

**KERICHO COUNTY ASSEMBLY**

**THE HANSARD**

**Third Assembly**

**First Session**

**Tuesday 20<sup>th</sup> September, 2022**

*(The House met at 9.30 a .m.)*

*(Sitting convened vide Gazette Notice 10999 of 14<sup>th</sup> September 2022)*

*(The Clerk, Mr. Martin Epus Patrick on the Chair)*

**COMMUNICATION FROM THE CLERK**

**The Clerk (Mr. Martin Epus Patrick):** Honorable members it is my pleasure and privilege to welcome you to this first sitting of the Third Assembly. I want to take this opportunity to congratulate you on your election and nomination to the County Assembly.

Honorable members, section 7(b) read together with section 7(a) of the County Governments Act of 2012 provides that; whenever a new County Assembly is elected, the Governor by notice in the gazette shall appoint a place of sitting within the County and the date of the first sitting of the new County Assembly which shall not be more than 30 days from the date in which the County Assembly shall be fully and dully constituted as per paragraph (b) and (c) of article 177(10) of the constitution of Kenya where all the members have been duly nominated and their names published. Pursuant to this provision of the County Governments Act, I now proceed to read the notification of His Excellency the Governor as follows;

Gazette notice convening the first sitting of the County Assembly; in exercise of the power conferred by section 7(b) of the County Governments Act no.17 of 2012 and Standing Order no.3 (1) of the County Assembly of Kericho, I Dr. Erick Kipkoech Mutai, Governor of the County Government of Kericho appoints the first sitting of the Kericho County Assembly to be held at the County Assembly chambers on Tuesday 20<sup>th</sup> September 2022 at 9:30 am. The gazette notice number is 10999 is dated 14 September 2022 and is signed by His Excellency the Governor, Dr. Erick Kipkoech Mutai.

### **PAPERS LAID (AS LISTED IN THE APPENDIX)**

**The Clerk (Mr. Martin Epus Patrick):** Honorable members Standing Order no. 3(2) provides that the Clerk shall lay list of the names of the persons elected and nominated as members on the table of the Assembly. I now proceed to lay on the table of the Assembly list of the elected and the nominated members.

### **ADMINISTRATION OF OATH**

**The Clerk (Mr. Martin Epus Patrick):** Honorable Members I have the following Communication to make. This communication relates to the procedure that will be followed in the administration of oath or affirmation of office.

Honorable Members Standing Order No.3 (2) (iii) provides that on the first sitting of a new assembly pursuant to the Governor's notification under Section 7(b) of the County Governments Act, the Clerk shall administer the Oath or Affirmation of Office provided for in the First Schedule of the County Governments Act, 2012 to all members present in the Assembly in the Order set out in Standing Order No.3 (2) (iii) (a)

Standing Order No.3 (2) (iii) (a) provides as follows: -

‘The Clerk shall administer the Oath or Affirmation of Office to Members of the Assembly in alphabetical order but shall make such arrangements as may be necessary to enable any Member with disability to enjoy precedence.’

As per the parliamentary practice, the Clerk shall administer Oath or affirmation office to the Members in Alphabetical Order using the following order of precedence-

- a) Members with the longest cumulative period of service in the Assembly;
- b) Members with the longest cumulative service in any other legislature;
- c) All other Members.

Honorable Members it is important to observe that Standing Order No.3 (2) (iii) (b) provides as follows: -

‘Pursuant to Article 74 of the Constitution, no person shall assume or perform any functions of the office of a Member before taking and subscribing to the Oath or Affirmation of Office provided for under paragraph (3).’

Standing Order No.3 (2) (iii) (c) further provides: -

‘When the Clerk is administering the Oath or Affirmation of Office to Members and before the Clerk has administered the Oath or Affirmation of Office to the Speaker, any question arising in the Assembly shall be determined by the Clerk who shall, during that period, exercise the powers of the Speaker.’

Honorable Members pursuant to Standing Order No.3 (2) (iii) I shall now proceed to administer the Oath or Affirmation of office to all Members here present in the order of precedence as earlier stated. In order to facilitate this process, the name of each Member shall be called out. When called out, the member shall proceed to the podium on my right and thereupon shall have the option to take the Oath or Affirmation of office as they may choose and in accordance with their respective religious persuasion. After Taking the Oath or Affirmation of office, the Member shall proceed to subscribe to the Oath or Affirmation of office at the Table on my left by signing the Oath or Affirmation Book.

Honorable Members, we are now ready to commence the process. I will ask the Clerk-at-the Table to call out the names.

*(Administration of Oath/Affirmation of Office exercise begins)*

1. Bett Cheruiyot
2. Kipkoech Albert
3. Bett Erick Kipkirui
4. Bii Erick Kiprop
5. Chirchir Paul Kibiegon
6. Kipngeno Hezron
7. Langat Winnie Chepkoech
8. Ngetich Gilbert Kiprop
9. Rono Philip Kipngetich
10. Rotich Haron Kipkemoi
11. Ruto Anthony Kibet
12. Terer Francis Kiplangat
13. Bett Gladys Chesang
14. Bii Paul Kiptoo
15. Birir Amos Kimutai
16. Bosuben Hillary Kibet
17. Chebwogen Evaline
18. Chelangat Monica
19. Chepkemoi Beatrice
20. Chepkurui Bavina
21. Chepkirui Edna Tonui
22. Chepngeno Gabriela
23. Chepngeno Jesca
24. Cheruiyot Martin Kiplangat
25. Gikonyo Mercy Njeri
26. Issack Matkeir
27. Keino Chepngetich Dorah

28. Kemoi Peter Kibet
29. Kirui Kipngeno
30. Kirui Vincent Kipngeno
31. Korir Fancy Chepkorir
32. Korir Mathew Kipkirui
33. Korir Vincent Kipkirui
34. Koskey Kipngetich Vincent
35. Koskei Simon
36. Langat Irene Chebet
37. Langat Richard Cheruiyot
38. Maritim David Kipkorir
39. Mibey Anita Cherono
40. Mutai Dominic Kipkirui
41. Mutai Philip Kipngeno
42. Opile Noella Omollo
43. Rogony Kiprotich
44. Rop Naaman Kipsigei
45. Rotich Moses Cheruiyot
46. Siele Julius Kipkorir
47. Sirma Lily Chepkemoi

**The Clerk (Mr. Martin Epus Patrick):** Honorable Members before we proceed to the next order, I would like to confirm that each member has taken and subscribed to the Oath and extend my congratulations to you all. In terms of Article 74 of the Constitution of Kenya you are now ready and deemed to have commenced your functions as Members of County Assembly.

### **ELECTION OF THE SPEAKER**

**The Clerk (Mr. Martin Epus Patrick):** Honorable Members, I have a communication to make on the procedure that shall be followed in electing the Speaker.

Honorable Members, having undertaken the business of Administration of Oath or Affirmation of Office to the Members, we now proceed to the next business which is election of the Speaker of the Assembly. Before we continue I would like to proceed to call upon all members who are outside to come back in. Serjeant-At-Arms please ring the bell.

*(Bell rings)*

**The Clerk (Mr. Martin Epus Patrick):** If there is any member outside, once we draw the bar, they will not be allowed to come inside. Sergeant at arm, kindly draw the bar.

*(Bar drawn)*

Pursuant to Section 21 and the First Schedule of the Elections Act 2011,

‘A Speaker of a County Assembly shall be elected by each County Assembly in accordance with the Standing Orders of the County Assembly, from among persons who are qualified to be elected as members of a County Assembly but are not such members’.

Standing Order No. 4 (1) further provides that: -

‘A Speaker shall be elected when the Assembly first meets after a General Election and before the Assembly proceeds with the dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members present.’

Honorable members, this is what we have just undertaken.

Pursuant to the Standing Orders, Elections Act and the County Governments Act, a number of activities were required for the election of the Speaker before the first sitting. I will proceed to detail each such activity and the manner in which we have complied with the Standing Orders and the relevant laws.

First, section 7(a) of the County Governments Act provides that the Assembly can only have its first sitting when the Assembly is fully and duly constituted for the first sitting after the general

election. Further Section 7(b) of the County Governments Act states that the Governor by notice in the Gazette shall appoint the place and time of the first sitting of the new Assembly. This was done via Gazette notice Number 10999 dated 14<sup>th</sup> September 2022.

Secondly, Standing Order 5 (1) states that upon the Governor notifying the place and date for the first sitting of a new Assembly, the Clerk shall by notice in the Gazette notify and invite interested persons to submit their nomination papers for election to the Office of the Speaker. The same was done via Gazette Notice number 11049 dated 14<sup>th</sup> September 2022 and via Daily Nation Newspaper dated 15<sup>th</sup> September page number 4 which reads:

**‘VACANCY IN THE OFFICE OF THE SPEAKER**

**IT IS NOTIFIED** for the information of the general public that pursuant to Article 178 of the Constitution and Standing Order Number 4 of the Kericho County Assembly, the Office of the Speaker of the County Assembly shall become vacant upon the first sitting of the County Assembly.

Pursuant to County Assembly Standing Order Number 3, His Excellency the Governor of the County Government of Kericho has notified that the **first sitting** of the County Assembly shall be held at the County Assembly Chambers, on Tuesday **20<sup>th</sup> September 2022** starting at **9.30 A.M**

Interested persons who qualify to be elected as Speaker are therefore invited to submit their nomination papers for election to the Office of the Clerk.

Nomination papers can be collected from the Office of the Clerk at Kericho County Assembly Buildings, during working hours and on Saturday and Sunday between 8.00 a.m. and 5.00 p.m.

Completed nomination papers, together with detailed curriculum vitae of the candidates and relevant supporting documents, should be submitted to the Office of the Clerk, not later than **Sunday 18<sup>th</sup> September, 2022 at 5.00 PM’**

Thirdly, pursuant to Standing Order 5 (4) the Clerk shall maintain a register in which shall be shown the date and time when each candidate’s nomination papers were received and shall

ascertain that every such candidate for election to the office of the Speaker is qualified to be elected under the Elections Act. I wish to confirm that a register has been maintained in accordance with the requirement of the Standing Orders.

Fourthly, Standing Order 5 (2 ) further provides that the names of the candidates for election to the office of the Speaker shall be entered upon receipt of nomination papers obtained from and handed to the Clerk at least forty eight hours before the time appointed at which the County Assembly is to meet to elect a speaker and shall be accompanied in each case by signatures of two members who support the candidate and a declaration by them that the candidate is willing to serve and that the candidate is qualified to be elected as a Member of the County Assembly under the Elections Act.

Fifth, Standing Order 5 (5) provides that immediately upon the close of the nomination period provided for, the Clerk shall publicize and make available to all Members, a list showing all qualified candidates and make available to all Members copies of the curriculum vitae of the qualified candidates.

Honorable Members, I hereby confirm that a list showing all qualified candidates was publicized and was made available to all Members. I further confirm that I made available to all Members copies of the curriculum vitae of the qualified candidates.

Honorable Members, for the position of Speaker of the Assembly the following 10 applicants picked the nomination forms:

1. Hillary Kiplangat Kirui
2. Japheth Kiplangat Mutai
3. Jackson Mitei
4. Patrick Cheruiyot Mutai
5. Benard Kibet Sang
6. Kirui Gilbert Kipkoech

7. Bernard Siele
8. Davis Sang
9. Sang Kipngetich Collins
10. Dominic Rono

The following 7 applicants returned the nomination forms by 3.20 pm on Sunday 18<sup>th</sup> September 2022:

1. Japheth Kiplangat Mutai
2. Hillary Kiplangat Kirui
3. Benard Kibet Sang
4. Davis Sang
5. Dominic Rono
6. Patrick Cheruiyot Mutai
7. Sang Kipngetich Collins

Honorable Members, for the position of Speaker of the Assembly, the following candidates were validly nominated as at the close of the nomination period:-

1. Japheth Kiplangat Mutai
2. Hillary Kiplangat Kirui
3. Benard Kibet Sang
4. Davis Sang
5. Dominic Rono
6. Patrick Cheruiyot Mutai

One Sang Kipngetich Collins was disqualified because he did not have a proposer and a seconder.

Honorable Members Standing Order 6 provides that the Election of the Speaker shall be by secret ballot. At least an hour before the meeting of the County Assembly, the clerk shall prepare ballot papers and showing all the names of all candidates validly nominated and shall issue not more than one of such paper to each member who comes to the table to obtain it.

We shall now proceed to the ballot for the election of the Speaker. Standing Order No. 6(2) states that:-

‘The Clerk shall at the commencement of each ballot, cause the ballot box, empty and unlocked to be displayed to the County Assembly and shall in the presence of the County Assembly lock the box which shall thereafter be kept in full view of the County Assembly until the conclusion of the ballot or at the end of the voting exercise’

Honorable Members I now direct that the ballot box, empty and unlocked, be displayed to the Assembly.

*(The Serjeant-At-Arms displays the ballot box, empty and opened)*

**The Clerk (Mr. Martin Epus Patrick):** I now direct that the ballot box be locked.

*(Ballot box locked)*

**The Clerk (Mr. Martin Epus Patrick):** Honorable members I wish to state that each member of the County Assembly who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, whilst there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box. Provided that a member who, before the conclusion of a ballot has marked a paper in error may, by returning it to the Clerk, obtain another in its place and the clerk shall immediately cancel and destroy the paper so returned.

Honorable Members so I will call out names, come to the Table, we will issue a ballot paper, you will proceed to the booth, mark the ballot paper and fold it while there and proceed to the ballot box then cast your vote. We shall continue the way we did when we were taking the oath. Following the alphabetical order.

*(Members cast the votes)*

**The Clerk (Mr. Martin Epus Patrick):** Thank you very much honorable members before we proceed to count the votes, I have a very important message to communicate, please note that a person shall not be elected as Speaker of the County Assembly unless supported by two thirds of members of the County Assembly. Two thirds of 47 we need to have 32 votes or more. In case we don't get the 32 votes, the candidate who receives the highest number of votes and the candidate who receives the second highest number of votes will go to round two. If at round two there is a tie we shall go to round three and until that tie is broken that is when we shall declare the winner. First we shall count the total number of votes cast if they are 47. If they are more than 47 then we will repeat. I now will ask the Serjeant- At-Arms to open the ballot box.

*(Ballot box unlocked)*

**The Clerk (Mr. Martin Epus Patrick):** Honorable members let us first confirm that the ballot papers are 47 before we call the agents.

*(Confirmation of votes cast done)*

**The Clerk (Mr. Martin Epus Patrick):** I now request the agents of the six candidates to come forward.

*(Counting of votes done)*

**The Clerk (Mr. Martin Epus Patrick):** Order members! Allow me to announce the results;

1. Japheth Kiplangat Mutai 10 votes
2. Hillary Kiplangat Kirui 4 votes
3. Benard Kibet Sang 0 vote
4. Davis Sang 4 votes
5. Dominic Rono 11 votes

6. Patrick Cheruiyot Mutai 18

**The Clerk (Mr. Martin Epus Patrick):** When you add all of them they are 47 and there is no candidate that has attained the two third, that means round two will be for only 2 candidates. That is Patrick Mutai who got 18 votes and Dominic Rono who got 11 votes.

*(Loud consultations)*

**The Clerk (Mr. Martin Epus Patrick):** Order members! We are starting round two. Serjeant-At-Arms kindly open the ballot box and show it to members

*(Ballot box opened and emptied)*

**The Clerk (Mr. Martin Epus Patrick):** Seal the ballot box.

*(Ballot box sealed)*

**The Clerk (Mr. Martin Epus Patrick):** We are now starting the voting.

*(Members cast votes for the second round)*

**The Clerk (Mr. Martin Epus Patrick):** Honorable Members, the same will follow. Serjeant-At-Arms you can now unseal the ballot box.

*(Ballot box unsealed)*

**The Clerk (Mr. Martin Epus Patrick):** Thank you let's confirm if they are 47 votes.

*(Confirmation of votes cast done)*

**The Clerk (Mr. Martin Epus Patrick):** Thank you we have now 47 ballot papers cast. Now I will request the agents of Honorable Patrick Mutai and Hon. Dominic Rono to come forward. Serjeant-At-Arms (Gilbert Kirui) you will be holding ballots for Patrick Mutai and Sarah Maiywa will be holding ballots for Dominic Rono.

*(Counting of Vote done)*

**The Clerk (Mr. Martin Epus Patrick):** Now kindly count the votes for Dominic Rono. Honorable Members we have 31 plus 16 is equal to 47. Now I declare that Patrick Cheruiyot Mutai is going to be the Speaker. Serjeant-At-Arms kindly go and find the said candidate and bring him.

*(Loud consultation)*

*(The Speaker elect enters the chambers got sworn in by the Clerk of the County Assembly)*

*(The Speaker takes the Chair)*

**The Speaker (Hon. Dr. Patrick Mutai):** Honorable members, His Excellency the Governor, Honorable Senator, first let me take this opportunity to thank God for this chance he has given me to be the Speaker of Kericho County Assembly.

Secondly I want to thank the honorable members particularly those who voted for me and even those who did not. I will serve you diligently without favor and we will together join hands to ensure that our County Government serves the residents of our county.

To His Excellency the Governor our role as a County Assembly is to oversight the County Executive and I want to assure you that we will do it in accordance with the law objectively to ensure that the functions and the resources of this County Government are channeled towards the programs that needs to be delivered to the people.

To our Senator I want to thank you for your presence. The Senate is the upper House which deals with matters devolution and the thing I can assure the leadership of Kericho County is that we shall be consulting very closely to ensure that whatever comes to our County is implemented in accordance with the law. I want to sincerely say that I am happy and I have heard that freedom is here. Thank you so much.

H.E. the Governor, Hon. Senator, Hon. Members of the County Assembly of Kericho (MCAs), The Clerk of this County Assembly, Representatives of Political Parties present, Members of Clergy, Members of Staff, Members of the Press, Distinguished Ladies and Gentlemen;

First, I thank God the Almighty for this great favor He has reposed in me.

Hon. Members, I am greatly honored and highly privileged by your wise decision to elect me as the Speaker of the County Assembly of Kericho. I hereby humbly submit to the will of this honorable House and thank you all for believing in me. Through the just concluded democratic process, you have bestowed on me immense confidence and trust.

Rest assured that I do not take it for granted. I see myself here as a blessing to this Third Assembly, albeit with great responsibility. To my competitors, thank you for upholding a high degree of democracy.

I have to thank the Clerk of this Assembly, for professionally guiding this House during the on-going transition period. His priceless and unconditional counsel will further be valued in future. There is no doubt, whatsoever, that a lot of effort has been put towards making this historic day a success. We cannot ignore the reflection of the hard work put in by all the stakeholders, especially the Members of staff of this Assembly.

Hon. Members, for the last few months, our country has witnessed a highly competitive electioneering period. Campaigning is not easy. Selling ones manifesto is expensive and demanding. Allow me, therefore, from the very beginning, to convey my sincere congratulations to the entire membership of this House for your successful election.

On 8th August 2022, *Wanjikus* voice was loud and clear; that she has entrusted you, Hon. MCAs; to be her representatives in this honorable House for the next five years. That mandate is enshrined in the Constitution of Kenya, 2010. Once again, congratulations for winning your seats.

Allow me on that note to recognize Members of the Second Assembly who clinched back their seats. This will be their Third Term as Ward representatives. We have Hon. Cheruiyot Bett

representing Ainamoi Ward, and Hon. Albert Kipkoech representing Soliat Ward. I trust that these experienced ones will mentor the up-coming MCAs. Allow me also recognize Hon Dr. Naaman Rop Kipsigei, PhD from Soin ward for being elected to the third Assembly, the first PhD holder to serve since the establishment of the County Assembly and one of the few in the republic, *hongera sana*.

For us all, it is a unique opportunity to serve our dear County. I look forward to maximizing the opportunities for every honorable Member to contribute. I believe that I have been placed on this platform so that every Member can catch my eye.

I therefore pledge to be fair to all and seek your understanding in advance for every ruling that the Chair will make, as provided for by the Standing Orders of this House.

This is a House of Rules and Procedure. I need to caution the new entrants that the highly procedural nature of County Assemblies calls for an equally high level of commitment to the rules and procedures of this institution.

Hon. Members, in exercise of the powers conferred by Article 124 of the Constitution of the Republic of Kenya, and Section 14 of the County Governments Act No 17 of 2012, the First Assembly of Kericho County, by resolution, adopted the Standing Orders that we have been provided with. I encourage all of us to internalize the Standing Orders and make a personal commitment to always abide by them. Prepare and present issues of interest as guided by those rules.

Apply the debating time well. Your brilliant visibility will ultimately affect your re-election. I look forward to, not a vociferous House but a serene, composed and a House of healthy debates.

I will meet with various leadership of Kericho County and seek support of the experienced lawmakers to help you deliver. Scholars opine that a comprehensive mentoring and induction process is vital for improved performance. I second that. Serious learning will therefore have to be undertaken to sharpen your debating competencies in order to function optimally.

Honorable Members, every one of you is in this House as provided for by Article 177 of the Constitution of Kenya. Under my leadership, this Chamber will develop systems and values of high discipline, tolerance, accommodation, honesty and openness. To the majority, as you are aware, we have an Assembly that is heavily dominated by you. However, we also have with us Members who clinched their seats as independent candidates.

I caution the majority, who won their seats through the United Democratic Alliance party ticket that there is need to be guided by high ethical consideration so that we do not relapse into ultra majoritarianism, a trait of the tyranny of the majority.

To those who may feel that they belong to the minority, even though most parliamentary business is organized on Majoritarian principle, the time-honored rights of minority to transparent, open, frank, fair and honest debates so as to make your case and offer constructive alternatives will be valued under my stewardship.

All of you, irrespective of gender, religion, party affiliation, age or tribe, must be guided by the mandate given to the government; to establish a vibrant society anchored on the principles of fairness and equality of opportunities.

As the legislative arm of this County Government, we will be expected to offer the requisite inspiration, guidance and confidence. Therefore, it is our duty to conduct ourselves with decorum, consistently observe the due processes and uphold the rule of law, legality and the culture of constitutionalism.

Allow me, Honorable Members, to note that in the previous Assembly, we had one elected female MCAs from a total of 30 elected Members. Today we have one female MCAs-elected. I am deeply concerned about this tragedy. There is really no cause for rejoicing at that because it is a clear indication that our County is far behind the world in the affirmative action. Even as we agree that the Affirmative Action law is one of ways of using the law as an instrument of social engineering- and mischief correction to ensure equality, our democratic development is not impressive at all in

this regard. Nonetheless, I particularly want to acknowledge and applaud Hon. Anita Byegon, the newly elected Member of Assembly representing Chemosot Ward.

Hon. Anita is a true reflection of the audacious women who are successfully plunging into the high strata of the male dominated political arena.

This County Assembly prides in having created a platform that shaped the sharp debating competencies, strong oversight and legislation skills possessed by Hon. Anita. We wish her Gods blessings as she undertakes her new mandate.

My plea, therefore, is that the female MCAs who are in this Assembly, be assisted to become effective role models in qualitative governance. I have some ideas I will share with the leadership towards realizing that objective as time goes by. Indeed, there is a compelling need for a comprehensive study of the factors which militate against the effective representation of women in our County.

The story of Hon. Anita should be an encouragement to all MCAs seated here today. That they should execute their roles in this Assembly with passion and without fear or favor. This County Assembly could be the stepping stone to your next big dreams and immense opportunities.

A question worth asking is, what do the people expect from the MCAs? There is growing evidence that, public opinion is divided as to the role of MCAs in Kenya. A significant majority of Kenyans are of the view that MCAs should undertake development projects within their Wards. To others, MCAs exist to pay school fees, give funeral donations, and attend weddings and other social events.

Of concern is that debating, passing legislations and holding the County Executive Arm of Government to account rank low in the public perception of the role of MCAs. This accounts for the high attrition rate of MCAs across the Country. To counter this, I envisage a scenario whereby the Hon. Members of the Second County Assembly will take public participation exercises seriously and use such forums to help the masses understand on their key roles.

In addition, I welcome the media to help in documenting and airing issues debated on the Floor of the House and in the Committees to create awareness, especially of the agendas before the House at any given sitting.

On that note, Hon. Members, and as you assemble here today, it is important to have a discourse on the re-establishment of the County Assembly with a sense of history.

The first Assembly existed after promulgation of the Constitution of Kenya, 2010, and inception of devolution. There are 47 Counties in Kenya; hence we have 47 County Assemblies.

Each County Government has two Arms of governance, The Executive arm that is responsible for implementation of projects and the Legislative Arm to which you belong. The independence of the County Assemblies was conceived with the intent to accomplish the following roles; oversight, representation, legislation and budget making. That is your core mandate as provided for by the Constitution of Kenya.

Under Article 185 of the Constitution, the legislative authority of a County is vested in and exercised by its County Assembly. In addition, a County Assembly, while respecting the principle of separation of powers, exercises oversight for the County Executive Committee and any other Executive organ.

I hasten to urge you to exercise high levels of integrity as you play your oversight role. Further, I look forward to a House that will enact laws that are constitutional and that will stand the test of time. Undoubtedly, promotion of good governance will require an Assembly that will effectively perform the three cardinal functions of representation, oversight regarding the executive, and law making.

As for budget making, your ability to control public expenditure, within the Regulations of the Public Finance Management Act (PFM), will be good service to our people.

Hon. Members, I am not under any illusion as I take the mantle of leadership of this House. The responsibilities ahead of us are enormous and challenging. The great expectations before us require

exceptional commitment, focus, harmony and unity of purpose. The people of Kericho anticipate for better lives under the devolved system of governance; hence there is no other option for us but, really, to succeed. As a matter of fact, devolution is envisioned to be the onerous challenge to take power and resources to the people.

Honorable members, the key challenges in Kericho County remain poverty, unemployment, poor road infrastructure, water shortage and lack of enough rural polytechnics. Others include lack of post-modern Early Childhood Development Centers, un-utilized cultural, trade and tourism diversity, and lack of health facilities, among others.

Allow me to remind you that that the Kenyan Vision 2030 which is the country development blueprint aims at transforming Kenya into a new industrializing middle income country providing high quality of life. We have an obligation, therefore, to ensure that we make a contribution to this particular vision, especially in realizing the potential to promote growth and development at the Ward levels and to stir our rural economies.

As an Assembly, this is only possible if we enact laws that will be tailored towards realizing the vision 2030 at the Ward levels. The Motions and Reports you adopt should reflect those goals and the devolved functions.

The second Assembly sought to establish its role as a key oversight public institution, despite facing myriad teething challenges. Strides were made and we congratulate them for the many Bills they enacted and the many Motions and Reports they adopted. Allow me to submit that rulings of Speakers in the past will be captured to serve as guidance and precedents for the smooth operation of the House because institutions grow scientifically, systematically and with responsibility. Nevertheless, a huge task still remains ahead of us and I trust we shall rise to the occasion.

Honorable members, the capacity and scope of the Committees of the Assembly deserve attention; they are the workshop of this Assembly. Should the Committees be weak, this Assembly will be seriously dented. Not only should your Committees be sharp in their routine tasks, but also, they

should be vibrant and exercise singular initiatives in enquiring into all matters of public interest impartially. This inquisitorial power must be applied to its logical conclusion.

Through the Committees, I welcome all the Members to act within the law, proactively, responsively and with appropriate capacity on all the devolved functions, namely, issues relating to health, ECDE and polytechnics education, agriculture, access roads, tourism, revenue collection, cooperatives, forestry, trade, among others. Invitations or summons to appear before the Committee will not be ignored under my leadership. I pledge to see to it that the Committees are fully equipped to perform and produce desirable results without fear or favor.

In conclusion, this County Assembly is for the people of Kericho; we have to be honest, accountable, and responsive to their needs.

In order to improve efficiency and transparency in the operations of this House, the leaders of the Second Assembly saw the need to refurbish the precincts of this Assembly. We applaud them for that.

We are true to the fact that there is need for a modern Chamber, Committee rooms, Library, among other essential structures that will create a parliamentary environment that is accessible, secure and transparent.

I urge for your patience and understanding as that exercise is still on going.

Going forward, I believe that, together with the County Assemblies Forum (CAF), the Council of Governors (COG), and the Societies of Clerks at the Table (SOCATT), we will unite in seeking the needed assistance for MCAs to especially improve their working conditions and welfare. We should seriously better the lot of our MCAs.

Honorable members, you enjoy immunity while on the Floor of the House and immerse privileges which cannot be toyed with by any person, body or authority. I shall help to maintain this without fail. But allow me to quote our fore fathers who asserted that, "...to whom much is given, much is expected..." This dictum must guide us all because privileges come with responsibilities.

If you abuse the trust, there will be consequences. A law maker cannot be a lawbreaker.

For example, charges of corruption and abuse of offices have been witnessed in the past against individuals in our Country. That is why, at this earliest opportunity, I caution you against such vices. If you fall foul of the law, the set aside institutions mandated with tackling such issues will not be expected to spare you. Our attitude will reflect our end results. For instance, our punctuality and attendance to the businesses of this House will be critical towards realizing our objectives. Indeed, and as I said earlier, it is our duty to conduct ourselves with integrity, decorum, consistently observe the due processes, uphold the rule of law, legality and the culture of constitutionalism.

On my part, I pledge to respect and uphold the rule of law and nurture the culture of constitutionalism within us, make all judgments in tandem with our Standing Orders and always safeguard the role of the Assembly as an arm of the County Government.

Hon. Members, let us resolve to do something different in the lifetime of this Third Assembly. I urge for cooperation from all and sundry to make our stewardship a success. Thank you honorable members, God bless you all, God bless the County of Kericho.

Now Honorable members it's my pleasure to welcome Honorable Senator.

Honorable members God bless you all, God bless the county of Kericho. Now Honorable members it's now my pleasure to welcome our Hon Senator to address you. Welcome. Thank you so much.

**The Senator (Hon Aaron Cheruiyot):** Thank you the right honorable Speaker, the clerks at the table, and honorable Members of County Assembly, I greet you all good afternoon.

First of all congratulations Hon. Patrick Mutai on your election as third Speaker of County Assembly of Kericho. I give you my congratulations on behalf of the people of Kericho County for a well-executed campaign and winning the confidence of the members of the County

Assembly, I wish you well in your journey as you serve our great count. As you take leadership of this Assembly, I believe you can only push it to greater heights. My utmost congratulations to you for the work that is ahead of you. I had the opportunity to work with you for the last nine years and I know you are a fine gentleman and you are man of impeccable character. I know we shall work together with our Members of County Assembly to ensure that we achieve much together and build our county to make it the greatest that there is in our republic.

Secondly, I also want to congratulate all the 47 Members of County Assembly on your election. I have not had the opportunity to share with you and say congratulations on a well-executed campaign, on winning and coming to the County Assembly of Kericho. I look forward to working with you. As your Senator, we shall work together perhaps more even closer than I have ever worked with any other County Assembly because as we continue to do this work, you become better at it as a team charged with mandate of overseeing the executive. I look forward to a closer interaction ensuring that all the resources that are devolved to the people of Kericho are prudently used to better their lives so that our people can celebrate the gains of devolution. Looking forward to great working relationships.

Thirdly, I want to humbly request Mr. Speaker that we quickly bridge the gap that could exist on who voted for me and who did not. There might be temptation to say so and so supported me the other one didn't that is of no importance right now, that is water under the bridge. As it stands we are all members of this great House because they represent diverse interests in our county and they wish well for the County of Kericho. So I plead with you to bring together all the 47 members and for me as Senator, I will ensure we work together so that each one of them can play and execute their role successfully. I believe that a stronger and a united County Assembly will ensure that our people enjoy fruits of devolution better than ever before.

Fourthly, I want to request that together let us work to tighten the role of oversight so that we ensure that we have better laws that come from this County Assembly which the executive can make good use of to protect our environment, make sure that our town is clean because Kericho County used to be regarded as the most beautiful town in Kenya but right now it is in a sorry

state. We are looking forward to good by laws made by this Assembly to ensure it is clean, our rivers are flowing nicely, no people washing cars in the rivers or planting trees that are detrimental to the courses of rivers and so many other things.

Finally, Mr. Speaker I know you are an expert in area of public finance, I plead with the County Assembly of Kericho to read and understand the dictates of bottom up economic model that we believe in ensuring that we have a prosperous county. As we have a country ensure that as County Assembly you give to the executive the sufficient support for them to raise own source revenue that is sufficient to do as many projects as possible. I believe that Kericho has the potential to raise in excess of over a billion shillings if we pass on the right laws, and that is money that can be taken back to ensure we have medicine in our hospitals, good roads, employment for our young people and that can only be done by you Members of County Assembly. Therefore I plead with you to pass good laws ensure that you are familiar also that end of last term the Senate gave the County Governments just like our own county the ability to raise bonds and issue bonds which will actually allow them to invests in its own people. I am sure in the coming days with discussion with the County Assembly with my office as well, we shall be able to execute that and ensure that Kericho County is properly funded and we receive good services, so that our people can enjoy the fruits of devolution. Thank you very much Mr. speaker for this opportunity I wish you well, God speed in your endeavors and let's make Kericho great together God bless you.

**The Speaker (Hon. Patrick Mutai):** Thank you very much honorable Senator, it's now again my pleasure to welcome H.E The Governor of Kericho County Dr. Eric Mutai to address this house.

**The Governor (H.E Dr. Eric Mutai):** Thank you so much our new Speaker for this great Assembly, the third sitting assembly of Kericho County, Hon Senator who is also the Majority Leader Senate, the Clerk of the County Assembly, the 47 members and the people of Kericho, I want to take this opportunity to convey my deepest congratulate

I want to take this opportunity to convey my deepest congratulations to the newly elected County Assembly Speaker Dr. Patrick Mutai. I know you are able and up to the task because I have worked with you and I know your capacity on matters County Assembly and matters County Executive. I trust and believe that with your knowledge having worked there for the last ten years you will moderate the debates that are going to emerge in this House so that we are able to have functional County Government and a better devolved unit. I pray for wisdom to you that you guide this Assembly with a level of maturity and be able to bridge the divide. There are so many candidates who were contesting for this particular position but God has his own way of making things work and today you have emerged a winner so bring all the MCAs together, let them be a family and be a father to them. Guide the Assembly as per the Standing Orders and as per the constitution so that we have an Assembly which is respected. Honorable members you always know me not to shy away from saying the truth as your Governor.

We had a lot of problems in the last Assembly, let this Assembly rise to the occasion and be remembered to have accelerated the economic development of Kericho County. We are faced with challenges, mothers at the maternity are sharing a bed in a labor ward. Many of our youths outside there are unemployed. There are so many situations that need a good Assembly to take us forward. I will come to open the Assembly officially and I pray that you bring these members together moving forward, because basically us from the executive we pledge and commit ourselves to do our work which is to execute. I call upon the Assembly to rise to the occasion and do their duty that is oversight, legislation and representation.

Thank you so much for having trust in Patrick. As I end my conversation Hon. Speaker sir, immediately you were announced there was joy outside there from the staff of this Assembly who were singing freedom. I wish that at the end of five years nobody will cry that you oppressed them. Be that voice of reason and take good care of these MCAs and staff and us from

the executive we will work together to ensure that we take our county forward, thank so much and God bless you all.

**The Speaker (Hon. Patrick Mutai):** Thank you so much H.E The Governor and our Senator, thank you for those comments, one thing that I will assure the leadership of Kericho as a House is that we will be very objective, transparent and we will always encourage consultation and cooperation between the two arms of the government. We are lucky to have our Senator and with the experience that he has, we are going to tap in that experience to ensure that this county is taken to another level, that is my assurance your Excellency the Governor.

Honorable members I have a notification here about the opening of the Assembly. Honorable members Standing Order 13(1), states that immediately after taking an oath or affirmation of office, under Standing Order 12, the swearing in of the Speaker, the Speaker shall notify the members of the place, date and time of the opening of the Assembly. Standing Order 21 (1) further provides that the Governor shall address the opening of each newly elected Assembly the date of the opening of new Assembly shall be determined after consultation between the County Executive and the County Assembly.

*(Adjournment)*

**The Speaker (Hon. Patrick Mutai):** There being no other business the House stands adjourned till 27<sup>th</sup> September 2022 as a date set for opening of Assembly. Thank you so much.

Honorable members together with the Governor and our Senator and the guest at the gallery you are welcome for lunch at Wima Gardens after this. Thank you so much let us note the date as September 27<sup>th</sup> 2022 at 9:30 a.m. Thank you very much and enjoy your lunch.

*(The house rose at 2:30 pm)*