

**First Assembly  
(No.096)**

REPUBLIC OF KENYA

**Fourth Session  
(Morning Sitting)  
(096)**



BOMET COUNTY ASSEMBLY  
FIRST ASSEMBLY – (FOURTH SESSION)  
**VOTES AND PROCEEDINGS**  
TUESDAY 30<sup>TH</sup> AUGUST, 2015 AT 9.00 AM

1. The Assembly assembled at nine o'clock.
2. The proceeding were opened with prayer
3. The Bell was rung for 10 minutes due to lack of quorum, then the quorum was attained shortly.

4. **MEMBERS PRESENT**

1. Hon. Sammy Kipsiele- Deputy Speaker
2. Hon. Christopher Ngeno
3. Hon. Samson Towett
4. Hon. Wilson Keter
5. Hon. Leah Kirui
6. Hon. Joyce Korir
7. Hon. Josephine Rotich
8. Hon. Julius Korir
9. Hon. Reuben Langat
10. Hon. Andrew Maritim
11. Hon. Robert Metet
12. Hon. Rose Boiyon
13. Hon. Samwel Bor
14. Hon. John Ngetich
15. Hon. Philip Korir
16. Hon. John Chepkwony
17. Hon. Benard Ngeno
18. Hon. William Mosonik

- 19.Hon. Taplelei Rotich
- 20.Hon. Siele Philip
- 21.Hon. Josphat Kirui
- 22.Hon. Leonard Kirui
- 23.Hon. Stephen Changmorik
- 24.Hon. John Molel
- 25.Hon. David Rotich Big Five
- 26.Hon. Robert Serbai
- 27.Hon. Sammy Chelule
- 28.Hon. Robert Bett

**Members Absent**

1. Hon. G.K Kipngetich- Speaker
2. Hon. Chepkemai Evaline
3. Hon. Patrick Chepkwony
4. Hon. Beatrice Chebomui
5. Hon. Bency Too
6. Hon. Aurelia Chepkirui
7. Hon. Hellen Chepkirui
8. Hon. Nancy Chepkirui

**5. NOTICE OF MOTION**

Hon. Samwel Bor read the following notice of motion on behalf of Hon. David Rotich Big Five;

**THAT**, aware that Article 232(1)(g) of the Constitution of Kenya 2010 provides for the values and principles of public service which include fair competition and merit as the basis of appointments and promotions and affording adequate and equal opportunities for appointment at all levels of the public service; also aware that the values and principles enumerated therein apply to public service in all state organs in both levels of government ;also aware that section 4(2) of the Bomet County Office of the County Attorney Act, the County Attorney shall be nominated by the Governor on such terms as the Governor may, with advice from the County Public Service Board, determine, further aware that under section (5)(1) of the Act the County Attorney amongst other functions is the Principal Legal Advisor of the County Government as well as the custodian of the County public seal, contracts and other legal instruments of the County; concerned that such functions require formal nomination, approval and appointment into the position

;aware that the County Assembly has never been called upon to approve any name for appointment as the County Attorney after the previous nominee was rejected by the County Assembly on 12<sup>th</sup> August 2015;deeply concerned that no such name of a nominee has been forwarded to the County Assembly for approval as the County Attorney as required by law; this county Assembly now resolves that the Governor urgently nominate and forward to the County Assembly for approval, the name of the nominee for the position of County Attorney.

## **6. STATEMENTS**

The following statements were due;

- 1) Statement sought by Hon. Robert Serbai on 6<sup>th</sup> July, 2016 from the Chairperson Committee on Health and Sanitation concerning the supply of drugs in Embomos, Siomo, Bosto, Kiptenden and Sotit dispensaries and Cheptalal sub-district hospital.

In the Statement, the Chairperson should state;

- i. Whether he is aware that there are no drugs in the said facilities;
- ii. Why there are no drugs in the said facilities.

*The statement was committed to the Committee on Health and Sanitation services (No 61)*

The response was not ready and the Chairperson requested for more time. The Committee was directed to give a response within 7 days.

- 2) Comprehensive statement sought by Hon. Leonard Kirui on 22<sup>nd</sup> June, 2016 from the Chairperson, Committee on Budget and Appropriation on the implementation of work plan and procurement plan by the Executive Arm of Government.

In the statement, the chairperson should:

- i. Provide approved work plan and procurement plan for FY 2013/14, FY 2014/15 and FY 2015/16
- ii. Explain the implementation status of approved work plan and procurement pan for FY 2013/14, FY 2014/15 and FY 2015/16
- iii. Should explain whether work plan and procurement plan for FY 2016/17 has been approved.
- iv. Explain whether the work plan for FY 2016/17 captures the projects

*The statement was committed to the Committee on Budget and Appropriation (No. 55)*

The response was not given. The Hon. Deputy Speaker directed the Committee to give a response during the afternoon sitting at 2.30 p.m.

#### **7. MOTION (Hon. Robert Serbai)**

**THAT**, aware that Article 174(4) of the Constitution of Kenya 2010 provides that the Governor is the County Chief executive; also aware that section 30(2)(a) of the County Governments Act 2012 provides that subject to the Constitution, the governor shall diligently execute the functions and exercise the authority provided for in the Constitution and legislation; also further aware that section 31(3) of the County Governments Act provides that in performing the functions under subsection(2), the Governor shall (a) provide leadership in the County's governance and development and (f) be accountable for the management and use of County resources; further aware that the Governor has been issuing A.I.Es when he knows that there are no funds in the County Revenue Account; deeply concerned that such reckless issuance of A.I.Es will lead to flagrant misuse of public funds; this County Assembly pursuant to Standing Order 88(1) do discuss the personal conduct of the Governor of Bomet County.

*(The mover was not present and the motion was not moved. The Hon. Deputy speaker informed the Assembly that the mover had not authorized any other member in writing to move the motion on his behalf and therefore the motion should lapse.)*

#### **6. ADJOURNMENT**

The Assembly adjourned until **Tuesday, 30<sup>th</sup> August, 2016 at 2.30 pm.**

7. The **Assembly rose at 10.04am.**