

**Second Assembly
(No.046)**



**Third Session
(Afternoon Sitting)
(046)**

REPUBLIC OF KENYA
BOMET COUNTY ASSEMBLY
SECOND ASSEMBLY – (THIRD SESSION)
VOTES AND PROCEEDINGS
TUESDAY 18TH JUNE, 2019 AT 2. 30P.M

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

3. MEMBERS PRESENT

- 1) Hon. Kiprotich Wesley-Deputy Speaker (Presiding)
- 2) Hon. Kirui Weldon
- 3) Hon. Cherotich Clara
- 4) Hon. Barchok Kipngetch
- 5) Hon. Langat Robert
- 6) Hon. Maritim David
- 7) Hon. Kilel Zadock
- 8) Hon. Bett Wesley
- 9) Hon. Keter Samwel
- 10) Hon. Kipkirui Davis
- 11) Hon. Augustine Koskei
- 12) Hon. Koech Ambrose
- 13) Hon. Rono Robert
- 14) Hon. Chirchir Richard
- 15) Hon. Langat Alfred
- 16) Hon. Maritim Andrew
- 17) Hon. Charles Langat
- 18) Hon. Kirui Leonard

MEMBERS ABSENT

- 1) Hon. David Shadrack Rotich-(Speaker)
- 2) Hon. Kirui Josphat
- 3) Hon. Chemutai Catherine
- 4) Hon. Chepkemai Evaline
- 5) Hon. Kelong Joseph
- 6) Hon. Mutai Cecilia

- 7) Hon. Mutai Vincent
- 8) Hon. Chepkirui Marcella
- 9) Hon. Chepkorir Hellen
- 10) Hon. Langat C. Jane
- 11) Hon. Ngeny Leonard
- 12) Hon. Bore Winnie
- 13) Hon. Chepkirui Ridha
- 14) Hon. Turgut Janet
- 15) Hon. Kirui Haron
- 16) Hon. Serbai Robert
- 17) Hon. Chesangi Alice
- 18) Hon. Korir Philip
- 19) Hon. Chepkwony Joseah

4. COMMUNICATION FROM THE CHAIR

The Deputy Speaker made the following communications;

- 1) Recognized the 54 pupils and 6 teachers from Koisomo Primary School, Merigi Ward and welcomed them to learn and appreciate the role of the County Assemblies.

2) Procedure on Transacting Statements in the County Assembly

Honourable Members,

In the 2nd Assembly numerous statements have been sought by members on several occasions. However, there has been confusion on several occasions regarding the procedure that should be followed by the County Assembly when transacting statements. Further, there have been instances where Honourable members, other than the statement seekers, have claimed that responses from the County Executive are either not exhaustive or satisfactory. It is therefore necessary to give clear guidance on how statements should be transacted in the Assembly.

Honourable Members,

Under our Standing Orders, different types of business may be made during Statement Hour;

- i. A member of the County Assembly Business Committee designated by the Committee for that purpose shall, every Wednesday or on the last sitting day, for not more than ten minutes, present and lay on the Table, a statement informing the County Assembly of the business coming before the County Assembly in the following week.
- ii. The Leader of the Majority Party, or the Leader of the Minority Party as the case may be, or their designees may make a statement relating to their responsibilities in the County Assembly or the activities of a Committee;

- iii. A member may request for a statement from the Committee chairperson relating to matters under the mandate of the Committee and the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day.

Honourable Members,

The County Assembly in playing its constitutional roles of oversight and representation can seek answers from the county executive and through this avenue, the County Assembly can hold the County Government to account. This means that a member can identify issues that he or she considers important and which ought to be clarified or addressed in the interest of the public. This kind of statements are provided for under our Standing Orders 44 (2) (c).

As provided under the Constitution, 2010, the Executive arm and the Legislative arm of the County Government are independent of one another. Thus Article 185 (3) of the Constitution provides that- ***“A County Assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs”***

Consequently, the existing legal framework creates a procedure for holding the government to account. Indeed section 39 (2) of the County Governments Act provides that;

“A committee of the county assembly may require a member of the executive committee to—

- a) attend or appear before the committee; and*
- b) answer any question relating to the member’s responsibilities.’’*

From the foregoing, it is clear that the Executive and the Legislature interact through County Assembly Committees. It is therefore at the committee level that critical issues should be addressed.

Honourable Members,

To effectively perform its role, Committees have been given powers under the Constitution and the County Assembly Powers and Privileges Act 2017 to require any person to supply information whenever they are executing a matter within their mandate. The Constitution thus provides under **Article 195** that **a County Assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information.**

Further, the County Assembly Powers and Privileges Act 2017 provides that ***a County Assembly or its committees may invite or summon any person to appear before it for the purpose of giving evidence or providing any information, paper, book, record or document in the possession or under the control of that person and, in this respect, a County Assembly and its committees shall have the same powers as the High Court as specified under Article 195 of the Constitution.***

The committees must therefore exercise their powers and assert their authority to enable them discharge their duties effectively and efficiently.

Honourable Members,

I now wish to give guidelines regarding Standing Orders 44 (2) (c). Where a Member requests for a statement from a Committee Chairperson relating to matters under the mandate of the Committee, the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day. However, the statement sought must be restricted to matters within the mandate of the Committee. The statement should be exhaustively dealt with and concluded by the Committee.

The Member who requested the Statement will be expected to attend the meeting of the Committee and also interrogate the matter requested. The Committee may in interrogating issues raised require the relevant County Executive Committee Member (CEC) or any person responsible for matters under consideration, to give the information in writing and must appear in person before it and respond to any supplementary questions or requests for clarification. Further, the committee can undertake site visits where necessary to ascertain the truthfulness of the information availed. All the supplementary questions arising from the statement sought must be dealt with at the committee level to avoid instances where members raise them at the floor of the Assembly yet the chairperson is not in a position to further respond.

The chairperson may choose to report back to the Assembly by a statement in response. In this case, the discretion to report back to the Assembly will therefore be that of the Committee. Should the committee resolve to prepare a report, then the report can be formally laid on the Table of the County Assembly. *Further, the speaker upon considering the nature of issues arising from a statement sought can direct a committee to prepare a report with actionable recommendations to be laid on the Table of the County Assembly.* If a report of a committee arising from a Statement is adopted by the Assembly, it will form part of the resolution of the Assembly for the Committee on Implementation to follow-up.

Thank you,

5. ADJOURNMENT OF THE COUNTY ASSEMBLY

The Assembly was adjourned to **Wednesday, 19th June 2019 at 9.00 a.m**

6. The Assembly **rose** at 1500 Hours.