



**Third Assembly
(N0.71)**

**Second Session
(071)**

BOMET COUNTY ASSEMBLY

THIRD ASSEMBLY – (SECOND SESSION)

VOTES AND PROCEEDINGS

WEDNESDAY, 22nd NOVEMBER 2023 AT 2.30 p.M

- 1) The Assembly was assembled at Thirty Minutes past Two O'clock.
- 2) The proceedings were opened with prayer.
- 3) PRESIDING: - 1st Chairperson
- 4) The Bell was rung for 10 minutes

5) **MEMBERS PRESENT**

1. Hon. Wesley Kiprotich- presiding
2. Hon. Lily Cherotich
3. Hon. Rosaline Cheptoo
4. Hon. Joseah Samoei
5. Hon. Richard Rutoh
6. Hon. Peter Mutai
7. Hon. Catherine Chepngetich
8. Hon. Monica Manyei
9. Hon. Evaline Mibei
10. Hon. Caroline Chelangat
11. Hon. Dennis Kiplangat
12. Hon Ernest Rotich
13. Hon. Kipkirui Josphat
14. Hon. Dancel Kirui
15. Hon. Nathan Kibet
16. Hon. Evaline Sang
17. Hon. Victor Rop
18. Hon. Peter Ronoh
19. Hon. Felody Chepkirui

20. Hon. Benard Langat
21. Hon. Eric Kirui
22. Hon. Caren Cherono
23. Hon. Peter Langat
24. Hon. Emily Cheruiyot
25. Hon. Japhet Cheruiyot
26. Hon. Vincent Mutai

Members absent

1. Hon. Cosmas Korir- Speaker
2. Hon Leonard Rotich
3. Hon. Anne Chepkemai
4. Hon. Dennis Busienei
5. Hon. Philip Korir
6. Hon. Charles Langat
7. Hon. Robert Langat
8. Hon. Stephen Changmorik
9. Hon. Paul Kirui
10. Hon. Benard Rotich
11. Hon. Naomi Chemutai
12. Hon. Olivia Koskei
13. Hon. Kibet Ngetich
14. Hon. Wesley Kiprotich

6) COMMUNICATION FROM THE CHAIR

The Hon Presiding Member made the following communications;

(i) Invitation by the Office of the Governor

“Hon. Members, the Office of the Governor will be hosting H.E Dorcas Gachagua to meet with widows and Persons with Disabilities on 23rd December 2023 at 2.00 p.m. at the Governor’s Auditorium. Consequently, Hon Members representing Special interest groups have been invited to attend the scheduled function.”

(ii) Ruling on the cooption of members to the County Public Investments and Accounts Committee

“Hon. Members you will recall that the Deputy Speaker undertook to give a ruling concerning the motion before this Assembly moved by Hon. Dennis Ngeno on behalf of the Chairperson Committee on Public Investments and Public Accounts Committee. Hon. Members to Jog your memories, the motion sought to co-opt two members namely; Hon. Ernest Rotich and Hon. Josphat Kipkirui to the PIC/PAC Committee; to undertake a grand inquiry to establish the systemic issues within the Bomet Water and Sanitation Company Limited that have greatly affected the supply of water and sanitation

services within the County; and to propose actionable recommendations within **One month** upon the adoption of the Committee Report which was adopted on 18th October, 2023 at 2.30 p. m. Sitting.

Hon. Members the County Assembly Standing Orders 198 (2) (c) provides the function of the PIC/PAC to includethe examination, in the context of the autonomy and efficiency of the county public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices”

Hon. Members, it is my considered opinion that the issue at hand squarely lies within the purview of the PIC/PAC committee. Further, Standing Order 188 of the County Assembly Standing Orders allows a non-committee member to participate in the business of another committee but such member shall not be entitled to vote. In addition, 30 days have lapsed after the Committee’s report was adopted to form a Special Committee and I do not recall an extension of time being sought in this Assembly.

Hon. Members, having captured your concerns regarding this motion, I rule that this motion be withdrawn pursuant to Standing Order 64 of the County Assembly Standing Orders which reads that “After the question has been proposed on a motion, the motion shall be deemed to be in possession of the County Assembly, and such Motion shall not be withdrawn without the leave of the County Assembly”. Hon. Members, the motion as it stands is time barred and therefore I will not allow further debate on the subject matter.

I, therefore, direct that pursuant to Standing Order 198 of the County Assembly Standing Orders, the Committee on PIC/PAC carry on their oversight role and table a report to this County Assembly within a period of 30 days. Members are encouraged to participate in these too pursuant to Standing Order 188 which provides for attendance by non-members.”

7) **PAPERS LAID**

The following papers were laid on the Table of the County Assembly;

- (i) The Report of the Committee on Agriculture, Livestock and Fisheries on the Bomet County Control of Stray Dogs Bill, 2023- (*Hon. Peter Ronoh, Chairperson, Committee on Agriculture, Livestock, and Fisheries*)
- (ii) The Committee on Budget and Appropriation on the County Executive Member for Finance, ICT, and Economic Planning Request to the County Assembly for input, clarifications, or reservations on the contents of the Bomet County Pending Bills Report for the financial Year 2022/2023.- (*Hon. Eric Kirui, Chairperson, Committee on Budget and Appropriation*)
- (iii) The Bomet County Cooperatives Development Policy, 2023 – (*Hon. Joseah Chepkwony, Deputy Leader of Majority*)
The policy was committed to the Committee on Trade Tourism and Cooperatives

8) **QUESTIONS AND STATEMENTS**

Responses to the following statement was due;

- 1) Comprehensive statement sought by Hon. Josphat Kipkirui on 26th September 2023 from the Chairperson, Committee on Lands, Urban Planning and Housing on;
 - (i) The total number of casuals engaged by the department for the last two years and their respective wards of residence
 - (ii) The reason why the said casuals have not been paid their wages since May 2023 to date

The response to the statement was issued by Hon. Joseah Samoei, the Vice-chairperson Committee on Lands, Urban Planning and Housing.

The response was not satisfactory. The Presiding Officer directed that all the documentation supplied be shared with all the Hon. Members. He further directed that the following County Executive Committee Members be invited by the committee to appear in the Assembly within seven (7) days.

- (a) The County Executive Committee Member for Finance, ICT and Economic Planning
- (b) The County Executive Committee Member for Lands, Urban Planning and Housing
- (c) The County Executive Committee Member for Administration and Public Service

All the Hon. Members with supplementary questions regarding the statement were required to be present during the said meeting.

- 2) Question raised by **Hon. Eric Kirui** on 18th October 2023 concerning the recent recruitment by the County Public Service Board for various County Departments of the County Government. Specifically, the Hon. Member wanted answers to the following;
 - a) Criteria used in ensuring job grades are equitably distributed across all the county wards, to ensure county opportunities are shared equitably?
 - b) Why did the Board ignore recommendations previously issued by the County Assembly on absorbing staff already serving in the same positions and more specifically the *Ad hoc* committee report of the Second Assembly?
 - c) Why did the Board ignore hiring an officer who is under the category of a person with a disability to a position he held in the Department of Social Services and hire someone new to that position?
 - d) Which mechanisms were employed by the board to ensure that the candidates hired for the positions advertised have been given genuine documents from various institutions of learning?
 - e) Why did the Board hire close relatives some of whom have integrity issues in their former places of work including those with active cases under investigation?

The response to the question was deferred to Thursday, 23rd November 2023 at 2.30 p.m.

Procedural Motion (Hon. Joseah Chepkwony, Deputy leader of Majority)

THAT, pursuant to Standing Order No. 30(3)(a), this County Assembly resolves to extend its afternoon sitting of Wednesday, 22nd November 2023 until the business listed in the order paper is dispensed with.

The motion was seconded by Hon. Richard Ruttoh

The question was put and agreed to.

The following questions were sought: -

- 1) Comprehensive statement sought by Hon. Josphat Kipkirui from the chairperson **Committee on Energy, Environment, Water and Natural Resources** concerning the utilization of funds allocated for climate change for the F/Y 2023/2024 and the implementation of the Bomet County Climate Change Act, 2021-

Direction: *The committee was directed to issue a response within 14 days*

- 2) Question raised by Hon. Ernest Rotich regarding the flagship projects the County Government is currently undertaking.

Direction: *The committee on Finance and Economic Planning was directed to issue a response within 14 days*

- 9) ***MOTION- (Hon. Charles Langat, Chairperson County Public Investments and Accounts Committee)**

THAT, pursuant to the County Assembly resolution on the adoption of the Report of the County Public Investments and Accounts Committee on the examination of the Report of the Auditor-General on the Bomet Water and Sanitation Company for the year ended 30th June 2021, this County Assembly approves the appointment of the following;

1. Hon. Josphat Kipkirui; and
2. Hon. Ernest Rotich;

as co-opted members of the County Public Investments and Accounts Committee to undertake a grand inquiry to establish the systemic issues within Bomet Water and Sanitation Company Limited that have greatly affected the supply of water and sanitation services within the County and to propose actionable recommendations including but not limited to restructuring or dissolution of the company.

The motion was withdrawn pursuant to the Ruling issued by the Presiding Officer.

10) ADJOURNMENT

The Assembly was adjourned to Thursday, 23rd November, 2023 at 2.30 p.m.

- 11) **ASSEMBLY ROSE** - at 1658 Hours.