretation but nevertheless I was just saying that for the sake of those of us who will be vetting those nominees, I also request that we go through that section so that we understand and we will be in a position to judge and conclude and give a better direction to this House when the resolutions will be put before this floor. Thank you.

Hon. Speaker: I think honourable members, just like I said before, let us not jump the gun before the right time. I think all those substantive issues will be interrogated within the committees. That is why Hon. Joyce you shall be able to take the list to that you have to various committees. Everybody will come up with their evidence and that is why my humble request is we leave this issue to the committees.

Hon. D. Rotich: With the issue of the list, let us be extra careful. I can also generate mine in the bush and bring the list and cause chaos in the House. So let us accept the list which is genuinely

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brought here so that we don't just jump up and down and talk with a lot of emotions which does not help the House and the public. Thank you Mr. Speaker.

Hon. Speaker: What I am saying Hon. Big Five is that everybody is entitled so long as they can prove that it is genuine. Whether it is genuine or not, it will be up to the committee to deal with that matter. As at now, I have not seen the list that Hon. Joyce is talking about. What I have seen is the list which is before this House. So let us leave all those matters. Hon. Josphat, what is it again?

Hon. J. Kirui: Hon. Speaker, there is one issue that I want to really appreciate on the direction that you have given Hon. Speaker that to combine the Agriculture and Agribusiness and Cooperatives committee to deal with the issue of the CEC nominee. Hon. Speaker, I just, as a point of information, want to say that as a House also, we need to look at that matter very critically so that we may make a recommendation, Hon. Speaker, as a House to the Governor or to the executive to have two chief officers one heading the agriculture and other cooperatives. That is what Hon. Towett Samson has been advocating for. I really want to thank your wisdom for incorporating the two committees because that is a very wide department Mr. Speaker.

Hon. Speaker: Those are the issues that the committees will be able to deal and advice the House accordingly. Finally on what Hon. Kirui was saying, I think I have been able to distribute our airtime fairly. It is only that you moved from where you have been sitting to another area. So may be that could be the reason why I could not be able to see you. All the other members are not complaining except you, and at least next time sit where you have been sitting. Let us proceed. Next order?

NOTICE OF MOTION

- ❖ **THAT PURSUANT TO STANDING ORDERS 154(1) THE COUNTY ASSEMBLY APPROVES THE APPOINTMENT OF THE MEMBERS OF THE COUNTY ASSEMBLY HOUSE BUSINESS COMMITTEE.**

Hon. J. Kirui: Hon. Speaker, I beg to give the notice of the following motion, Hon. Speaker. That pursuant to standing orders 154(1) this County Assembly approves the appointment of the following members of the County Assembly House Business Committee.

1. Hon. G. K. Kipng'etich - The Speaker
2. Hon. Josphat Kirui - The Leader of Majority
3. Hon. John Chepkwony - The Leader of Minority

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4. Hon. David Rotich - The Majority Whip
5. Hon. Julius Korir
6. Hon. Leah Kirui
7. Hon. Samson Towett
8. Hon. Reuben Langat
9. Hon. Wilson Keter
10. Hon. Patrick Chepkwony

Hon. Speaker: The notice of motion is given, and that is one of the most urgent businesses to be dispensed with. Using that standing order, we will be able to debate that motion tomorrow morning. The House business will be able to sit and allocate time for different business before the House. We will debate on the motion tomorrow morning. Next order?

Hon. Speaker: Hon. Members since we have His Excellency Deputy Governor Hon. Mutai, and pursuant to standing order 3, I would like to give him a chance to address the House. He is a visiting dignitary to the House. Hon. Mutai you are welcome.

Hon. Deputy Governor addressed the House

Hon. S. Mutai: Hon. Speaker of the House, Hon. Members, CECs who are here, the members of the public, good afternoon. This is a different place and when we are outside there we always clap our hands during greetings but inside here, they thumb their feet. First, I want to really thank God for really allowing me to be here. Secondly, I thank the Hon. Speaker for giving me this opportunity to at least greet you and share one or two things. Overall, I want to say I am grateful or rather that I have heard you and I have heard the process of the Assembly, and more importantly, you were able to debate me when I am seated here. So at least I made something in your contribution today. Secondly, even though the Governor is not here, and probably he has not send any written communication that I should represent him, I cannot leave here without saying something about the county since I am the second in command. *Bwana* Speaker, you will excuse me a little bit because I am breaking your protocol because you wanted me to speak as a member of public but as the County Government, we have heard some of the sentiments you have raised here. I am happy that I was here so that I can pick some of those issues. The CECs some of whom we came together with have also picked some of the issues you have raised, and I want to assure you we want to work together. Last Sunday, we were with the Governor and some of the things we said are that as the Executive and the Assembly, we want to work together for the good of this County. I am aware that all of you saw the World Bank Report that it was good

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but we want to be better. Therefore, it cannot be better if we don't work as a team. I liked what the Hon. Speaker said, that we should work in consultation. Mr. Speaker, when the Governor is not there you can walk into my office so that I can clarify some issues before you come here. Likewise to the rest of the members I want to encourage you that you always come to my office. The Constitution is very clear that I am equally there when he is not there. So come in and we shall be able to talk together and we will be able to work together as a team. So when the financial year ends, we should be at the top not number three because we want service delivery to our people. I do not want to take a lot of issues but I want to wish you well. As you start this session, I want to wish you the very best and good health so that you can continue to provide services. Thank you very much *Bwana* Speaker.

The Deputy Governor concluded his speech.

Hon. Speaker: Thank you very much your Excellency the Deputy Governor. Our Standing Orders demand that you cannot be allowed to mix English and Kiswahili. We always stick to one language but at least this is the first time and a learning process. We thank you for being able and to share with us some of the issues that are on-going within the County.

Hon. Members, I have been going through the Standing orders and was looking for what clarifies what Hon. Serbai was saying. What the Standing orders are saying is that when the Speaker is not there, the Deputy Speaker will assume the Chair and doesn't clarify any other position; the same case with our County Assembly Service Act. The way I see it is; we should be able to do a research and tomorrow afternoon, I will give a ruling and settles the matter once and for all. In case the Hon. Speaker is in the House, and there are some issues being conducted, I assure Hon. Serbai and other members that tomorrow we will be able to get a direction and the way forward so that we form the basis if there is any other issue like that be it even in the next Assembly. These are some of the issues we will keep on learning on the daily basis.

Otherwise, I thank everyone, the CECs and the members of the public and the His Excellency the Deputy Governor for at least managing to come. In last session, we didn't have any member attending at all. Today we are privileged to have members of the public as well as the executive who are here. I do recognize all of you and I thank you. After this, we will have an interaction because we decided that after official opening here, we shall be able to meet with the executive side and members of public so that we shall interact. Our people have not known the core function and with the interaction, we will be able to interact more with the citizens and the officials of this county. With those few remarks, and there being no other business, this House stand adjourned until tomorrow 9 a.m.

The House adjourned at 4.28 p.m.