

BOMET COUNTY ASSEMBLY

THIRD ASSEMBLY

(SECOND SESSION)

**THE REPORT OF THE COUNTY ASSEMBLY BUSINESS AND RULES
COMMITTEE ON THE AMENDMENTS TO THE STANDING ORDERS**

2023

*Tabled on
14/2/2024 at
2:30 PM
Mr. Ochieng*

*Approved for
tabling
Chairman*

14/02/2024

*2024
14/2/24*

1.1 PREFACE

1.2 Background

Mr. Speaker Sir,

On behalf of the Members of the County Assembly Business and Rules Committee, I take this opportunity to present to this Assembly, the Committee's report on the proposed amendments to the County Assembly Standing Orders.

Mr. Speaker sir,

The County Assembly Business and Rules Committee as currently constituted comprises the following Honourable members:

1. Hon. Cosmas Korir – Chairperson
2. Hon. Leonard Rotich – V. Chair
3. Hon. Paul Kirui
4. Hon. Kibet Ngetich
5. Hon. Richard Ruttoh
6. Hon. Denis Kiplangat Ngeno
7. Hon. Anne Chepkemoi Mutai
8. Hon. Lily Cherotich
9. Hon. Charles Langat
10. Hon. Evaline Sang
11. Hon. Catherine Chepngetich

The mandate of the Committee

The Standing Order No. 164 establishes the County Assembly Business and Rules Committee with the specific mandate to:

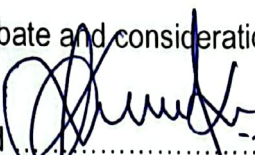
- (a) prepare, and if necessary from time to time adjust, the County Assembly Calendar with the approval of the County Assembly;

- (b) monitor and oversee the implementation of the County Assembly Business and programmes.
- (c) implement the Standing Orders respecting the scheduling or programming of the business of the County Assembly and the functioning of the Committees of the County Assembly;
- (d) determine the order in which the reports of Committees shall be debated in the County Assembly;
- (e) may take decisions and issue directives and guidelines to prioritize or postpone any business of the County Assembly acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be.
- (f) consider such matters as may from time to time arise in connection with the business of the County Assembly and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the County Assembly.
- (g) may propose amendments to these Standing Orders and any such amendments shall upon approval by the County Assembly, take effect at the time appointed by the County Assembly.**
- (h) propose rules for the orderly and effective conduct of Committee business and any such rules, shall upon approval by the County Assembly, continue in force until amended or repealed by the County Assembly

Acknowledgement

I wish to take this opportunity to thank the Honourable Members for their hard work and commitment which made the taking of evidence and preparation of this report successful.

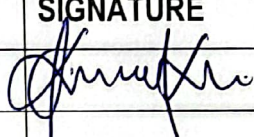
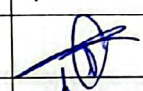

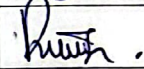


It is my pleasant duty and privilege, on behalf of the County Business and Rules Committee, to present this report on the Report on the proposed amendments to the Standing Orders for debate and consideration.

Signed  Date 10TH DEC, 2023.

Hon. Cosmas Korir-
Chairperson, County Assembly Business and Rules Committee

Committee ownership.

We, Honourable members of the County Assembly Business and Rules Committee do hereby append our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity: -

NO.	NAME	DESIGNATION	SIGNATURE
1.	Hon. Cosmas Korir	Chairperson	
2.	Hon. Leonard Rotich	Vice Chair	
3.	Hon. Paul Kirui	Member	
4.	Hon. Kibet Ngetich	Member	
5.	Hon. Richard Ruttoh	Member	
6.	Hon. Charles Langat	Member	
7.	Hon. Anne Chepkemai	Member	
8.	Hon. Evaline Sang	Member	
9.	Hon. Denis Kiplangat	Member	
10.	Lily Cherotich	Member	
11.	Hon. Catherine Chepngetich	Member	

THE COMMITTEE REPORT ON THE PROPOSED AMENDMENTS

Vide a letter dated 28th November 2023, the Deputy Majority Leader, Hon. Joseah Samoei wrote to the Hon. Speaker, the Chairperson of the County Assembly Business and Rules Committee requested amendments to the Standing Orders to allow the County Executive Committee Members (CECMs) to physically appear before the County Assembly to answer questions from Hon members.

The Hon Member submitted that;

- 1) The physical presence will assist the respective CECM to expound on County Government Policy, respond to questions and provide reports concerning matters under their dockets
- 2) The physical appearance will enhance County Executive accountability to the residents of the County through their elected representatives
- 3) The County Executive will become more responsive, accountable and effective when subjected to rigorous oversight.
- 4) There is profound value in prosecuting the County Executive Legislative Agenda and elaboration on government policy from the floor of the Assembly as opposed to segmented committee engagements
- 5) Segmented committee engagements have often led to complaints that Committee Chairpersons delay responses and pushing blame to the respective CECM
- 6) The approach will improve transparency of public proceedings, closing information gap between citizens and government.
- 7) The respective CECM should be required to supply physical and electronic copies of a reply to a question at least one day before appearing in the Assembly
- 8) The speaker should designate a place in the County Assembly Chambers where respective CECM will answer questions.
- 9) The CECM be required to appear before the Assembly on Wednesday afternoon sittings between 2.30 p.m. and 5.30 p.m.

PROPOSED AMENDMENTS TO THE STANDING ORDERS

Recommendations

The Committee upon reviewing the Standing Orders made the following recommendations;

1. Amendment by introduction Standing Order No 24A

Designation of a place in the Chamber for County Executive Committee Members and other persons

24A. The Speaker may designate a suitable place in the Chamber or at the bar of the Assembly for—

- (a) the County Executive Committee Member for finance to make a public pronouncement of the budget policy highlights and revenue-raising measures for the county government as contemplated under the Public Finance Management Act;
- (b) a County Executive Committee Member to expound on government policy, reply to Questions and provide Reports concerning matters under his or her control;
- (c) other persons to make submissions or presentations before the Assembly.

2. Amendment of Standing Order No. 39

That Standing Order 39 be amended by inserting the following words "a tentative list of **County Executive Committee Members scheduled to reply to Questions and provide Reports to the Assembly**" immediately after the words "the business of the County Assembly"

Weekly programmes of the business of the County Assembly

39. The Clerk shall prepare and publish on the County Assembly Website a weekly programme showing the business of the Assembly, a tentative list of **County Executive Committee Members scheduled to reply to Questions and provide Reports to the**

Assembly, and a schedule of sittings of the various committees; and shall circulate such programmes to Honourable Members, County Departments, and the media not later than the Friday of the week preceding such business.

3. Standing order 45 (1)

Deleting the words "a day" and substituting thereof with the words "three days"

3. Committee on Appointments

To provide for an odd number

S.O. 197 (1)

The Standing Orders in Standing Orders No. 197(1) by deleting the word "three" and substituting thereof with the word "four"

4. Pronouncement of the budget highlights and revenue raising measures before the Assembly

That the Standing Orders be amended in Standing Order No. 224 (1) by deleting the words "the County Budget and Appropriation committee" and substituting thereof with the words "County Assembly"

5. Summons by the Assembly

That the Standing Orders be amended by introducing a new Standing Order No. 244A with the following words

244A.

- 1) A Member may give a three days' notice of a Motion requiring the Assembly to summon a person to appear before the Assembly pursuant to the provisions of Article 195(1) of the Constitution.
- 2) The Speaker shall refuse or decline the notice, if the Speaker is of the opinion that the proposed motion is frivolous, vexatious, an abuse of the proceedings of the Assembly, or an attempt to unreasonably usurp matters under consideration by a particular Committee.

- 3) The notice under paragraph (1) shall specify—
 - a. the person or persons to be summoned;
 - b. the purpose of the summons;
 - c. the evidence to be adduced, or document to be produced, if any, before the Assembly; and
 - d. the time and place of appearance before the Assembly.
- 4) Upon resolution of the Assembly on a motion under paragraph (1), the Clerk shall, not later than three days from the date of the approval, issue summons to the persons named in the motion, requiring the person to attend before the Assembly on the date, time and place indicated in the Motion.
 - (a) A person shall be summoned to appear before the Assembly under this Standing Order only if- the purpose of the summons is not to consider a matter which is already a subject of consideration by a Committee of the Assembly; or
 - (b) the person has been previously summoned to appear before a Committee of the Assembly but has failed or declined to appear before such committee without lawful cause.