

KERICHO COUNTY ASSEMBLY

THE HANSARD

Third Assembly

First Session

Wednesday 4th October 2022

(The House met at 2:30 pm)

[The Speaker (Hon. Dr. Patrick Mutai) in the Chair]

PRAYER

The Speaker (Hon. Dr. Patrick Mutai): Order Honorable Members and welcome to this afternoon session. Clerk, order number one.

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Dr. Patrick Mutai): Honorable Members, I have two communications to make. During our retreat at Ciala Resort on 22nd to 24th September 2022 a number of resolutions were arrived at and I will read as communication from the Chair.

The Members of the County Assembly deliberated to constitute the leadership of the House after the election of the Speaker on 20th September 2022. The election of Deputy Speaker is elaborated in the Kericho County Assembly Standing Order no.14. The Deputy Speaker shall be elected amongst its members who shall preside over any sitting of the County Assembly in the absence of the Speaker.

The Leader of Majority Party is a member elected among the Members of County Assembly (MCAs) from the party or coalition of parties whose members are a majority pursuant to Kericho County Assembly Standing Order no. 19 (1) The contestants of this position were:-

1. Hon. Hezron Ngetich who is the immediate former Leader of Majority
2. Hon. Vincent Korir

Hon. Hezron Ngetich withdrew from the race paving way to Hon. Vincent Korir as the Leader of Majority.

Honorable Members, the Deputy Leader of Majority Party is a member elected among the MCAs from the a party or coalition of parties whose members are the majority pursuant to Kericho County Assembly Standing Order no. 9 (1) (b). Hon. Fancy Chepkorir Korir was elected as the Deputy Leader of Majority.

Honorable Members the Majority Whip is a member elected amongst the MCAs from the party or coalition of parties pursuant to Kericho County Assembly Standing Order no. 19 (1) (c). Hon. Haron Kipkemoi Rotich was elected unopposed as the Majority Whip.

The Deputy Majority Whip is a member elected among the MCAs from the party or coalition of parties pursuant to Kericho County Assembly Standing Order no. 129 (1) (d). Bavina Chepkurui Serem was elected as the Deputy Majority Party Whip.

Honorable members section 12 of the County Government Acts provide that two members of the County Assembly nominated by the political parties represented in the County Assembly according to the proportion of members in the County Assembly. Three candidates presented themselves for the two board members as follows:-

1. Hon. Paul Chirchir
2. Hon. Philip Rono
3. Hon. Anita Mibey

After deliberation, Hon. Anita Mibey was selected because of gender and Hon. Philip Rono dropped his bid to paver way for Hon. Paul Chirchir. Therefore those honorable members will represent the interest of the members in the County Assembly Service Board (CASB) are:-

1. Hon. Paul Chirchir
2. Hon. Anita Mibey

On item no. 7 that is the select committee, the following, members were selected to join selection committee pursuant to the Kericho County Assembly Standing Orders and deliberations that were held in the same:-

1. Hon. Vincent Korir - Chairman
2. Hon. Gilbert Ngetich
3. Hon. Martin Cheruiyot
4. Hon. Albert Kipkoech
5. Hon. Richard Langat
6. Hon. Hezron Kipngeno
7. Hon. Peter Kemoi
8. Hon. Beatrice Chepkemoi
9. Hon. Eric Bii

Those are the selection committee members.

Hon. Richard Kibet Langat (Member for Kedowa /Kimugul Ward): Point of order!

The Speaker (Hon. Dr. Patrick Mutai): Yes what is it Honorable members Sigilai? Can I read it again? I have read out the list of the select committee members and may be the Clerk you can read the Standing Order on the composition of the select committee. Honorable member for Kedowa /Kimugul, what is it again? Is it a point of order or point of information?

Hon. Richard Kibet Langat (Member for Kedowa /Kimugul Ward): Point of information. I am Richard Kibet Langat and not Sigilai!

The Speaker (Hon. Dr. Patrick Mutai): Honorable Member, you know this is a product of deliberation of the members. One of the issues is that we met in the morning where we have *also known as* (a.k.a) unless the honorable member from Kimugul /Kedowa confirms to us that he is Richard Langat Sigilai. The one we have here is Richard Sigilai who happens to be a stranger in this House.

Hon. Richard Kibet Langat (Member for Kedowa /Kimugul Ward): Thank you Mr.

Speaker Sir, I can now inform the House that Sigilai is my dad's name.

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(Laughter)

The Speaker (Hon. Dr. Patrick Mutai): Order, honorable member, your official name is what we are interested in and I will give the Leader of Majority a chance to confirm whether Hon. Richard Sigilai that we have in the above list is Hon. Richard Langat that is in this House so that we can move on. Before then there are number of hands raised. Hon. Hezron Ngetich, this is a House of rules and procedures and if you have anything, I can assure you that you will catch the eye of the Speaker. Your duty is very simple, just raise your hand and I will give you an opportunity. So I will give a chance to Hon. Moses Rotich Cheruiyot.

Hon. Moses Rotich (Member for Tendeno /Sorget Ward): Thank you So much Mr. Speaker, in Kisumu we had a meeting that every Sub County nominates one person. I have noted with a lot of concern that we are having two people from Soin/Sigowet being nominated in the select committee. We need an explanation!

(Low consultation)

The Speaker (Hon. Dr. Patrick Mutai): The honorable members, yes the Honorable Philip Rono. Can we have order, the honorable Hezron Ngetich your hand was up!

Hon. Hezron Ngetich (Member for Chilchila Ward): Thank you Hon. Speaker for giving me this opportunity. As you have communicated, it was an agreement. The communication you are giving on selection committee was based on the agreement that we had in Kisumu. On selection Committee, we don't dispute what the members are saying that there were changes and it is prudent because according to Standing Order, the appointment of members to selection committee is done by the whole House. So it means the list which was read out in Kisumu has been changed unless we get proper communication on who made the changes. We are disputing the list!

The Speaker (Hon. Dr. Patrick Mutai): The honorable Members as I give to other members to react, Clerk we need to have proper records of the discussion we had in Kisumu because the honorable member for Chilchila Ward is raising a very serious concern. Order honorable members. Can we have order?

(Loud consultation)

The Speaker (Hon. Dr. Patrick Mutai): Yes honorable members, I will listen because we have a lot of concern and we have explanation from the Clerk that we had clerks taking minutes unless the minutes here were not offered by the same clerks that were in same meeting. Because the Chair who is the Speaker is the one supposed to be communicating a position taken by the majority party. There is a very serious allegation and the only thing we need to substantiate on this as alleged by the Hon. Hezron Ngetich is if indeed there were some changes and if indeed the names read by Hon. Korir are the names that am reading here because with me here I have a list that have been signed but am informed that the majority of the members of the party signed. So those are some of the concerns, First of all before I give direction of the same can we hear from the Leader of Majority?

Hon. Vincent Korir (Majority Leader, Member for Londiani Ward): Thank you very much Chair for communicating about the leadership as per our meeting in Ciala. I want to clarify that the mistake occurred on the part of Richard Langat.

The Speaker (Hon. Dr. Patrick Mutai) Just a minute honorable member, before that lets do first things first, clarify whether these are the true recordings of the meeting, we must protect the dignity of this House which is very important. Maybe you can take your seat.

There are some things which need to be clarified which Hon. Philip Rono sought to respond to on whether this is the true recording, and the Clerk is also here to confirm the same. Section 167 of the Standing Orders, eight other members nominated by the Assembly as it is in the list of the communication that I have made, we have nine members and as per the Standing Orders, so we need to agree from there so that we move on.

Hon. Philip Rono (Member for Kamasian Ward): What I wanted to correct on the same is that the name of the Majority Leader is there in the list or not. The Standing Order is very clear that the Majority Leader will be Chairperson in the selection committee and if he is not there you will give us the room we insert the name.

The Speaker (Hon. Dr. Patrick Mutai): The honorable I draw your attention to the first page which we have the Leader of Majority that goes by the name Hon. Vincent Korir. Let's also know that the select committee was to be formed after there was an agreed Leader of Majority and the name here is Hon. Vincent Korir unless there is another Hon. Vincent Korir in this House.

Hon. Hezron Ngetich (Member for Chilchila Ward): Point of information, I want to inform the House!

The Speaker (Hon. Dr. Patrick Mutai): Yes, Hezron former Majority Leader!

Hon. Hezron Ngetich (Member for Chilchila Ward): Thank you Hon. Speaker, you said you need to protect the dignity of this House and actually we want to protect it and it's prudent that what we agreed in Kisumu is that every Sub County to nominate one and then we agreed that Ainamoi gets two and unanimously we agreed and it's in record. One Hon. Beatrice if am correct is to sit in that Committee and then there was some communication on the issue of Soin. Before that communication we agreed and according to the Standing Orders the formation of the select committee is by the whole House. So before the communication was done, all honorable members were supposed to be given the list so that we counter sign and agree on it before it is read. We don't have any issue on leadership because before the communication of the leadership there was consultation in the House and we all approved. So it was better for us to be given a list so that we all sign, we approve the leadership at the end of the day we had blessings of selection committee.

This is a House of procedure and rules and with your wisdom don't allow even a single day for the dignity of the House to be challenged so on your ruling do a ruling which will set precedence which will be favorable and which will be agreed by all honorable members, thank you.

The Speaker (Hon. Dr. Patrick Mutai): Yes the Hon. Rogony!

Hon. Rogony Kiprotich: (Member for Sigowet Ward): It's unfortunate that we are trying to stall a process. The reason is we have six Sub Counties and one Sub County will produce one member and it was a mutual agreement that we had in Kisumu. We agreed and we adopted. If members now feel that addition of Hon. Erick Bii who is coming from Sigowet/ Soin in that list then it is very unfortunate because there is no way each Sub County will produce two members.

The Speaker (Hon. Dr. Patrick Mutai): Order!

Hon. Rogony Kiprotich: (Member for Sigowet Ward): It is high time that you rule it and all the minutes are the true records lets proceed because we have several issues to handle. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): Yes honorable member for Kisiara!

Hon. Gilbert Ngetich: (Member for Kisiara Ward): Thank you Mr. Speaker for this opportunity. My view pertaining this list on selection, I think there is nothing we should only wish them well because the list has been generated...

The Speaker (Hon. Dr. Patrick Mutai): Honorable members before I make a ruling It happened that the Speaker was in that meeting and I thought the deliberation was in the consultation with all the honorable members is that okay?

Honorable members: Yes

The Speaker (Hon. Dr. Patrick Mutai): Secondly when it comes to who was to be appointed to that committee, it was general that the sub county should agree. Was that the case?

(Members responded in the affirmative)

The Speaker (Hon. Dr. Patrick Mutai): Hon. Hezron Ngetich raised something concerning Hon. Beatrice Chepkemoi, she is in the list. Secondly is the issue of honorable members from Soin/ Sigowet did you agree on who to be there?

(Loud consultations)

The Speaker (Hon. Dr. Patrick Mutai): Order honorable members, can you make the Chair to understand why you are contesting Soin / Sigowet because the main issue here is Soin/ Sigowet? Before I make a ruling, let me give a chance to Hon. Hezron, and yes proceed.

Hon. Hezron Ngetich: (Member for Chilchila Ward): I don't have an issue with Soin but the list we have is different. If my memory serves me well, we had agreed that the Majority Leader be the leader and Majority Whip was to be there and it is upon him on what we had agreed, that is what we agreed in Kisumu, isn't that so?

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(Loud consultations)

The Speaker (Hon. Dr. Patrick Mutai): Order can we allow him to finish!

Hon. Hezron Ngetich: (Member for Chilchila Ward): Protect me I am on the floor of the House protect me Hon. Speaker!

(Loud consultations)

The Speaker (Hon. Dr. Patrick Mutai): Order! Order Hon. Erick Bii! This is a House of rules and procedure, you don't have to shout! Order! Refer to your Standing Orders on what constitutes the gross misconduct in this House. Order!

Hon. Hezron Ngetich: (Member for Chilchila Ward): Thank you Mr. Speaker. I don't know on which part but it is good that we agree unless there are changes in the communication, it should be effected and communicated to all honorable members because those are the simple things that we trusted to the leadership and administration of the Assembly that one member to be nominated from each Sub County. The deputy had some issues to deliberate so he agreed that the Leader of Majority, the Majority Whip and additional members to serve on behalf of Ainamoi and that was the agreement. So unless there were changes they could have been communicated so that every member can be aware. That was my point of contention because if there was a change that Majority Whip step aside and then honorable member from Soin be added then well and good, that is the information which we were not given at our retreat. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): What is your point of order Hon. Kemoi?

Hon. Peter Kemoi (Member for Kapsuser Ward): Mr. Speaker Sir is it allowed for an honorable member to chew in the House?

(Laughter)

The Speaker (Hon. Dr. Patrick Mutai): Order the Hon. Peter Kemoi! Of course the Speaker cannot be able to know what the member is doing when sitting back there. The Serjeant-at-Arms will confirm and make a ruling on the same. Honorable member from Kamasian!

Hon. Philip Rono (Member for Kamasian Ward): Maybe now there being no other contention, it seems the Chief Whip agreed with the honorable member. I kindly request that you allow us to move to continue with other business.

The Speaker (Hon. Dr. Patrick Mutai): Yes honorable members, any other member with serious concerns? Hon. Haron!

Hon. Haron Rotich (Member for Seretut/Cheptororiet Ward): Thank very much Hon. Speaker, I want to give some clarifications on the same because I actually heard the name of Chip whip. I want to say there was a challenge on the issue of Sigowet where the two comes from, because every Sub County was given one, being a brother and a gentleman I agreed with all my heart and saw it fit because we all serve the same county.

The Speaker (Hon. Dr. Patrick Mutai): Honorable member please take your seat. I want to ask you a question, in that spirit of gentleman agreement that you are talking about, were all the members involved?

The Speaker (Hon. Dr. Patrick Mutai): For us to make progress, normally as per the Standing Orders, communication should not be interrupted. However there was an agreement by yourselves and we had subsequent meetings and agreed that the list that will be communicated here will not be contentious as we agreed in the beginning. Honorable members you are putting the Chair in a complicated situation having given you a leeway to go and agree on your party matters just for the Speaker to communicate. Honorable members we all agree that on the positions of majority, chief whip, deputy majority and deputy whip, I think it was by consensus. We are aware that such approval should also be in form of a motion.

I want to direct as follows that selection committee members be included in the agenda for tomorrow and members to retreat and agree on the list and if not, we come and vote in the House.

In line with that other communication that I have, we all agree that you have some work to do immediately after here before tomorrow morning on selection committee. The other thing that I am aware of is that we have made discussion on the House Business Committee and

Appointments Committee. Can you also retreat to your Sub Counties from here and agree on one member as per the Standing Orders. The Clerk will be available to guide on the same so that we deliberate on that matter tomorrow.

ELECTION OF THE DEPUTY SPEAKER

The Speaker (Hon. Dr. Patrick Mutai): Honorable members I have a communication to make on the procedure that will be followed in the election of Deputy Speaker, honorable members pursuant to section 21 (3) of election act 2011 and section 9 (a) of County Governments Act, the Deputy Speaker of a County Assembly shall be elected from among persons who are members of that County Assembly, Standing Order no.14 (1). As soon as shall be practicable after election of the Speaker under part two of these Standing Orders, the Assembly shall elect a Deputy Speaker amongst its members who shall preside over any sitting of the Assembly in the absence of The Speaker as contemplated under Article 178 (2) of the Constitution, and in matters that directly affect the Speaker. Please note that pursuant to Standing Order 14 (3) the procedure for electing the Deputy Speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker under part two of the Standing Orders. Honorable members pursuant to the Standing Orders, Elections Acts and County Governments Act 2012, a number of activities require being undertaken for the election of the Deputy Speaker. I will proceed to detail each such activity and the manner in which we have complied with the Standing Orders and relevant laws. Firstly, the Clerk is required to give a notice of the vacancy of the Deputy Speaker; the following notice was published at the website and social media platform on 26th September 2022 and I read.

‘The constitution of Kenya, County Governments Act 2012, Kericho County Assembly Standing Orders; Vacancy in the office of Deputy Speaker, it is notified for the information for general public and Members of County Assembly of Kericho that pursuant to section 9 (a) and 11 (a) of County Governments Act 2012 and Standing Order no.14 of Kericho County Assembly Standing Orders, the office of the deputy became vacant during the first sitting of the County Assembly which was held on Tuesday 20th September 2022. Members of County Assembly who are interested for nominations and elections as Deputy Speaker for County Assembly are advised to collect nomination papers from the office of the Clerk, complete the nomination papers together

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with detail curriculum vitae of the candidate and relevant supporting documents should be returned by Monday 3rd October 2022 at 9 a.m.

Secondly, honorable members 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 Deputy Speaker is qualified to be elected as such under the Election Act. I wish to confirm that the register has been maintained as a requirement in accordance with the Standing Orders.

Thirdly, Standing Orders further provides that the names of the candidates for election to the office of the Deputy Speaker shall be entered upon nomination papers obtained from the Clerk and shall be accompanied in each case by the names and signatures of at least two members who support the candidate and a declaration by them that the candidate is willing to serve and is qualified to be elected as a deputy speaker. Fourthly, immediately upon the close of nomination period provided the Clerk shall publicize and make available to all members a list showing all qualified candidates. Honorable members I hereby confirm that a list showing all the qualified candidates was publicized and made available to all members. For the position of Deputy Speaker of the County Assembly the following two applicants qualified for the position

1. Hon. Eric Bett

2. Hon. Cheruiyot Bett.

Honorable members Standing Orders provide that the election of Deputy Speaker shall be by secret ballot, at least an hour before the meeting of County Assembly. The Clerk shall prepare the ballot paper showing the names of all the candidates validly nominated and shall issue not more than one of such paper to each member who comes to the table to obtain it. Honorable members we shall now proceed to ballot for the election of the Deputy Speaker, the Standing Order provides that, at the commencement of each ballot, cause the ballot box, empty and unlocked to be displayed to the Assembly and shall in presence of the Assembly, lock the box which shall thereafter be kept in full view of the Assembly until conclusion of the ballot.

(The Ballot box is opened and displayed to the Members)

(Vote casting)

The Speaker (Hon. Dr. Patrick Mutai): Honorable members, Standing Order no. 6(6) provides that “when it appears to the Speaker that all members who are present and who wish to vote have placed their ballot papers in the box, the Clerk shall unlock the box, examine the ballot papers and having rejected those unmarked or spoilt, report the results of the ballot and no member who has not already recorded his or her votes shall be entitled to do so after the clerk has unlocked the ballot box.”

(Ballot box unlocked and ballot paper confirmed to be 47)

The Speaker (Hon. Dr. Patrick Mutai): Honorable members, I can now confirm that all the 47 members present in the House have voted. I now call upon the agents of the two candidates to come and witness the counting process. And if there is no agent we cannot compel him or her. Hon. Kemoi Peter Kibet is the agent for Hon. Erick Bett and the Hon. Rono Philip Kipngetich is the agent for Hon. Cheruiyot Bett. Kindly note that a ballot paper is spoilt, if in the Speaker’s opinion, does not identify the candidate purported to be selected by the member voting.

(Votes cast counted)

The Speaker (Hon. Dr. Patrick Mutai): Honorable members, we are now through with the counting and tallying. I want to say thank you to the agents who witnessed the process. You can now take your respective seats. Before I proceed to announce the results please note that a person shall not be elected as the Deputy Speaker, unless supported in a ballot by the votes of the two-third of all County Assembly Members. If no candidate is supported by the votes of the two-third of all County Assembly members, a fresh election shall be held and, in the election the only candidate shall be –the candidate or candidates who received the highest number of votes in the ballot and the candidate who in the ballot received the next highest number of votes shall alone stand for election. And the candidate who receives the highest number of votes in the fresh election shall be declared elected Deputy Speaker. It is clear that the two thirds has not been attained because the two-third of 47 is 32. Unless there is withdrawal by the other candidate then we are forced to go for the next round of voting. Hon. Cheruiyot Bett-18votes and Hon. Bett Erick Kipkurui-29 votes.

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The Speaker (Hon. Dr. Patrick Mutai): Honorable Cheruiyot Bett!

Hon. Cheruiyot Bett (Member for Ainamoi Ward): Thank you Hon. Speaker for giving me this opportunity to say a word before we proceed for the final voting. There might be no other miracle for me to gunner more than my competitor and so that we save on time. I want to concede defeat. It was a very tough race and I don't wish to continue to the second round. Allow me to use the opportunity to thank the members both the team 18 strong and team 29 strong. This has been a democratic process and I wish Hon. Erick Bett the best as he is going to lead us as the Deputy Speaker. He is my very close friend, we met in Kisumu when we had our induction and we agreed that I give him company in the ballot so that he can go through the due process. I want to assure this House that Hon. Erick Bett is equal to the task. He is serving his second term and I am serving my third time. I have some other responsibilities in my ward, to serve my people of Ainamoi. I wish the County Assembly the best. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): Thank you the Hon. Cheruiyot Bett I think it's not in question because no one will take your place as the senior most member of this Assembly. The majority has had their way whereas the minority has had their say, this is the principle of democracy. In that regard I now want to announce that the honorable Erick Bett is duly elected the Deputy Speaker of the Third Assembly of Kericho. Honorable members we have come to an end of this exercise of electing the Deputy Speaker. Standing Order number no.10 provides that "immediately the results are declared, all ballot papers used in the election of the Deputy Speaker shall be packed and sealed in the presence of the Assembly and kept in custody of the Clerk for a period of six months and shall thereafter be destroyed".

(Ballot papers collected and sealed)

The Speaker (Hon. Dr. Patrick Mutai): We now move to the swearing in of the Deputy Speaker. Honorable Erick Bett kindly step forward.

(Honorable Erick Bett proceeds to take oath of office and thereafter sign the affirmation of office)

The Speaker (Hon. Dr. Patrick Mutai): Honorable members having concluded the exercise, Hon. Erick Bett is serving his second term in office and I believe that this County Assembly will benefit from his experience. I want to wish him well as he undertakes his duties and responsibilities. I said when I was elected as the Speaker that to whom much is given much is expected. We expect much from you and I know you are up to the task. I want to give you an opportunity to make your maiden speech as the Deputy Speaker. Welcome the Honorable member for Kipchebor Ward and congratulations once more.

Hon. Erick Bett (Deputy Speaker, Member Kipchebor Ward): Thank you Hon. Speaker for giving me this chance to give my speech on this important day. While voting was going on, I was drafting a small speech which I have with me here. It's very short and I want to read though it because it is what is in my heart.

First I would like to thank the Almighty God for granting me victory to be the third Deputy Speaker of the County Assembly of Kericho. Secondly, my gratitude goes to the honorable members for having faith in me to serve them in the office of the Deputy Speaker. I commit to serve all members with diligence and support the Speaker and the entire leadership of the County Assembly to fulfill their mandate. I will offer unlimited support to all committees of the House to ensure that they discharge their mandate as contained in the Standing Orders and further provide support to chairpersons of all committees to ensure that no committee becomes dormant or fail to discharge their mandate. Finally I wish to reiterate my commitment to serve well and offer best services and aspire to be the best Deputy Speaker of the County Assembly of Kericho has ever had. Lastly I want to thank my worthy competitor, the senior most member of this County Assembly Hon. Cheruiyot Bett for challenging me and giving me a run for this show and also for conceding defeat. That is true leadership and I want to say thank you. To all the teams in the Assembly, team strong and team 18 we are now one. I want to say that I will be of service to all of you and will support each and every person. I want us to work together as a team to make this Third Assembly to be the best. I want to extend my gratitude to my support team, most especially to Hon. Erick Bii who was my main coordinator in this campaign and everyone who saw me fit for this office. To our speaker I want to assure you that I am ready to assist you. God bless the County Assembly of Kericho and blessings to you all, thank you.

The Speaker (Hon. Dr. Patrick Mutai): Thank you very much Hon. Erick Bett, I also want to assure you that you have my support as the Speaker and I want to echo what you said that this is now one family, we will work as one. We have a lot to do and I know you are up to the task and I wish you all the best as you discharge your duties.

(Adjournment)

The Speaker (Hon. Dr. Patrick Mutai): Honorable members there being no other business this House stands adjourned till tomorrow Wednesday at 9:30am, thank you.

(The House rose at 11:10am)