



**OFFICIAL HANSARD REPORT**

**COUNTY ASSEMBLY OF BOMET**

**THIRD COUNTY ASSEMBLY**

**ASSEMBLY DEBATES**

**Vol. 2 NO. 111**

## DAILY HANSARD

*The Assembly met at the Main Assembly Chamber,*

*Dr. Joyce Laboso Centre at 2:30 p. m*

Third County Assembly - Second Session

Thursday Afternoon 7<sup>th</sup> December, 2023

*(The Assembly met at 2:30 p.m. in the*

*County Assembly Mini Chamber at County Assembly Buildings)*

*[Hon. Speaker (Hon. C. Korir) in the Chair]*

## PRAYER

### COMMUNICATION FROM THE CHAIR

**Hon. Speaker (Hon. C. Korir):** Hon. Members, good afternoon. I have a few communications to make today. The first one is on the Statement raised by Hon. Charles Langat.

As you can recall during the Afternoon sitting of Wednesday, the 29<sup>th</sup> of November 2023, Hon. Charles Langat; the Hon. Member representing Boito ward raised a Statement seeking direction from the Chair on the position of the Leader of the Minority Party in this County assembly.

Hon. Members, Section 10 of the County Government's Act, 2012 provides for the County Assembly Party Leaders and it states that,

*“(1) There shall be in each county assembly a leader of the Majority party and a leader of the Minority party.*

*(2) The leader of the majority party shall be the person who is the leader of the largest party or coalition of parties in the county assembly.*

*(3) The leader of the minority party shall be the person who is the leader of the second largest party or coalition of parties in the county assembly.”*

Hon. Members, it was clear from the onset that this County Assembly, Hon. Charles Langat included; recognized the existence of both the majority and minority parties in this County Assembly. It is from this recognition that the offices of the Leader of the Majority Party and the Leader of the Minority Party were established and the substantive office holders were then elected by their respective parties. The office of the Speaker was then notified of the outcome of those elections and a communication to that effect was made to the Assembly. Arising from this, Hon. Members, there has never been any objection or doubt as to whether those offices exist or as to the occupancy of the same.

Hon. Members, based on how we have conducted ourselves in the past, we can't then all over suddenly turn around and be oblivious to the fact that there exists a Minority Party and Leaders of

the Minority Party in this County Assembly. What we should address ourselves on is whether there has been a change in circumstances that has led to the abolishment of the office of the Leader of Minority Party by operation of law.

Hon. Members, the Hon. Charles Langat in his statement has alleged that the Registrar of Political Parties has gazetted the dissolution of the Chama Cha Mashinani (CCM) party and the transfer of records, assets, and liabilities, rights, and obligations to the United Democratic Alliance (UDA) party. The Hon. Member has however not tabled any supporting document(s) to corroborate or rather substantiate his allegation.

Hon. Members, it is important to note that Members are responsible for the accuracy of any facts which they allege to be true. Standing Order 100 (1) provides that,

*“A Member shall be responsible for the accuracy of any facts which the Member alleges to be true and may be required to substantiate any such facts instantly.”*

It is therefore imperative that Hon. Members furnish comprehensive and pertinent information, especially on matters where reliance on additional material is paramount to enable the Speaker to arrive at an informed ruling.

Hon. Members, as it stands, the Statement by the Hon. Charles Langat lacks the necessary details required for the Speaker to decide on. It is crucial to remind this Assembly that, in matters of this nature, adherence to due process is paramount. All pertinent information must be presented, and the correct legal references must be made to ensure a fair and just resolution.

Hon. Members, the failure by Hon. Charles Langat to substantiate his claim, therefore, means that the status quo is maintained. The office of the Speaker, therefore, continues to recognize the existence of the Minority Party and its office holders.

This County Assembly is hereby accordingly guided.

My second communication is on the Statement raised by Hon. Charles Langat again.

As you may recall, Hon. Charles Langat raised a Statement during the Morning Sitting of Wednesday, 6<sup>th</sup> December, 2023. The Hon. Member noted that during the plenary sitting of Wednesday, 29<sup>th</sup> November, 2023, he stood under Standing Order No. 105 and sought to adjourn the debate on Motion No. 10 in the order of Business of that day. The Hon. Member alleged that Hon. Eric Kirui, the Chairperson of the County Budget and Appropriation Committee, during his right of reply on the Motion, adversely mentioned his name and yet he was absent. In light of this, the Hon. Member noted that the remarks by the Chairperson of the County Budget and Appropriation Committee painted his name in a bad light.

Arising from the debate of the day in question, the Hon. Member sought the direction of the Chair on the following three issues;

- i) That since his dilatory motion was based on the voluminous nature of the report of the County Budget and Appropriation Committee on the County Executive Committee Member for Finance, ICT and Economic Planning Request to the County Assembly for input, Clarification or Reservation on the Contents of the Bomet County Pending Bills Report for Financial Year Ending 2022/ 2023, was the provision of Standing Order No. 2 (2) adhered to?
- ii) Whether members who discussed the dilatory motion that had been withdrawn were in breach of the Standing Order No. 96 (3)?
- iii) That concerning Hansard Report of the day in question, whether the Mover of the motion is found culpable to have contravened the Standing Orders and if so found (a) he be punished and compelled to withdraw and apologize; and (b) that the excerpts in reference to the Hon. Member be expunged from the record of the Assembly.

Hon. Members, on the adherence to the provision of Standing Order No. 2 (2), I will first address the first issue. Was the provision of Standing Order No. 2 (2) adhered to?

Standing Order No. 2 (2) state as follows;

*“In these Standing Orders, whenever a document is required to be provided or made available to Members, the document shall be considered to have been so provided or made available if placed in the Members pigeon holes or in such other manner as the Speaker may direct.”*

Concerning Standing Order No. 2 (2) and the matter at hand, I am reliably informed that the report of the County Budget and Appropriation Committee on the County Executive Committee Member for Finance, ICT, and Economic Planning request to the County Assembly for input, clarification or reservation on the Contents of the Bomet County Pending Bills Report for Financial Year ending 2022/2023 was laid on the Table of the Assembly on 22<sup>nd</sup> November, 2023 at 2.30 p.m. The report was subsequently published on the County Assembly Website which anybody can access. I also note that it has become one of our practices to have reports and other documents of this Assembly shared on the social media platforms to which all of us as Hon. Members of this Assembly have direct access. Consequently, I find that the provisions of the Standing Order No. 2 (2) were adhered to.

The second issue is whether the Hon. Member was adversely mentioned and the directions that should be made by the Hon. Speaker. I have had the benefit of going through the records of the day in question as reported in the Hansard Report. The relevant part where the Hon. Member wants to be expunged reads;

*“When an Hon. Member who chairs the Public Investments and Public Accounts Committee (PIC/PAC) walks out and wants even to stop the debate in this Assembly says a lot about his*

*integrity and the level of preparedness to tackle issues touching on this matter and it casts a lot of doubt that if we let this report to go to the Public Accounts and Investments Committee which is chaired by a member who wanted to stop the debate, this report would not see the light of the day and even the repercussions would be very great. I want to thank everyone and I want to request the Assembly and the Assembly leadership that we need to re-look even into the composition of some membership of some committees so that we get the seriousness that is deserved.”*

In this excerpt, the Hon. Eric Kirui, questioned the integrity of the Hon. Member. Our Standing Order No. 100 requires that whenever a matter is alleged by a Member, it has to be substantiated. I hereby find that the words used by the Hon. Eric Kirui were unsubstantiated. I therefore direct the Hon. Member to withdraw the allegations and apologize. I also urge the Hon. Members to observe all the provisions of the Standing Orders of this Assembly.

Hon. Kirui.

**Hon. E. Kirui (Kimulot Ward, UDA):** Hon. Speaker, thank you. I withdraw and apologize.

**Hon. Speaker (Hon. C. Korir):** Thank you. I further order that the following words be expunged from the records of the Hansard of the plenary Morning Sitting of Wednesday, 6<sup>th</sup> December 2023. *“When a Hon. Member who chairs the Public Investments and Public Accounts Committee (PIC/PAC) walks out and wants even to stop the debate in this Assembly says a lot about his integrity and the level of preparedness to tackle issues touching on this matter and it casts a lot of doubt that if we let this report to go to the Public Accounts and Investments Committee which is chaired by a member who wanted to stop the debate, this report would not see the light of the day and even the repercussions would be very great”.*

The County Assembly is hereby accordingly guided.

My third communication is on the Statement raised by Hon. Peter Rono.

Hon. Members, you may recall that on the Morning sitting of Wednesday, the 6<sup>th</sup> of December 2023, Hon. Peter Ronoh, the Hon. Member representing Kipsonoi ward raised a Statement seeking the direction of the Chair on whether the various Committees of this County Assembly as currently constituted conform with the law and the Standing orders of this County Assembly.

Hon. Members, the Hon. Member specifically pointed out the provisions of Article 197 (1) of the Constitution which provide that;

*“not more than two-thirds of the Members of any County Assembly or County Executive Committee shall be of the same gender.”*

The Hon. Member further referred to the provisions of Standing Order 166 (2) of the County Assembly Standing Orders which provides that;

*“The Committee on Selection shall consider the need for gender balance and shall, so far as may be practicable, ensure that no more than two-thirds of members of a Committee of the County Assembly, including a Committee established through a resolution of the County Assembly, shall be of the same gender.”*

Hon. Members, in light of the provisions stated above, the Hon. Member then sought the direction of the Chair on whether the following select and sectoral Committees are properly constituted under the law and the County Assembly Standing Orders: -

- (1) Committee on Selection
- (2) Committee on Budget and Appropriations
- (3) Committee on Appointments
- (4) Committee on Agriculture, Fisheries and Livestock
- (5) Committee on Lands, Urban Planning and Housing
- (6) Committee on E-government and Innovation
- (7) Committee on Gender, Culture and Social Services
- (8) Committee on Energy, Environment, Water and Natural Resources.

Hon. Members, I would like to quote extensively the provisions of Article 27 of the Constitution which provides that: -

*“(1) Every person is equal before the law and has the right to equal protection and equal benefit of the law.*

*(2) Equality includes the full and equal enjoyment of all rights and fundamental freedoms.*

*(3) Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.*

*(4) The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.*

*(5) A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).*

*(6) To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.*

*(7) Any measure taken under clause (6) shall adequately provide for any benefits to be on the basis of genuine need.*

*(8) In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.”*

Hon. Members, I would also like to bring to the attention of this County Assembly, the criteria which the Committee on Selection while nominating members to serve in the various Committees ought to consider. I would like to specifically quote the provisions of Standing Order 166 (2) of the County Assembly Standing Orders which provides;

*“The Committee on Selection shall give consideration to the need for gender balance and shall, so far as may be practicable, ensure that no more than two-thirds of members of a Committee of the County Assembly, including a Committee established through a resolution of the County Assembly, shall be of the same gender.”*

Hon. Members, to comply and conform to the requirement that no more than two-thirds of members of a Committee of the County Assembly shall be of the same gender, it requires that in a Committee of seven (7) members, as is the case in most of our Committees, three (3) members must be of the same gender while the remaining four (4) members be of a different gender. It also requires that in a Committee of thirteen (13) members, as in the case of the Budget and Appropriations Committee, at least five (5) members must be of the same gender.

Hon. Members based on the above analysis, I then embarked on a fact-finding mission to ascertain whether the composition of the various select and sectoral committees listed by the Hon. Peter Ronoh conforms to the provisions of the law and the Standing Orders. The following is my analysis of the composition of the said committees: -

| No | COMMITTEE   | COMPOSITION | MALE | FEMALE | CONFORMITY TO THE 2/3 GENDER RULE |
|----|---|-------------|------|--------|-----------------------------------|
| 1  | Committee on Selection                            | 7           | 6    | 1      | Non-compliant                     |
| 2  | Committee On Budget and Appropriations            | 13          | 12   | 1      | Non-compliant                     |
| 3  | Committee on Appointments                         | 7           | 6    | 1      | Non-compliant                     |
| 4  | Committee on Agriculture, Fisheries and Livestock | 7           | 7    | 0      | Non-compliant                     |
| 5  | Committee on Lands, Urban Planning and Housing    | 7           | 5    | 2      | Non-compliant                     |
| 6  | Committee on E-government and Innovation          | 7           | 1    | 6      | Non-compliant                     |

|   |   |   |   |   |               |
|---|---|---|---|---|---------------|
| 7 | Committee on Gender, Culture and Social Services              | 7 | 2 | 5 | Non-compliant |
| 8 | Committee on Energy, Environment, Water and Natural Resources | 7 | 6 | 1 | Non-complaint |

Hon. Members, it is apparent from the above analysis that indeed the mentioned committees do not conform to the constitutional requirement that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

It is also important to note that there is a provision in our Standing Orders under the criteria for nomination that restricts the membership to sectoral committees. Standing order 167 (3) provides that;

*“Except as the County Assembly may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, no Member shall be appointed to serve in more than three Sectoral Committees.”*

Hon. Members, based on the above findings, it is my considered ruling that the aforementioned Committees do not conform to the constitutional threshold that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. The composition also falls below the threshold set under Standing Order 166 (2) of the County Assembly Standing Orders. As for the provisions of Standing Order 167 (3), if the provision is such that its implementation would conflict with the constitutional principle of gender balance, then the Constitution being the supreme law would prevail and the provisions of Standing Order 167 (3) can be amended to conform to the law.

Hon. Members, it is also essential to note that the Constitution under Article 2(4) provides that; *“Any law, including customary law that is inconsistent with this Constitution is void to the extent of the inconsistency, and any act or omission in contravention of this Constitution is invalid.”*

Hon. Members, based on these findings, I hereby direct the Committee on Selection once properly constituted and the County Assembly parties to rectify the anomaly and ensure that the Composition of the County Assembly Committees conforms to the provisions of the Constitution and the Standing Orders. This should be done when the County Assembly resumes from the long recess under the County Assembly calendar.

This County Assembly is hereby accordingly guided. Thank you.

*(Loud consultations)*

**Hon. Speaker (Hon. C. Korir):** Order, Hon. Members.

*(Hon. W. Kiprotich rose on a point of order)*



**Hon. Speaker (Hon. C. Korir):** What is your point of order, Hon. Kiprotich?

**Hon. W. Kiprotich (Chepchas Ward, UDA):** Hon. Speaker, Sir, I am not challenging your direction but you were in the process of guiding the Committees as per Hon. Peter Ronoh's request. You went ahead to give advice and assignment to the Committee on Selection which, as you had earlier read, does not conform to the law.

What are we supposed to follow now that the Committee on Selection too does not conform to the law? I am not challenging your ruling, Hon. Speaker. I am seeking direction. Thank you.

**Hon. Speaker (Hon. C. Korir):** In essence, you are challenging the decision of the Speaker by asking a question on the ruling that I made. It is evident because you mentioned the Committee on Selection. However, as per the Standing Orders, once you have chosen your leaders, they automatically belong to the Committee on Selection. Read your Standing Orders on how the Committee on Selection is formed.

*(Hon. B. Langat rose on a point of order)*

**Hon. Speaker (Hon. C. Korir):** Before your point of order, Hon. Member, I have allowed Hon. Kiprotich to read the Standing Orders to the Assembly on the formation of the Committee on Selection.

**Hon. W. Kiprotich (Chepchas Ward, UDA):** Hon. Speaker, I am looking for it. You could tell me the specific Standing Order so that I do not take much time.

**Hon. Speaker (Hon. C. Korir):** It is under Standing Order 165.

**Hon. W. Kiprotich (Chepchas Ward, UDA):** Standing Order No. 165 (1) states that;

*“There shall be a select Committee, to be designated Committee on Selection, consisting the Leader of the Majority party who shall be the chairperson, the Leader of the Minority party and five other members, who shall be nominated by County Assembly parties and approved by the County Assembly.”*

**Hon. Speaker (Hon. C. Korir):** Hon. Member, you will notice that it is this Assembly that gave the names of the members of the Committee on Selection as stipulated in the Standing Orders and other names by the parties. Parties here mean the United Democratic Party (UDA) and Chama Cha Mashinani (CCM). It is therefore properly constituted because it was your mandate to do that. It was not the prerogative of the Speaker.

*(Hon. K. Ngetich rose on a point of order)*

**Hon. Speaker (Hon. C. Korir):** Hon. Kibet.

**Hon. V. Ngetich, Minority Leader (Siongiroi ward, CCM):** Hon. Speaker, thank you. We sat down that day while forming the Committees and applied the same Standing Orders. The gender rule did not also apply at that time.

**Hon. Speaker (Hon. C. Korir):** May I remind you that the Constitution of Kenya, 2010 supersedes the Standing Orders, and the Committee on Selection will proceed to correct the anomaly.

*(Hon. E. Rotich rose on a point of order)*

**Hon. Speaker (Hon. C. Korir):** Is it on a different matter or on the same Standing Order?

**Hon. E. Rotich (Mogogosiek Ward, UDA):** On the Standing Order that you have just read.

**Hon. Speaker (Hon. C. Korir):** Proceed

**Hon. E. Rotich (Mogogosiek Ward, UDA):** Hon. Speaker, Sir, I rise to react to the Standing Order No. 165 (1). From your advice, you have stated that the Select Committees are not properly constituted. You have gone ahead to elaborate on who occupies the positions of the Committee on Selection including the Leader of Majority Party, the Leader of Minority Party and five other Members.

Hon. Speaker, Sir, are we casting doubt on those leadership positions because they form the Committee on Selection? In fact, your ruling should be communicated to the party so that they do their part.

**Hon. Speaker (Hon. C. Korir):** That was not under that Standing Order. I will confine myself to the Statement raised by Hon. Peter Rono. The issue of the Committee on Selection lies squarely on you the Hon. Members. I cannot give a ruling on your responsibilities. The Question by Hon. Rono was specifically on the Committees that I have mentioned and the Assembly stands guided.

*(Hon. R. Cheptoo rose on a point of order)*

**Hon. Speaker (Hon. C. Korir):** Hon. Cheptoo, what is your point of order?

**Hon. R. Cheptoo (Rongena/ Manaret Ward, UDA):** Hon. Speaker, thank you. Following your ruling, I also feel I should be clarified on the County Assembly Service Board. As per the Standing Order, both Members representing Members of the County Assembly in the Board should come from the ruling party.

*(Hon. K. Ngetich rose on a point of information)*

**Hon. Speaker (Hon. C. Korir):** Do you wish to be informed, Hon. Member?

**Hon. R. Cheptoo (Rongena/ Manaret Ward, UDA):** I do not need any information, Hon. Speaker.

*(Laughter and Applause)*

**Hon. R. Cheptoo (Rongena/ Manaret Ward, UDA):** I also require guidance if we are following the Standing Orders in this Assembly because if we do, I should be a member of the County Assembly Service Board.

**Hon. Speaker (Hon. C. Korir):** Hon. Member, ideally, you were not supposed to stand on a point of order. What you should have done is to go the way Hon. Peter Ronoh went to bring it to the Assembly as a Question. However, as you have asked, the County Assembly Service Board was constituted last year. It passed through this Assembly and it was approved.

*(Hon. K. Ngetich rose on a point of order)*

Hon. Kibet, allow the Speaker to make his directive. In any case, if we are to follow what is there. I also need guidance from my team but as of now, the County Assembly Service Board is well constituted in terms of gender. That was the subject matter for today.

**Hon. R. Cheptoo (Rongena/ Manaret Ward, UDA):** I am concerned with the issue of the ruling party, UDA.

*(Hon. K. Ngetich rose on a point of order)*

**Hon. Speaker (Hon. C. Korir):** Just a moment, Hon. Leader of Minority Party. We have two parties, Hon. Cheptoo. Even if it were to come, it would not come to UDA. We already have members from UDA. It will mean that we will have to get an Hon. Member from CCM to balance it.

**Hon. Speaker (Hon. C. Korir):** You see again it will not favour you.

**Hon. R. Cheptoo (Rongena/Manaret ward, UDA):** Not really, maybe I can clarify this.

**Hon. Speaker (Hon. C. Korir):** Hon. member are you challenging the decision that you made earlier?

**Hon. R. Cheptoo (Rongena/Manaret ward, UDA):** Not really because you said it passed through this Assembly, even the one for the committee passed through this Assembly and we all agreed so I am concerned because...

**Hon. Speaker (Hon. C. Korir):** Kindly do this Hon. member put it as a question so that it can be answered.

*(Point of order)*

**Hon. V. Ngetich, Minority Leader (Siongiroi ward, CCM):** Thank you Mr. Speaker, I wanted to inform Hon. Cheptoo. I think it was in her favour of course she decided to look down upon me but anyway it was not the standing orders but actually the act, the county assembly service act, it is not in standing orders that talks about the parties, thank you.

**Hon. Speaker (Hon. C. Korir):** Let us allow Hon. Rosaline Cheptoo to put her question and then we will be able to give a ruling on that.

**Hon. R. Cheptoo (Rongena/Manaret ward, UDA):** Obligated.

**Hon. Speaker (Hon. C. Korir):** So members I see today you are not in a hurry to finish other businesses. There are so many issues that are groping up a lot of standing orders. Anybody wanting to stand on a standing order now henceforth you have to state which standing order.

### PETITIONS

**Hon. E. Kirui (Kimulot ward, UDA):** Hon. Speaker I rise to respond to a petition that was given to this Assembly and committed to the committee on budget and appropriations committee and because of the weighty nature of the matter that was raised by a group of business people who are representing contractors of this county Mr. Speaker you committed it to the committee on budget and appropriations and before I go straight to our response from the committee I want to appreciate the fact that naturally a petition coming to this Assembly would always go to the committee on petitions but I know in your own wisdom and because of the weighty matter that was at hand Mr. Speaker you chose to select the committee on budget and appropriations and I want to appreciate the fact that the committee on budget and appropriations appreciated the fact that this has been a weighty matter that was raised by interested parties who are members of this county and who are business community in this county Mr. Speaker.

Before I go straight to the responses and the replies by the committee I want to say this stems from a committee report that was adopted by this Assembly last week Wednesday on the pending bills report and Mr. Speaker so much has transpired between Wednesday last week and today. I know all of us appreciate the fact that pending bills has caused a major uproar within the county which is very important and also Mr. Speaker the fact that this is very healthy for the development of this county. However, Mr. Speaker some activities that have transpired in between also over the weekend have not been matters that would have been taken lightly one of them being receiving of calls of threats by a few individuals to the chair budget and appropriations committee and also issues around sending abusive messages to the chair budget and appropriations committee on social media Mr. Speaker. I know it will never go unnoticed by this Assembly and I know it is very important for me as the chair to register my displeasure around it and also the fact that officers from the Directorate Criminal Investigations (DCI) had to visit a couple of my friends in my ward in Kimulot and even made them record statements Mr. Speaker and I want to say particularly that we as members of the committee do not have any ill motive and without much ado I want to say we further seek more clarification and when this petition came I felt that it was very important that we as committee also sought to clarify the committee's recommendations so that it further informs the members of the public on the issues surrounding the pending bills report that this Assembly adopted and the fact that Mr. Speaker as a committee we are charged with the responsibility of not only acting diligently but also informing the public of the discourse in this assembly Mr. Speaker.

And with that I want to also say that this report has taken a political angle and be it as it may we will choose to deal with each issue at every point in time. I want to therefore...

**Hon. Speaker (Hon. C. Korir):** Hon. chair before proceed I can see that we have members of the public at the gallery, I don't have your names maybe I will be given a list of your names later but I want to recognise that you are there, you are welcome to this county assembly, feel welcomed however you are expected to maintain silence while sitting there. Observe, hear but observe silence otherwise thank you very much, Hon. chair proceed.

**Hon. E. Kirui (Kimulot ward, UDA):** Thank you very much Hon. Speaker, thank you for recognizing the members in the public gallery, I want to assume that they are members who are interested parties to this report that we are giving today and Hon. Speaker I wish to also request that maybe after giving the report, the members who are interested who served the petition to this assembly be served with a copy of this answer so that they be informed going forward.

I want to go straight to the first mandate of the committee on budget and appropriations is to investigate, inquire into and report on all matters related to coordination, control and monitoring of the County Budget and on this basis this is where we got our mandate from the committee in giving a report. Mr. Speaker the public petition number 5 of 023 was tabled and committed to the committee on budget appropriations on 6<sup>th</sup> December 2023. The committee was given up to 7<sup>th</sup> December 2023 2:30pm to table a report on it Mr. Speaker.

Mr. Speaker I would like to acknowledge the Hon. members who held lengthy meeting on 7<sup>th</sup> December early in the morning to deliberate on the issues that the petition sought. I wish to sincerely appreciate my committee members for finding time to look into the issues raised in the petition. Mr. Speaker I will not dwell into the names of the members of the budget and appropriations committee because it is known to the public and they can always access somewhere. I want to go straight to the overview and Mr. Speaker the ten number of suppliers and contractors or representatives submitted a public petition as follows; number the petition drew the attention of the county assembly to the county assembly adopted report on the county assembly committee on budget and appropriations on the county executive member for finance, ICT and economic planning request to the county assembly for input, clarification or reservations on the contents of Bomet County Pending Bills report for the financial year ending 2022/2023 adopted by the county assembly on 29<sup>th</sup> November 2023.

The petitioners argue that in the said report the committee on budget and appropriations raised doubts about the practicability of prioritizing pending bills without a consideration of the impact on departmental spending plans for the year. That the committee had a legitimate concern that placing pending bills as the foremost item of expenditure might jeopardize approved budgetary

allocations and hinder effective departmental planning. That the committee questions the method of recommending departments to correct the anomalies in documentation emphasizing that the required document should have been in place from the out. That the committee issued a robust advisory cautioning against reliance on the pending bills report. That the committee observed that the county maintains its obligation to suppliers and it recommended that all county departments do allocate specific budgets for outstanding but genuine and verified pending bills.

That the committee further recommended that the office of the auditor general do undertake a special audit to ensure transparency and ensure trust in the assessment of pending bills and development expenditure for the financial year 20221/2022 and the first four months of the financial year 2022/2023. That the committee expressed deep concerns over the dismal performance of the controller of budget in Bomet particularly in authorizing expenditures outside the established budgetary framework. That on the basis of committee's recommendations contained in the report, the Bomet County Treasury have suspended all pending bills payments claiming that the county assembly wrote to the controller of budget to suspend approval of payments or settlement of pending bills contained in the pending bills report.

That the suspension of pending bills payment menus that the contractors or suppliers will continue to undergo immense suffering if the payments or settlements of these pending bills continue to delay. That the said contractors have made efforts to have the matter addressed by the county executive committee member for finance and economic planning who has failed to give a satisfactory response. The petitioners confirm that the issues in respect of which the petition was made were not pending before any court of law or constitutional legal body. The prayers of the petitioners, is that the petitioners pray that county assembly through its select committee on budget and appropriations one do clarify whether in the said report the county treasury is stopped from further processing of all pending bills. Two, do clarify whether based on the adopted committee's recommendations the county assembly wrote to the controller of budget to suspend approval of payments, settlements of pending bills contained in the pending bills report.

Mr. Speaker the committee observation is that the committee made the following observations on the matters raised in the petition. Number one, the petitioners had a legitimate concern especially in instances where emerging issues have led to further delays in settlements of legitimate and verifiable pending claims on the basis of services rendered, goods or works supplied by the county government of Bomet.

Number two Mr. Speaker is the committee is no doubt that further delays in settlements of pending bills is detrimental to the livelihoods of the business community. Number three is that the issues raised by the petitioners were based on misinterpretation of the resolutions adopted by the county

assembly based on the recommendations of the committee on the budget and appropriations. Number four Mr. Speaker is that it was indeed true that on 11<sup>th</sup> October 2023 the committee wrote to the controller of budget via letter number BCA1313122 informing her that it was at that time engaged in the thorough examination of pending bills report forwarded to the assembly by the county executive committee member in charge of finance.

In the pursuit of its mandate, the committee has undertaken on-site visits to inspect a selected sample of projects and further inform the controller of the budget that it was deeply concerned that during the execution of the said critical duty payments and requisitions were being authorized based on the report of the pending bill yet on-site re-inspection had recovered serious discrepancies that cast doubt on the credibility of the report being used as the basis for payment. However, the letter aimed to request the controller of the budget to furnish the county assembly with a comprehensive list of all payments and requisitions that had been executed about the report of the pending bill to further enrich the findings of the committee.

The letter did not advise, request, or instruct the controller of the budget to stop any settlement of the pending bills. The committee wishes to clarify that via a rejoinder letter REF: COB: MBT 0023148 the controller of budget categorically stated that she does not make payments and argued that the role approving payments of any nature for county government entity is a reserve of the respective accounting officers of the entity as provided for under the public finance management act 2012 and therefore asked the committee to follow up on the details of the payments made towards the pending bills from the respective accounting officers of the county government of Bomet.

Number five Mr. Speaker is on the non-reliance on the pending bills report for payment. The committee's scrutiny of the pending bills reports and sampled on-site visits uncovered significant discrepancies and shortcomings which raised concerns about its overall effectiveness in using the pending bills report as a basis for settlement of pending bills. The inability to ascertain the completion or accuracy of the projects states therein the county assembly rendered the committee of the pending bill report unreliable as a basis for making payments. This unreliability coupled with inaccuracies in the report led to the county assembly to arrive at the decision. It was on this basis on the noted discrepancies that the committee strongly recommended a thorough evaluation of the pending bills to ensure a more accurate and reliable assessment of pending bills crucial for safe judging and integrity of the entire process for promoting prudent use of public resources.

The committee emphasized the importance of rectifying the noted discrepancies to restore confidence in the pending bills evaluation process. The committee holds the opinion that the non-

reliance on the pending bills report does not in any way translate to stoppage of settlement for genuine and verifiable claims.

Number six Mr. Speaker is the practicability of prioritizing pending bills and its impact on departmental budget. On this aspect the committee's recommendation was more futuristic that the accumulation of pending bills should be downscaled to a minimum level; possible as to the closure of the financial year so that they do not create a burden and hamper delivery of service in every new financial year.

Finally Mr. Speaker on the committee's response to the petitioner's prayers number one the response to two prayers that were sought by the petitioners as follows. On prayer number one, clarification whether in the said report the county treasury is stopped from further processing of all pending bills. Committee response is the county assembly did not stop the county treasury from settlement or paying all genuine and verifiable pending bills. Number two Mr. Speaker clarification whether based on the adopted committee's recommendation, the county assembly wrote to the controller of budget to suspend approval of payments or settlements of pending bills contained in the pending bills report and committee's response is that the county assembly did not write to the controller of budget to suspend approval of payment/settlement of pending bills contained in the pending bills report, thank you Mr. Speaker.

**Hon. Speaker (C. Korir):** Thank you very much Hon. chair, I want to thank the committee for clarifying to the business community of Bomet County on those very weighty issues they had raised. At the gallery we have the contractors, of course they belong to the members of the public. We have Mr. Richard Bett, Mr. Frederick Keter, Mr. Geoffrey Korir, Mr. Gilbert Ngetich, Madam Selina Kipkiror, Walter Kipkorir, Wesley Chirchir, Theophilus Rop, Kennedy Ruto, Kipkorir Langat, Samwel Maritim, Benard Cheruiyot, Benson Sang, Sally Soi, thank you for coming.

We also have PWD officials, they are also at the public gallery that is Mr. Benard Mutai and Madam Miriam Cheron, thank you very much. Madam Cheron you are not allowed to wave to the members who are on this side. So thank you very much, I believe the business community heard the communication from the chair, I'll direct the clerk to probably share it on the website for the business community to get a copy from it, from the clarification that has been made by the chair budget and appropriations committee otherwise thank you very much budget and appropriations committee for clarifying that matter. Clerk let's proceed.

### **PAPERS**

**Hon. P. Kirui, Leader of Majority (Ndanai/Abosi ward, UDA):** Hon. Speaker allow me to table the following paper, County Government's Budget Implementation Review report for the financial year 2022/2023. I beg to table.



**Hon. Speaker (C. Korir):** Proceed Hon. majority leader.

### QUESTIONS AND STATEMENT

**Hon. V. Mutai (Nominated MCA, UDA):** Hon. Speaker in line with your direction on the ruling today and in conformity with the composition of this assembly that you said we have the minority and the majority parties Hon. Speaker, I now seek your indulgence on the leadership of the county public investments and accounts committee as established under the standing order 198,1 of the Bomet County Assembly Standing Orders.

Mr. Speaker, standing order 198,2 of the county assembly standing orders provides the role of the county public investments and accounts committee as being responsible for;

- i) Examination of the accounts showing the appropriation of the sum voted by the county assembly to meet the public expenditure and of such other accounts laid before the county assembly as the committee may deem fit.
- ii) The examination of the reports, accounts working of the county public investment.
- iii) Examination in the context of the autonomy and efficiency of the county public investment whether the affairs of the public investment are being managed in accordance with the sound financial or business principles and prudent commercial practices.

Mr. Speaker arising from the roles of the committee as enumerated above it is evident that the committee is a wide depth committee that is supposed to scrutinize the expenditure of the public funds. Provide parliamentary oversight function which is critical in enforcing improved financial accountability, combating fraud and corruption and promoting good governance in public sector thereby increasing confidence of voters that their tax monies are being used responsibly which in turn increase the public confidence in the credibility of government institutions.

Mr. Speaker it is from this background that the national assembly in its wisdom provided in the standing orders that the chairperson of the public accounts committee shall be elected from among members of the committee belonging to the parties not forming the government. Specifically standing order 205, 3 of the national assembly standing orders provides that the public Accounts committee shall consist of chairperson elected from among members of the committee belonging to the parties not forming the national government and not more than 14 other members. Mr. Speaker it is from this background that the chairperson of the national assembly public accounts committee is one Hon. CPA John Mbadi who is a nominated member of Orange Democratic Movement.

Hon. Speaker the standing order 205, 4 of the national assembly standing orders further provides, in the membership of the public accounts committee parties other than parliamentary forming the national government shall have a majority of 1. This was meant to have the membership of the

committee be as possible composed of parliamentary parties not forming the government so as to provide proper, efficient, effective oversight free from influence from the ruling government.

Hon. Speaker on the same faith the senate has provided in its standing orders number 193, 3 that in the membership of the county public accounts committee, the party or parties not forming the government shall have a majority of one. It is also important to note that the chairperson of the senate's public accounts is one senator Kajwang Otieno of ODM.

*(Point of order)*

**Hon. R. Cheptoo (Rongena/Manaret ward, UDA):** I am concerned because I have a statement which I have to respond to Hon. Dancel and he has already left.

**Hon. Speaker (Hon. C. Korir):** Serjeant at arms kindly inform Hon. Dancel.

**Hon. V. Mutai (Nominated MCA, UDA):** Thank you Hon. Speaker, I was saying it is from this background that the chairperson of the senate's public accounts committee is one Hon. Otieno Kajwang of ODM party. Hon. Speaker I have also done a comparative study practice of other county assemblies notably Narok and Nairobi county assemblies. In Nairobi county assembly the chairperson of the chairperson of the public investments accounts committee is one Hon. Mwaura Chege who is a member of the United Democratic Alliance that is UDA a party which is the minority party in the Nairobi County Assembly. While in Narok county assembly the chairperson of the committee is one Hon. Kutingala a member of the Jubilee party which is a minority party in the Narok county assembly.

Hon. Speaker given that these august Assembly is guided by practice, usages, forms and precedence customs procedures and traditions of parliament of Kenya and legislative assemblies from other jurisdiction as provided for under the standing order 1, 2 of the county assembly standing orders I do hereby invite you the Hon. Speaker to give us the direction on the leadership and the membership of the committee on public investments accounts committee of this county assembly given that this county assembly is composed of both the majority and the minority party. I beg to table Mr. Speaker.

**Hon. Speaker (Hon. C. Korir):** Thank you very much Hon. member, any other question?

**Hon. P. Langat (Merigi ward, INDEPENDENT):** Thank you Mr. Speaker I rise to respond to a question raised by Hon. Joseah Samoei on 14<sup>th</sup> November 2023 concerning the construction of Nyongores ward office which had not been completed for over ten years. The committee was also directed to give response on all ward offices that have stalled within the county and plans that the department have concerning the completion of the projects.

Mr. Speaker the committee sat on Thursday 16<sup>th</sup> November 2023 and wrote a letter to the relevant CECM requesting to be given a comprehensive report on the above issues. Mr. Speaker the report

was received on 28<sup>th</sup> November 2023 and the committee on its sitting 29<sup>th</sup> November 2023 made recommendations to the Assembly but the committee as further directed to seek clarification on whether the land meant for construction of Kimulot ward office has been identified. The committee wrote a letter to CECM concerned on Thursday November 2023 on the issue and on 6<sup>th</sup> December 2023 the response was received and the committee made the following findings and recommendations.

That;

- i) There is unavailable PI land but more interestingly the said land has been encroached by the members of the public.
- ii) That the said land is approximately 2 acres.
- iii) That there was resistance from members of the public to evacuate especially during the first survey that was on September 2023.
- iv) That there is a contention of intent to use by the department of agriculture and administration.
- v) That there is no allocation for construction of the said office in the current budget, this is in the financial year 2024/2025.
- vi) That the county commissioner's office is aware of the unsuccessful eviction.

And in conclusion Mr. Speaker the committee found that the response to the statement was elaborate therefore is satisfactory as attached. We have the attached letter from the CECM which has got more clarification and I cannot read because it is attached. Thank you.

**Hon. Speaker (Hon. C. Korir):** Thank you very much chair administration. Before you proceed I don't know if members have anything to add to the seeker of the question that is Hon. Samoei, you have been answered.

**Hon. J. Samoei, Deputy Leader of Majority (Nyongores ward, UDA):** Hon. Speaker I think the answer from the committee was satisfactory.

**Hon. R. Cheptoo (Rongena/Manaret ward, UDA):** Thank you Hon. Speaker I have a question which I am supposed to respond which was asked by Hon. Dancel Kirui on 17<sup>th</sup> October 2023. The question was directed to the Chairperson Committee on Energy, Environment, Water and Natural Resources. The Hon. member sought know why some residents of Ndaraweta Ward were billed by Bomet Water and Sanitation Company (BOMWASCO) from November 2022 to April 2023 yet during that period none of them enjoyed water services from the company. I have the answers but I don't know whether I will continue and the statement seeker is not around.

**Hon. Speaker (Hon. C. Korir):** Hon. member the Hon. member was here and he had read the order paper and he knew that this will be read you will then proceed whether he is absent or not.

**Hon. R. Cheptoo (Rongena/Manaret ward, UDA):** Thank you Hon. Speaker, the first question was the billing system employed by BOMWASCO during the specified period. BOMWASCO's connection roadmap for the same period, including any expansion or improvement plans. Response, BOMWASCO's connections roadmap for the period between January 2023 to September 2023 including any expansions or improvement plan. The total number of new connections during the period were 483 spread across the surface area shown in the monthly details analyzed in the attachment below. I believe all the members have the report in the WhatsApp group.

The third question is the total revenue generated by BOMWASCO from exhauster services during the stated period.

**Hon. Speaker (Hon. C. Korir):** Hon. member because all the members have the report could you with a special request, I see we still have a lot of business I will allow you to go to the recommendations so that if there is any member who has anything to add can add just so we can save time.

**Hon. R. Cheptoo (Rongena/Manaret ward, UDA):** Committee recommendation, the BOMWASCO limited faces many challenges, and therefore the governance structure needs to be reviewed and terms of engagements adjusted. Two, the department needs to continue supporting it in terms of grants, transfers so that the service does not collapse. I think that was the...

*(Point of order)*

**Hon. R. Ruttoh, Majority whip (Chemaner ward, UDA):** I am seeing time is lapsing and I request to give a procedural motion for the same because it is almost time.

**Hon. Speaker (Hon. C. Korir):** Proceed.

**Hon. P. Kirui, Leader of Majority (Ndanai/Abosi ward, UDA):** Hon. Speaker, allow me to move a procedural motion that pursuant to standing order number 33 (a) this county assembly resolves to extend its sitting on Thursday 7<sup>th</sup> December 2023 at 2:30 pm until the business appearing in the order paper of the business is dispensed with. I beg Hon. Joseah to second.

**Hon. J. Samoei, Deputy Leader of Majority (Nyongores ward, UDA):** Thank you Mr. Speaker I rise to second the motion moved by the majority leader on a procedural motion. Mr. Speaker I think in the order paper we still have a lot of business and it is good if we pass this procedural motion so that we can have enough time to deliberate, thank you

**Hon. Speaker (Hon. C. Korir):** Kindly let me have that procedural motion. Thank you majority leader Hon. Paul Kirui for that Procedural Motion. I will propose the question that pursuant to standing order 30 (3) (a), this county assembly resolve to extend the sittings of Thursday 7<sup>th</sup> December 2023 at 2.30 pm until the order of business is dispensed here with.

Hon. Members, in the interest of time, I will not allow debate on that. I, therefore, put the question that pursuant to standing order 30 (3) (a), this county assembly resolve to extend the sittings of Thursday 7<sup>th</sup> December 2023 at 2.30 pm until the order of business is dispensed here with.

*Question put and agreed to*

**Hon. Speaker (Hon. C. Korir):** Let us proceed.

**Hon. R. Cheptoo (Rongena/Manaret Ward, UDA):** Thank you Hon. Speaker. I also have a question which I was supposed to respond. The question raised by Hon. Josphat Kipkirui on 14<sup>th</sup> November 2023 concerning the alarming state of the Mogombet Water Project in Bomet Central sub-county which serves the residents of Silibwet Township and Singorwet Wards.

The Hon. Member noted that despite substantial resources being allocated, the project seems to have failed in fulfilling the intention specifically. The Hon. Member sought to be supplied with details both on the current status of the project, the reason for the apparent inefficiency, and the steps being undertaken to rectify the situation to ensure that residents receive the expected benefits. Hon. Speaker, we forwarded the question to the CECM on Water, Energy, Sanitation and Natural Resources and we haven't received a response. I am seeking more time so that we can come and respond when we come back from recess.

**Hon. Speaker (Hon. C. Korir):** Thank you very much. Permission granted. When we resume recess ensure within the first week you have the response. Any other questions? Statement?

**MOTION**

**Hon. J. Cheruiyot (Embomos Ward, INDEPENDENT):** Thank you very much Mr. Speaker for the time you have given me. Mr. Speaker, I rise in the motion number 8 that pursuant to standing order 57 (1), I wish to withdraw the motion appearing as order number 8 in today's order paper Mr. Speaker. Thank you very much Mr. Speaker.

**Hon. Speaker (Hon. C. Korir):** Hon. Member you need to explain why you are withdrawing.

**Hon. J. Cheruiyot (Embomos Ward, INDEPENDENT):** Mr. Speaker, I need to have further consultations with the committee Mr. Speaker and I want to request that next year as we resume our recess, Mr. Speaker, you allow us to work on the same report Mr. Speaker and give more clarification Mr. Speaker on it.

**Hon. Speaker (Hon. C. Korir):** Thank you. Your plea has been received and I grant you that permission.

**Hon. J. Cheruiyot (Embomos Ward, INDEPENDENT):** Thank you Mr. Speaker.

### **MOTION**

**Hon. C. Chepngetich (Nominated MCA, UDA):** Thank you, Hon. Speaker, on behalf of my chair Hon. Stephen Changmorik, I beg to move the motion that pursuant to standing order 201 (5), this county assembly adopts the committee on health and sanitation report on the sessional paper Number one of 2023 Bomet County Community Health Service Policy laid on the table of the county Assembly on Tuesday 28<sup>th</sup> November 2023 and pursuant to Article 185 (4) of the constitution, approves the sessional paper number one of 2023, Bomet County Assembly Health Service Policy. Hon. speaker, the committee on health consists of the following members:

1. Hon. Stephen Changmorik – Chair
2. Hon. Catherine Chepngetich – Vice Chair
3. Hon. Leonard Rotich – Member
4. Hon. Rosaline Cheptoo – Member
5. Hon. Richard Ruttoh – Member
6. Hon. Peter Mutai – Member
7. Hon. Kibet Ngetich – Member

Hon. Speaker, the report is long. Allow me to go through the challenges to be addressed by the county:

1. Lack of robust management and coordination framework on community health governance at the county and across partners.
2. Lack of motivated, skilled, and equitably distributed community health workforce.
3. Lack of integrity, comprehensive and high-quality community health services.
4. Inadequate use of the available and utilization of data.
5. Lack of a platform for strategy partnership and accountability amongst stakeholders and sectors at all levels within community health.

**Hon. Speaker (Hon. C. Korir):** Before you move out, Hon. member be aware that the issue of quorum might be a problem I will seek you to be a little bit patient and wait for her to finish.

### **Committee findings and observations**

The following are observations and findings:

Target related to the vision 2030 program highlighted in the county integrated development plan involvement of the community's bottom-up model sub-county level, county level.

### **Committee Recommendation**

1. The Department of medical services and public health should allocate adequate funds and resources necessary for the effective delivery of community health services so that each community health unit operates optimally for the broader benefit of society.
2. The department should collaborate with partners in the water, Agriculture, and Education sectors to improve determinants of health at the community level
3. The department should provide and integrate into the county budget the community health unit's annual work plan at the budget.
4. The County Executive member for health services should develop regulations for the conduct of public participation forums in selecting the community health promoters in line with section 9 (4) of the Primary Healthcare Act 2023.

Hon. speaker, allow me to give Hon. member for Siongiroi Hon. Kibet to second. Thank you.

**Hon. K. Ngetich, Minority leader (Siongiroi Ward, CCM):** Thank you, Mr. Speaker, I rise to second that policy for CHVs. I urge the members to support and pass it. Thank you.

**Hon. Speaker (Hon. C. Korir):** Thank you very much the proposer and the seconder of the motion. I, therefore, propose that pursuant to standing order 201 (5), this county assembly adopts the committee on health and sanitation report on the sessional paper 1/2023, Bomet County Community Health Service Policy laid on the table of the county Assembly on Tuesday 28<sup>th</sup> November 2023 and pursuant to Article 185 (4) of the constitution, approves the sessional paper 1/ 2023, Bomet County Community Health Service Policy. Hon. members the floor is open for debate.

Reading from the mood of the Assembly, I will therefore put the question that pursuant to standing order 201 (5), this county assembly adopts the committee on health and sanitation report on the sessional paper 1/2023, Bomet County Community Health Service Policy laid on the table of the county Assembly on Tuesday 28<sup>th</sup> November 2023 and pursuant to article 185 (4) of the constitution, approves the sessional paper 1/ 2023, Bomet County Community Health Service Policy.

*Question put and agreed to.*

## **BILL**

*THE BOMET COUNTY GENDER, EQUALITY EMPOWERMENT BILL 2023, BILLS NO.7 OF 2023*

### ***Third Reading***

**Hon. J. Cheruiyot (Embomos Ward, INDEPENDENT):** Thank you very much, Mr. Speaker. I beg to move that the Bomet County Gender Equality and Empowerment Bill 2023 be read the Third time Mr. Speaker. This is a bill Mr. Speaker which has been read in the first and second parts and I want to beg this Hon. Assembly that they adopt this report, Mr. Speaker. This bill Mr.

Speaker has been shared on the Hon. Members' gadgets. Mr. Speaker, I want to request the Hon. members that they pass this bill. I request Hon. Felody to second.

**Hon. F. Chepkemoi (Nominated MCA, UDA):** Thank you, Mr. Speaker, I support that Bomet County Gender Equality and Women Empowerment Bill 2023, Bills No. 7 o 2023 be read the third time.

**Hon. Speaker (Hon. C. Korir):** Thank you very much chairperson on Gender, Culture and Social Services on the Bomet county gender equality and empowerment Bill 2023. I, therefore, propose that Bomet county gender equality and empowerment Bill 2023, Bills No.7 of 2023 be read a third time. The floor is open if anyone wants to add something.

Reading from the mood of the Assembly, I therefore put the question that Bomet county gender equality and empowerment Bill 2023, Bills No.7 of 2023 be read a third time.

*Question put and agreed to*

THE BOMET COUNTY GENDER, EQUALITY EMPOWERMENT BILL 2023, A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF BOMET TO GIVE EFFECT TO SECTION 27 OF THE CONSTITUTION OF THE REPUBLIC OF KENYA IN SO FAR AS THE EMPOWERMENT OF WOMEN AND GENDER EQUALITY IS CONCERNED TO ESTABLISH A LEGISLATIVE FRAMEWORK FOR THE EMPOWERMENT OF WOMEN TO ALIGN ALL ASPECTS OF LAWS AND IMPLEMENTATION OF LAWS RELATING TO WOMEN EMPOWERMENT AND THE APPOINTMENT AND REPRESENTATION OF WOMEN IN DECISION-MAKING POSITIONS AND STRUCTURES AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

**Hon. Speaker (C. Korir):** Thank you very much for reading that bill for the third time.

**BILL**

*THE BOMET COUNTY SOLID WASTE MANAGEMENT BILL 2023, BILLS NO.5 OF 2023*

*Third Reading*

**Hon. J. Samoei, Deputy Majority Leader (Nyangores Ward, UDA):** Thank you, Mr. Speaker, I beg to move that the Bomet County Solid Waste Management Bill 2023 be read a third time. Mr. Speaker, we have gone through the first reading, the second reading, and this bill Mr. Speaker will guide this county on how to manage their solid waste. So I request Hon. Victor Rop to second.

**Hon. V. Rop, Deputy Majority Whip (Nominated MCA, UDA):** Thank you, Hon. Speaker.

**Hon. Speaker (Hon. C. Korir):** Hon. Victor Rop, your shirt is not tacked. Kindly tack in your shirt.

**Hon. V. Rop, Deputy Majority Whip (Nominated MCA, UDA):** Thank you, Hon. Speaker, I also rise to second the Solid Waste Management bill 2023, Bill No. 5 of 2023. I do support.



**Hon. Speaker (Hon. C. Korir):** Thank you Hon. Samoei for proposing and Hon. Victor Rop for seconding the bill. I therefore propose that the Bomet County Solid Waste Management Bill 2023, Bills No. 5 of 2023 be read a third time. Hon. members the floor is open for debate. Hon. Dennis.

**Hon. D. Ngeno, Minority Whip (Kongasis Ward, CCM):** Thank you very much Mr. Speaker for granting me this opportunity also to contribute to the motion that the Bomet County Solid Waste Management 2023, Bill No.5 of 2023 be read the third time but Mr. Speaker, before I contribute, I also wish to congratulate you in today's rulings. It was Solomonic rulings and I wish to re-introduce myself because. Before the ruling, I was already shaking that the CCM Party was almost going down. I wish to re-introduce myself my name is Dennis Ngeno, I am a representative of Kongasis Ward and I was elected on the CCM Party. I am also the Minority Whip of this Assembly. *(Applause)* Thank you, Mr. Speaker.

The Bomet County Solid Waste Management Bill 2023 has been read for the First and the Second time. I wish that the Committee on Lands, Housing, and Urban Planning could track this bill Mr. Speaker so that it comes into its implementation. I support the Third Reading of this bill Mr. Speaker. Thank you.

**Hon. Speaker (Hon. C. Korir):** Thank you very much. I put the question that Bomet County Solid Waste Management Bill 2023, Bills No. 5 of 2023 be read a third time.

*Question put and agreed to*

*THE BOMET COUNTY SOLID WASTE MANAGEMENT BILL 2023, THIRD READING. A BILL FOR ENACTMENT OF THE COUNTY ASSEMBLY OF BOMET, TO PROVIDE FOR THE COLLECTION, TREATMENT, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE AND FOR CONNECTED PURPOSES.*

**Hon. Speaker (Hon. C. Korir):** Thank you very much for that.

#### **POINT OF ORDER**

**Hon. R. Cheptoo (Rongena/Manaret Ward, UDA):** I seek leave to raise my statement.

**Hon. Speaker (C. Korir):** Permission granted.

**Hon. R. Cheptoo (Rongena/Manaret Ward, UDA):** Thank you Hon. speaker. I seek your indulgence on the composition of the Bomet County Assembly Service Board. Mr. Speaker, section 12 (3) of the County Government Act 2012 provides that the board consist of The speaker of the county assembly as the chairperson, a vice chair elected by the Board from the members appointed under paragraph (c) two members of the county assembly nominated from political parties represented in the county assembly according to the proportion of members in the county assembly according to the proportion of members in the county assembly. One man and one woman appointed by the county assembly from amongst persons who were experienced in public affairs but are not members of the county assembly. Mr. speaker, my concerns is on the provision

of section 12 (3) (c) of the County Government Act 2012 on the two members who are supposed to be nominated by political parties represented in the county assembly according to the proportions of the members in the county assembly. Mr. Speaker, this county assembly is composed of 31 members of the United Democratic Alliance (UDA) Party, three members of the Chama Cha Mashinani (CCM) Party, and four independent members. Mr. Speaker, the members contemplated under section 12 (3) (c) of the County Government Act 2012 are to be nominated by political parties and therefore means that independent members are excluded. The parties therefore that are supposed to nominate the two members are the UDA and CCM Party. Mr. Speaker, arising from that, it means that the 34 members belonging to both UDA and CCM Party are supposed to nominate the two members according to their proportion of members in the county assembly. Mr. Speaker, arithmetically, it means that the UDA Party is supposed to nominate 1.8 members while CCM is supposed to nominate 0.18 members. This Mr. Speaker therefore means that UDA Party is supposed to nominate both members of the board as it were during the second assembly even though there were members of the CCM party. Mr. Speaker, I therefore seek your direction on the composition of the county assembly service board as it's currently constituted specifically on the member of the board completed under section 12 (3) (c) of the county government act 2012. Thank you Hon. speaker I beg to lay.

**Hon. Speaker (Hon. C. Korir):** Proceed to lay. Thank you very much Hon. Rosaline. You are seeking direction on the composition of the County Assembly Service Board, how it is currently constituted specifically on the members of the Board that is under section 12 (3) (c) of the county Government's act 2012. Since the members according to the assembly calendar will be proceeding for recess today, I therefore will give my ruling once we resume from recess.

#### MOTION

**Hon. P. Kirui, Majority Leader (Ndanai/Abosi Ward, UDA):** Hon. speaker, allow me to move an adjournment motion that pursuant to standing order 28 (3), this county assembly do adjourn until Tuesday 13<sup>th</sup> February 2024 at 2.30 pm in accordance with the county assembly calendar regular session 2023. As per the calendar, we are supposed to start going on recess today, and I think this has come at the right time that we will just go and maybe do oversight and enjoy the festivities that come with December. I therefore request this Assembly to approve so that today, we start to proceed on the same. I beg Hon. Richard Ruttoh to second.

**Hon R. Ruttoh, Majority Whip (Chemamer Ward, UDA):** Thank you very much Mr. Speaker for giving me this opportunity to second the motion laid by the Hon. Majority leader of this county assembly of Bomet. Mr. Speaker, as we are all aware that the calendar of this Assembly Mr. Speaker is now time for us to go for a long recess Mr. Speaker, and therefore it is a great

opportunity for all of us to be with the electorate and beside that Mr. Speaker, to take even our children for even an outing Mr. Speaker because for a long time, they have been waiting for us Mr. Speaker and this is the right time because very many people are very engaged with festive season and therefore Mr. Speaker coming from the same community Mr. Speaker, where the festive activities are done Mr. Speaker, we are also part of the community and therefore, we need also time to interact with the community Mr. Speaker. Most of our young who were initiated recently Mr. Speaker are also coming out from their one-month recess and therefore it is a great opportunity for this Hon. Assembly Mr. Speaker to have time to interact with them, Mr. Speaker. It is my humble submission and request to this Hon. Assembly to support this motion and I therefore second the majority in going for adjournment, Mr. Speaker.

**Hon. Speaker (Hon. C. Korir):** Thank you Hon. Majority Leader and Hon. Whip. This was a procedural motion and it is as per the calendar of the assembly, therefore, I will not put the question because already it had been passed. However, I will propose the question that pursuant to standing order 28 (3), this county assembly do adjourn until Tuesday 13<sup>th</sup> February 2024 at 2.30 pm in accordance with the county assembly calendar regular session 2023 and that marks the end of this session.

Hon. members, we are proceeding for holidays as Hon. Richard had mentioned, there is a lot that is going on in our communities, in our wards, in our villages, in our families, everywhere. Recently last week, the class 8 results were released and I know most of our constituents are now looking forward to the schools where their children would join also there are students who were in form four, we wish them the very best in their exams, also as Richard had mentioned, many of our young ones underwent the circumcision and there are a lot of festivities around the county, I urge you to be present in those festivity occasions for you to interact with the people of Bomet. On behalf of this assembly, and on behalf of the office of the speaker, I wish you all a happy Merry Christmas this year. May it be a Christmas that will rekindle the love of God in your hearts and for the people of Bomet also I take this chance to wish you a happy new year 2024. We will meet in 2024, on 13<sup>th</sup> February just a day before Valentine's day. However, I am aware that some committees have not cleared business of the day and I have been made aware that the committees on gender still have pending business, agriculture committee, PAC/PIC, Health committee and roads still have some pending business. I will allow you to proceed with your businesses and conclude by 14<sup>th</sup> of December this year then you will prepare the reports for the Assembly to approve in February next year. Otherwise thank you very much and thank you for the support.

### **POINT OF ORDER**

**Hon. J. Samoei, Deputy Majority Leader (Nyangores Ward, UDA):** I think the committee on Trade, Tourism and Industrialization has a business. There is that vetting of the Chief Officer.

**Hon. Speaker (Hon. C. Korir):** Committee on Trade, Tourism and Industrialization remember we were given a business to approve a nominee from trade, the chair of Trade will guide us accordingly on that. You can be called for a special sitting regarding that nominee when that time comes.

Otherwise, up to this point, I thank all of you for the cooperation that we have had. During this period, the members were very active and they participated fully. I want us to maintain the same spirit when we come back again. Otherwise, I wish you the very best from my office.

### **ADJOURNMENT**

**Hon. Speaker (Hon. C. Korir):** Thank you very much Hon. members, this Assembly is adjourned up to Tuesday 13<sup>th</sup> February 2024 at 2.30 pm in accordance with the County Assembly Calendar.

The Assembly rose at 4.20 p.m