

**Second Assembly  
(N0.02)**



**Fifth Session  
(002)  
(Afternoon sitting)**

**REPUBLIC OF KENYA**  
**BOMET COUNTY ASSEMBLY**  
**SECOND ASSEMBLY – (FIFTH SESSION)**  
**VOTES AND PROCEEDINGS**  
**TUESDAY 9<sup>TH</sup> FEBRUARY, 2021 AT 2.30 P. M**

1. The Assembly assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with prayer.

3. **MEMBERS PRESENT**

1. Hon. Nelson Mutai- Speaker
2. Hon. Chemutai Catherine
3. Hon. Bore Winnie
4. Hon. Chirchir Richard
5. Hon. Keter Samwel
6. Hon. Cherotich Clara
7. Hon. Mutai Cecilia
8. Hon. Ngeny Leonard
9. Hon. Augustine Koske
10. Hon. Kirui Leonard
11. Hon. Koech Ambrose
12. Hon. Kelong Joseph
13. Hon. Chepkwony Joseah
14. Hon. Chepkirui Ridha
15. Hon. Maritim Andrew
16. Hon. Chepkorir Hellen
17. Hon. Langat C. Jane
18. Hon. Kipkirui Davis

#### **4. MEMBERS ABSENT**

1. Hon. Langat Alfred
2. Hon. Kirui Josphat
3. Hon. Chepkirui Marcella
4. Hon. Kirui Weldon
5. Hon. Mutai Vincent
6. Hon. Kiprotich Wesley
7. Hon. Barchok Kipngetich
8. Hon. Serbai Robert
9. Hon. Bett Wesley
10. Hon. Kilel Zadock
11. Hon. Turgut Janet
12. Hon. Robert Langat
13. Hon. Charles Langat
14. Hon. Kirui Haron
15. Hon. Maritim David
16. Hon. Chepkemai Evaline
17. Hon. Rono Robert
18. Hon. Chesangi Alice
19. Hon. Korir Philip

#### **5. COMMUNICATION FROM THE CHAIR**

Honorable Members, I want to welcome you to this Fifth session of the Second County Assembly. I believe that the long recess has given you an opportunity to rejuvenate and meet with your constituents.

Honourable Members, the Office of the Speaker has received a copy of the Constitution of Kenya(Amendment) Bill, 2020 from the Chairperson of the Independent Electoral and Boundaries Commission(IEBC) through a letter dated 26<sup>th</sup> January, 2021. In accordance with Article 257(5) of the Constitution, the County Assembly has a period of three months from the date of submission to consider the draft bill.

Honorable members the draft Bill is hereby laid before the County assembly.

Honorable members the bill having been laid before the County assembly is committed to the Committee on Administration, Peace, Justice and legal affairs. The committee pursuant to Article 196 of the Constitution shall facilitate public participation and report back to the County Assembly within 21 calendar days as provided for under Standing Order 125(3) of the County Assembly Standing Orders.

Honorable Members the committee having carried out public participation shall present a report to the county assembly.

The County Assembly shall then vote to approve or reject the draft bill. Honorable Members voting on the bill shall be done through a simple majority since the Constitution hasn't provided the threshold.

Honorable members once the County assembly has voted to approve or reject the draft bill, the Speaker pursuant to Article 257(6) of the Constitution of Kenya shall forward the draft bill to the Speakers' of the National Assembly and Senate together with a certificate in respect to the decision of the County Assembly.

Hon. Members I am also aware that the County Assembly of Turkana filed a motion seeking to stop the County assemblies from debating the draft bill but the five judge bench sitting as a Constitutional and Human Right Division court in E282 of 2020 reluctantly declined to grant the orders sought stating that the court will not be bereft of legal remedies even if the County assemblies and parliament will pass the bills. Hon. Members, the county assemblies are therefore at liberty to deliberate on the draft bill.

## **6. PENDING BUSINESSES OF THE ASSEMBLY AS AT 9<sup>th</sup> February, 2021**

The following businesses are pending before various committees;

### **PETITIONS**

- (a) Petition by Dr. Wilson Kipsang arap Rop concerning Rate/Rent Penalties and Interest levied on the Bomet Plot Owners (*Committed to the Committee on Finance, ICT and Economic Planning*)
- (b) Petition by Peter Bunei Mastamet Concerning Water harvesting and Usage (*Committed to the Committee on Water, Energy, Environment and Natural Resources*)

### **Bills**

1. The Bomet County Finance Bill, 2020 (*Committed to the Committee on Finance, ICT and Economic Planning*).
2. The Bomet County Equitable Development Bill, 2019- Governor's Memorandum.

### **Policies**

Sessional Paper: Bomet County Climate Change Policy- *Committed to the Committee on Energy, Environment, Water and Natural Resources*

### **Reports**

1. The Bomet County Annual Development Plan (ADP) for the Financial Year 2021/2022(*Committed to the Committee on Finance, ICT and Economic Planning*).
2. County Government of Bomet Consolidated Reports and Financial Statements for the Financial Quarter ended June 30<sup>th</sup> 2019- *Committed to the Committee on Finance, ICT and Economic Planning*.
3. Fourth Quarter Financial Statement and Reports for the Bomet County Executive for the Financial Year 2019/2020- *Committed to the Committee on Finance, ICT and Economic Planning*.
4. The report of the Auditor General on the financial statements of Bomet County Assembly for the year ended 30 June 2018- *Committed to the Public Investment and Public Accounts Committee*.
5. The report of the Auditor General on the financial statements of Bomet County Executive for the year ended 30 June 2018- *Committed to the Public Investment and Public Accounts Committee*.
6. County Budget Review and Outlook Paper (CBROP), 2020- *Committed to the Committee on Budget and Appropriation*).
7. The report of the Auditor-General on the Financial Statements of Bomet County Car Loan and Mortgage scheme fund for the year ended 30 June 2018- *Committed to the Public Investment and Public Accounts Committee*.
8. The report of the Auditor General on the financial statements of Bomet County Bursary Fund for the year ended 30 June 2018- *Committed to the Public Investment and Public Accounts Committee*.
9. Bomet County Quarterly Reports and Financial Statements for the Quarter ended 30<sup>th</sup> September 2020.
10. The Report of the Auditor-General on the County Assembly of Bomet for the year ended 30 June, 2019
11. The Report of the Auditor-General on the County Executive of Bomet for the year ended 30 June, 2019

## **7. PAPERS LAID**

**Hon. Joseah Chepkwony tabled the following papers in the table of the County Assembly-**

1. The names of the Enterprise Development Fund Management Committee.

Committed to the Committee on Trade, Tourism and Cooperatives. The committee to table a report within 21 days

2. The Consolidated reports and Financial Statements for the Financial Quarter ended December 31<sup>st</sup>, 2020. Committed to the Committee on Finance, ICT and Economic Planning. The committee to table a report within 21 days
3. The Annual Report of the Bomet County Public Service Board for the year ending 31<sup>st</sup> December, 2020. Committed to the Committee on Labour and Public Service The committee to table a report within 21 days

The Constitution of Kenya (Amendment) Bill, 2020 Committed to the Committee on Administration Peace, Justice and Legal Affairs. The committee to table a report within 21 days

## 8. NOTICES OF MOTIONS

**Hon. Leonard Ngeny gave the following notice of motion –**

THAT, aware that Article 54 of the constitution enumerates the entitlements of persons with disability including rights to reasonable access to all places and public transport, rights to be treated with dignity and respect, right to access educational institutions and facilities for persons with disability; Further aware that section 21 of the Persons with Disability Act, 2013 provides that Persons with disabilities are entitled to a barrier-free and disability-friendly environment to enable them have access to buildings, roads and other social amenities, and assistive devices to promote their mobility; Noting that most county government office buildings do not have disability friendly equipment therefore denying them their constitutional rights to access all places; Cognizant that failure to provide disability friendly facilities is tantamount to serious violation of the rights of persons with disability and by extension an affront to the constitutional provisions; **NOW THEREFORE**, this house resolve that the county government to immediately commence inspection of all County government buildings and ensure compliance with constitution in terms of accessibility and mobility for persons with Disability.

## 9. MOTION (Hon. Joseah Chepkwony, Deputy Leader of the Majority Party)

**THAT**, Pursuant to Standing Order 156(1), this County Assembly approves the appointment of the following members to the County Assembly Business Committee:

1. Hon. Nelson Mutai - Speaker
2. Hon. Josphat Kirui – Leader of the Majority Party
3. Hon. Andrew Maritim – Leader of the Minority Party
4. Hon. Davis Kipkirui – Majority Whip
5. Hon. Robert Kiprono Langat – Minority Whip

6. Hon. Weldon Kirui - MCA
7. Hon. Winnie Bore - MCA
8. Hon. Clara Cherotich - MCA
9. Hon. Janet Turgut - MCA
10. Hon. Joseph Kibet Kelong - MCA

Motion seconded by Hon. Davis Kipkirui.

Question proposed and debate arose. The following members rose to support the motion –

- 1) Hon. Cicilia Mutai
- 2) Hon. Haron Kirui
- 3) Hon. Andrew Maritim
- 4) Hon. Leonard Ngeny
- 5) Hon. Marcella Chepkiriui
- 6) Hon. Charles Langat
- 7) Hon. Leonard Kirui

The mover was then given the right of reply.

Question put and agreed to.

#### **10. ADJOURNMENT**

The Assembly was adjourned to Wednesday 10<sup>th</sup> February, 2021 at 9.00 a. m

11. The Assembly rose at 4.30 p. m