

KERICHO COUNTY ASSEMBLY**THE HANSARD****Third Assembly****First Session****Wednesday 9th November 2022***(The House met at 2:30pm)**[The Speaker (Hon. Dr. Patrick Mutai) in the Chair]***PRAYER**

The Speaker (Hon. Dr. Patrick Mutai): Honorable members Good afternoon, Clerk I was told that there is a school and it is part of my communication and they are not around? Any? They should be in. Order! Honorable members, you don't direct the Chair. We need to invite them because you know this is a good experience for them to learn. Majority Whip call them. They are just from Kapnandet, Hon. Peter Kemoi those are your quests. They should be in so that when we start, they will have something to learn. Yes honorable members sorry for that delay, Clerk order of the business.

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Dr. Patrick Mutai): Honorable members we have visitors from Kapnandet Primary school, I would like to acknowledge the presence of the students and teachers in the public gallery this afternoon. These are visiting students and teachers and in our usual traditions of course of receiving and welcoming the visitors, I send a warm welcome to them and on behalf of the Assembly I wish them a fruitful visit. So the students, teachers and staff of Kapnandet Primary in Kapsuser Ward that is in Belgut Sub County, you are welcome. This is the County

Assembly and of course sitting in front of you are the honorable members. We have thirty members who are elected and the other nominated Members of County Assembly which makes forty seven (47) and the staff. You are welcome. I give this opportunity to Hon. Peter Kemoi to welcome you and may be to send a warm welcome to the constituents. Thank you and may be the Chairman of Education to welcome you.

Hon. Peter Kemoi (Member for Kapsuser Ward): Thank you Mr. Speaker Sir, I would like to take this opportunity to thank the Assembly of Kericho for the invitation of one my schools in my ward. Kapnandet Primary School you are highly welcome to the Kericho County Assembly, feel welcome to follow the proceedings and I hope you will learn something. Mr. Speaker I appreciate you for giving me this opportunity. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): Thank you Honorable Peter Kemoi, Chairman for Education Committee extend the welcome.

Hon. Cheruiyot Bett (Member for Ainamoi Ward): Asante sana Mheshimiwa Spika kwa kunipatia nafasi hii ilinichukue jukumu la kukaribisha wanafunzi na walimu na labda wazazi wa shule ya msingi ya Kapnandet kutoka eneo bunge ndogo la Kapsuser . Nataka niseme ya kwamba mumekaribishwa. Hapa ninatoa dhihirisho kwamba tunatilia maanani haki za shule kwenye bunge letu la Kericho. Mwaka jana Mheshimiwa Spika tulichukua hatua kuhakikisha kwamba siku hizi hamna haja kwenda bunge la kitaifa kwa sababu yale ambayo yanatendeka kwenye bunge la kitaifa ni sawa na yale yanatendeka hapa bunge la jimbo la Kericho. Kwa hivyo mnakaribishwa na mtakuwa na wakati mwema mnapotangamana na waheshimiwa. Ikiwa mnatangamana na wafanyi kazi wetu na hata mtapata nafasi mtangamana na mheshimiwa Spika. Kwa hivyo mnakaribishwa na si leo peke yake mnakaribishwa kila wakati mnapokuwa na wakati wakutembelea mji huu wa Kericho ile kuweza kupata nafasi ya kuwaona waheshimiwa wenu labda kila hasubui wanapotoka . Mtakaporudi nyumbani mwenu leo mtaelezea wazazi kwamba weheshimiwa hawajapotea kule mashinani bali wamekuja kutekeleza shughuli ambazo katiba na wazazi wenu walitupatia pia. Kwa hivo mnakaribishwa na muwe na siku njema.

Asante Sana Bwana Spika. Kwa niaba ya kamati yangu ya elimu na waheshimiwa wenzangu ninasema karibuni sana.

The Speaker (Hon. Dr. Patrick Mutai): Thank you very much Chairman for education, may be before that for the benefit of our guests at the public gallery other than the Members of County Assembly, we also have our House leadership. I want to give to the Deputy Speaker just to say something.

Hon. Eric Bett (Deputy Speaker, Member for Kipchebor Ward): Thank you Mr. Speaker I want to join the other honorable members to welcome pupils from Kapnandet Primary School Karibuni *Sana*. I want to tell them that they are the future leaders in the County, so they should work hard in school, for a day like this they will like you and others be the MCAs. What we do in this House as MCAs, when we took the oath, we do the representation, oversight and legislation and let me just highlight what we do for the sake of the students. We do legislation that is why we are called legislators.

Secondly, we do representation by dealing with a lot issues affecting our people for example if there is a road that is impassible, your MCA will bring it to this House so that is factored in in the budget. That is one way we do representation.

Lastly oversight is also what we do in this House. We have house committees which actually after this session, we have committees of the house that we look at different departments and without those committees we don't have oversight.

So without much ado, you have a fruitful discussion in this place today. I want to ask you to work hard in school so that one day you become leaders of Kericho and even Kenya. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): Thank you so much, once again I want to welcome our visitors feel free. These are our honorable members of course prosecuting on behalf of the electorates in our thirty wards in the county. So clerk another communication? But I will communicate shortly after further consultation and therefore next order!

STATEMENTS

The Speaker (Hon. Dr. Patrick Mutai): Honorable members I have a number of statements with me here. I want to invite the Hon. Simon Koskey to seek the statement. Thank you very much.

Hon. Simon Koskey (Member for Kunyak Ward): Thank you very much Mr. Speaker, I want to seek a statement.

Pursuant to section 9 of the County Government Act 2012 and the Kericho County Assembly Standing Order number 48 (1), I wish to seek a statement from the Committee on Water and Sanitation on the following issues.

- a. The status of ongoing water project in Kericho County
- b. The feasibility study report on the same
- c. The payments made so far for the said projects
- d. The number of households the projects will serve upon completion
- e. List of contractors under taking the said projects
- f. The bill of quantities for each project

Thank you Mr. Speaker I really appreciate for this opportunity.

Hezron Ngetich (Member for Chilchila Ward): Point of information!

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

Hon. Hezron Ngetich (Member for Chilchila Ward): Thank you Hon. Speaker. I rise so that I know that the honorable gave an ambiguous statement on the status of water projects in Kericho and then number two, I need your guidance if the honorable member who is a member of the committee can rise and ask a statement to the same committee. I need your guidance and before I sit down let me join my colleagues in welcoming the students and teachers from Kapsuser Ward. So we welcome and feel at home. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): Thank you Hon. Hezron on your point of information. The first one you stated that the projects stated by the honorable member, you said in your own terms that it is an ambiguous statement, or what did you say?

Hon. Hezron Ngetich (Member for Chilchila Ward): An ambiguous statement.

The Speaker (Hon. Dr. Patrick Mutai): Honorable members may be I think I will read for the benefit of the honorable members; ‘The status of ongoing water project in Kericho County ‘underline the word ongoing, I want to believe we have thirty wards which have ongoing projects. So this is not really an ambiguous statement but rather only touching on the ongoing water projects. As we all know, we have department of water under the county executive but of course he needs the list of all water projects that are ongoing in the county government. Secondly is, that he is a member of that committee. So, you have point of order, may I know or you want to inform the house?

Hon. Hezron Ngetich (Member for Chilchila Ward): Point of information. You know, I might be misquoted because ambiguous means not clear and not specific. But after you have clarified, he meant the only ongoing project. May be I did not understand and I want to confirm as a member of the selection committee and the honorable member himself can confirm and further the chair also can confirm that the member who raised the statement is a member of Water committee. So give us guidance over the same. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): Thank you so much the Hon. Hezron, may be on the same, I think for the benefit of doubt all these projects can be categorized into three; one can be complete projects, the other can be incomplete projects which in this case means the ongoing projects and then stalled projects.

The honorable member is so specific on ongoing water projects so I think this statement shall be laid to the committee of water and sanitation and perhaps when they shall be carrying out the mandate requesting for the information at the executive. It is important to note that they should

concentrate on the ongoing projects. So I think as we agreed, this statement is in order and is not actually out of order by raising the statement.

Secondly is on the issue of whether the member can raise the statement being in certain committee. Honorable member the Clerk has confirmed that any member be it in the committee or not can raise the statement.

At this point in time I want to give to the Chairman Water and sanitation that is Hon. Peter Kemoi who also happens to be having visitors this afternoon. I guess Hon. Peter Kemoi this is your day, you can confirm how much amount of time you want so that you give back the report. Please proceed.

Hon. Peter Kemoi (Chairperson Water and Sanitation Committee, Member for Kapsuser Ward): About the statement that has been raised by the honorable member remember that this morning there was also another statement that was given to the department of water. I beg through you chair with this one that you can give us twenty eight days (28) so that we deal with the first one.

(Laughter)

The Speaker (Hon. Dr. Patrick Mutai): Hon. Peter Kemoi, order honorable member let's have order. While you ask for more time, you also need to realize the fact that we have a county executive that is working and operational and can prosecute this matter under your committee. So really if I give you the 28 days, then if we continue that way that means whatever the statements raised will they be addressed in time? Has it been the tradition of this House? I think that's not the standard practice and it has been the tradition of this House. I give you two weeks to work on this matter and shall there be a request for more time then we can consider the appropriate time. So I want to urge you to commit yourself to fourteen days so that you can jointly communicate the same with the one that was raised in the morning please.

Hon. Peter Kemoi (Chairperson Water and Sanitation Committee, Member for Kapsuser Ward): Thank you Mr. Speaker Sir, I think concerning the statement for this afternoon it is about the whole county and it is going to allow us we visit all these projects to know their status so that we give out the real picture about the ongoing projects. So with your permission allow me 28 days. Thank you Sir.

The Speaker (Hon. Dr. Patrick Mutai): The Honorable Philip Rono!

Hon. Philip Rono (Member for Kamasian Ward): Mr. Speaker may be as I support my chair, actually such kind of statement is open ended. It is not actually specifying the projects, so that is all the projects in Kericho County including the number of households the projects will serve upon completion. I believe even the 28 days is too small not unless we go to specific projects Mr. Speaker that is when we get this otherwise the whole county you can give us I think even 56 days . Thank you.

The Speaker (Hon. Dr. Patrick Mutai): Order honorable members, I think before you step into the House the honorable Philip Rono just to inform you is that on the projects I think the member was very specific on the ongoing water projects. Of course I went through the statement and number two the feasibility study report on the same, the payments made so far for the said projects, the number of households the projects will serve upon completion, list of contractors under taking the said projects, the bill of quantities for each project.

As you can see the Committee can be able to really gather for substantive information on these projects. So remember again as I said, the government is perpetual and it has been there from the beginning. These are the reports that we have and if you look at it really other than number a. point no. b, c, e and f are matters of procurement which we expect any serious county government to have them in the files. Because of the request of the honorable member that is the chairman for water and sanitation committee the Hon. Peter Kemoi of 28 days, the honorable member I want to direct you that because if we continue this way , asking for 28 days , 56 days then we may not be able to have this report in this House. I want to direct that we give you 21

days so that you can work on this statement and ensure that you have all the information. Should there be an attempt at that time, you have liberty to ask for more time based on the status of the report. So I direct that the honorable chairman water and sanitation committee, you have 21 days to table the report in this House.

Honorable members looking at my list of members with statements, we have Hon. Fancy Korir to raise a number of statements. You will agree with me that this honorable member I think has five statements from her. This is the spirit. I want to encourage the honorable members because remember you are here to serve the electorates and even before I give it to you, I must congratulate you because that is really good and perhaps you can channel the energies to such matters and I can assure you that we will have the right results. So the Hon. Fancy before you step in I think the pupils and Teachers at the public gallery are from her Constituency and I am sure that they will take the report home that she is working very hard. May you proceed and give your statements one at a time.

Hon. Fancy Korir: (Nominated Member representing Women): Thank you Mr. Speaker for giving me this chance and I want to welcome the pupils from Belgut Constituency *karibuni Sana* and I represent the women of Kericho County. To my first statement;

Hon. Cheruiyot Bett: (Member for Ainamoi Ward): Point of order!

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

Hon. Cheruiyot Bett: (Member for Ainamoi Ward): Thank you Mr. Speaker, Is it in order for the honorable member to use the two national languages at the same time? She began in English and ended up in Kiswahili

The Speaker (Hon. Dr. Patrick Mutai) Order, Hon. Fancy I think the Standing Order is very clear that when you start using one language, you should use it till the end. So I direct that Hon. Fancy you either stick to Kiswahili, English or even sign language which is allowed by the Standing Order.

Hon. Fancy Korir: (Nominated Member representing Women): I used the Kiswahili word because one of the members is a Kiswahili teacher and I admire the Kiswahili he uses. Allow me to read the statement and you guide me if I will read one by one then sit then come back. Let me read the first one;

Pursuant to Section 9 of the County Government Act, 2012 and Kericho County Assembly Standing Order number 48(1), I wish to seek a statement from the Committee on Youth, Culture and Social Services on the following issues:-

- a. The number of Gender based violence in Kericho County.
- b. The number of defilement cases in Kericho County for the last one year
- c. How many arrests have been made in the last one year

Signed by me, a very beautiful signature which is not found anywhere, thank you.

The Speaker (Hon. Dr. Patrick Mutai): Order, you want to allude that the signature is beautiful? Honorable members that is the statement unless there is anything else, this is the Chairman for Youth, Culture and Social services, Chairman Youth, Culture and Social services Honorable Kipngeno Kirui, you are the Chairman?

Hon. Kipngeno Kirui: (Member for Tebesonik Ward): *Asante Sana nashukuru Mheshimiwa Spika Kwa kunipea nafasi hii. Naomba siku kumi na nne ili nilete ripoti kwenye jumba hili.*

Asante.

The Speaker (Hon. Dr. Patrick Mutai): Thank you so much Hon. Kipngeno Kirui. I think you have heard from the Chair that he needs fourteen days and its sufficient time. The Hon. Fancy next statement!

Hon. Fancy Korir: (Nominated Member representing Women): My second statement is;

Pursuant to Section 9 of the County Government Act, 2012 and Kericho County Assembly Standing Order number 48(1) I wish to seek a statement from the committee on Finance and Economic planning on the following issues:-

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- a. The number of sources of revenue in Kericho County.
- b. The targets given to every source of revenue.
- c. The targets of revenue collection in all the markets in Kericho County on a market day.
- d. How much is collected from liquor licensing?
- e. Have all the sources of revenue been automated?

Thank you.

The Speaker (Hon. Dr. Patrick Mutai): Thank you very much Hon. Fancy that is the statement under department of finance. Is the Chairman in the House, Vice Chairman? Chairman Finance and Economic planning? Honorable Philip Rono are you the Chairman?

Hon. Philip Rono (Member for Kamasian Ward): On behalf of the Chairman, I request for 14 days.

The Speaker (Hon. Dr. Patrick Mutai): You are requesting for 14 days?

Hon. Philip Rono (Member for Kamasian Ward): Yes.

The Speaker (Hon. Dr. Patrick Mutai): Clerk note 14 days, and who is the Chairman for Finance and Economic planning? The Hon. Majority Whip who is the Chairman? I can see you are busy taking photographs!

Hon. Haron Rotich (Majority Whip, Member for Seretut/Cheptororiet Ward): Thank you Mr. Speaker, I want to confirm that Honorable Kibet Bosuben is the Chairman.

The Speaker (Hon. Dr. Patrick Mutai): The Chairman is informed. Thank you very much Hon. Fancy,

Hon. Fancy Korir: (Nominated Member representing Women): My third statement is; Pursuant to Section 9 of the County Government Act, 2012 and Kericho County Assembly

Standing Order number 48(1) I wish to seek a statement from the committee on trade and industrialization on the following issues:-

- a. Is the county aware of illicit brew consumption within and outside Kericho County?
- b. What steps is the department on trade undertaking to remedy the same.
- c. The status of implementation of Kericho County Alcoholic Drinks Control Act of 2014.

The Speaker (Hon. Dr. Patrick Mutai): Thank you very much Hon. Fancy, again Chairperson Trade and Industrialization, that is the Vice Chairman, this is the Chairman give us the time you require from us till you table the report.

Hon. Francis Terer (Member for Cheboin Ward): Thank you so much Hon. Speaker for giving me this opportunity to welcome pupils and teachers from Kapsuser Ward. I want to confirm that I am the Chair Trade and am requesting for two weeks so that we respond to the statement raised by Hon. Fancy Korir. Thank you so much.

The Speaker (Hon. Dr. Patrick Mutai): Thank you so much 14 days is approved in that statement to be tabled in this House please note that. Yes the Hon. Fancy proceed with the other statement

Hon. Fancy Korir: (Nominated Member representing Women): Thank you Mr. Speaker.

Pursuant to Section 9 of the County Government Act, 2012 and Kericho County Assembly Standing Order number 48(1) I wish to seek a statement from the committee on Health Services on the following issues:-

- a. The number of health centers and dispensaries in Kericho County.

- b. Is the ICU working in Kericho County Referral Hospital? How often are the ICU machines serviced?
- c. Does the health facility have a functional backup generator?

Thank you Mr. Speaker Sir

The Speaker (Hon. Dr. Patrick Mutai): Thank you Honorable Fancy I propose this is for the department of Health services and the Chairman is here. Yes you can confirm the time.

Hon. Erick Bii (Member for Kaplelartet Ward): Thank you Mr. Speaker for this opportunity you accorded me to be able to seek a number of days to deliberate on the statement. Before then I thank the honorable member who has just raised the statement in the department these are very important issues and I may say thank you for those statements. I request 10 days Mr. Speaker.

The Speaker (Hon. Dr. Patrick Mutai): 10 days?

Hon. Erick Bii (Member for Kaplelartet Ward): Yes.

The Speaker (Hon. Dr. Patrick Mutai): Thank you Honorable Erick Bii 10 days is sufficient, Hon. Fancy the last statement!

Hon. Fancy Korir: (Nominated Member representing Women):

Pursuant to Section 9 of the County Government Act, 2012 and Kericho County Assembly Standing Order number 48(1) I wish to seek a statement from the Committee on Governance, Labor and Social Welfare on the following issues:-

- a. The number of fire engines in Kericho County?
- b. The status of the said fire engines.
- c. Do we have trained personnel and fire response team?

Thank you very much Mr. Speaker and maybe I want Honorable from Chilchila to add what I have given as statement, the other day he was affected on the same, thank you.

The Speaker (Hon. Dr. Patrick Mutai): Thank you Hon. Fancy, Hon. Hezron Ngetich you want to add on something?

Hon. Hezron Ngetich (Member for Chilchila Ward): Thank you Hon. Speaker for the opportunity. I want to thank my colleague Hon. Fancy for the statement. I was to raise the statement on the same and she has done it because we need to get facts clear. On Sunday an inferno affected Fortenan and it razed down three major businesses in my ward. Property and goods worth millions of shillings were burnt down and we called the hotline. The person who is in the hotline should be sacked because instead of responding he was saying that the engine was unable to start. Instead of assuring me that he had dispatched the engine, we were made to know that the bigger engine had a mechanical breakdown when I requested for the smaller engine. Surprisingly the answer they gave me was that it is there but it had no water. It was so hard that we had to use all means to assemble the local tractors to bring and unprofessionally put off the fire. We thank God because we managed but we never managed to rescue anything, everything was razed down.

The issue of fire has been rampant because recently there was a fire incident in Kabianga Ward represented by Hon. Dominic and then there was fire again at Kapsoit today over lunch hour there was fire again. So the issue of fire has been rampant but the response team at the department is really asleep. I remember we had allocated funds in the first term to buy new sophisticated machines but we had not seen any of them. Secondly, we allocated funds to put a fire station in Litein but we don't know what happened. We need the answers from the statement. Secondly, the municipal board doubles up and allocated funds for what they called status of the art fire station at Kipchebor Ward near Jericho, the building is beautiful but then there is a non-functional machine which has been packed for the eyes of the public to see that we have the machine but that machine is not working. It is a sad situation and we cannot continue to be representing people and then overseeing such scenario happening. So we seek such statement, and we need real answers. In fact James Finlay, the multi-national though we have issues with them are the only people who can rescue us in case of such emergencies and in fact they were

willing to respond of which they had responded in several fire instances but their machine again had mechanical problems. So imagine the entire County of Kericho as we are speaking there is no fire engine which is working. Assuming Fortenan Market God forbid there is fire break out in Fortenan Sub county Hospital level 4 what could be done? So as the watch dog of the wanjikus we cannot be here sitting and drawing allowances watching the illegalities and people sleeping on their work. We need to hold the executive accountable and when we hold them accountable, we are not fighting them because that is our role, we need answers from them and I want to second and echo my sister Hon. Fancy has raised. We need to know the answers, we need to know the number of fire engines, are they working? Going further we'll propose then when we will be doing our budget the issue of emergency devolved like what we did on ambulances. We need to devolve the fire engine to Sub County so that every Sub County we should be having a working fire station and professional personnel who can respond. Thank you Hon. Speaker and I second.

The Speaker (Hon. Dr. Patrick Mutai): Honorable Hezron Ngetich take your seat, Hon. Paul Chirchir!

Hon. Paul Chirchir (Member for Kapsoit Ward): Mr. Speaker Sir, the honorable member is a senior member and has been the Majority Leader, he knows rules and procedures. When it comes to statements you can never second a statement, in fact you can never debate a statement. When a statement is raised the Chair or the Speaker directs to the relevant sectoral committee but what the honorable member was doing is contrary.

Hon. Hezron Ngetich (Member for Chilchila Ward): Point of information!

The Speaker (Hon. Dr. Patrick Mutai): Order Hon. Hezron. You want to inform the House that you second the statement or what?

Hon. Hezron Ngetich (Member for Chilchila Ward): Honorable Speaker, you know the honorable member forgot that I am the high ranking member of this House and whatever I was saying was an echo of what has been put down in that statement. I want to say that from the

statement we need to be given answers I was putting flesh and the seriousness of the issue because the issue is not a joke because response time in case of emergency is poor. so I wanted to echo what my sister raised in the issue. Thank you.

The Speaker (Hon Dr. Patrick Mutai): Hon. Hezron I think we cannot take away the fact that you are one of those may be second term members and with your experience I want to believe that is why you are putting the flesh. However we have the benefit of having a working dictionary in this Assembly by the name Dr. Naaman. Perhaps now Dr. Naaman may be in your own wisdom what is the definition of secondment so that we can really rest this issue of whether one can second a statement or if you to debate it.

Hon. Dr. Naaman Rop (Member for Soin Ward): Thank you Mr. Speaker for giving me this chance may be to provide some clarifications on the use of the word secondment. First, when used in a free hand text secondment can mean an affirmative or a support over the same but when used within the context of parliamentary language then a statement cannot be seconded so it depends on the context which the honorable member was using that term, thank you.

The Speaker (Hon. Dr. Patrick Mutai): Thank you, Hon. Cheruiyot Bett!

Hon. Cheruiyot Bett (Member for Ainamoi ward): Thank you Mr. Speaker. I think the statement that was raised by Deputy Majority Leader and of course seconded by Hon. Hezron Ngetich is raising a lot of concern if we can have a non-functional department then it means going into the future such fire incidences will never be contained in this county. It was my request that such a statement I think the head of department that fire engine is domiciled, must appear before the committee of the Whole House so that we can grill the head of that department. We even have a head of disaster management in our county. I can tell you we have always appropriated funds to buy more engines to avert such incidences but you I only see one machine. There was one that we fabricated. We approved some funds for fabrication, but I have never seen that engine because we appropriated funds in I think 2015 but the machine is not yet here. You have the benefit and you should also tell us because by that time you were at the executive.

Where did that fire engine go because that could be the fire engine that will have assisted the residents. Today it is in Kapsoit you know Kapsoit is bordering my ward, tomorrow it might be in my place Ainamoi center. So if we don't put things right now I think we will have a problem. I second in your wisdom that the head of that department be called. Those other statements are good but this one needs a lot of urgency. I don't know which committee is going to take up the matter but that one needs to be responded in seven days so that we put things right. Thank you very much Mr. Speaker, and to second is to support.

The Speaker (Hon. Dr. Patrick Mutai): Thank you very much, the Hon. Eric Bii!

Hon. Eric Bii (Member for Kaplelartet ward): Thank you Mr. Speaker once again you have given me this opportunity just to add some flesh, though according to Standing Orders, I think it is only today that we are doing addition of flesh. The Standing Orders doesn't really allow statement to be seconded or adding flesh. So but since we are in the whole House I want to say this by supporting and really want to know how many employees are employed to work at the fire station department whether they are in permanent and pensionable or in contract basis. Because some of the reasons why these people doesn't meet the expectation is that there's no motivation and if called upon probably over the weekend they might not be within the vicinity or the area where the fire station is located. So may be during the deliberation on this statement we ought to know whether these workers are in permanent and pensionable terms or in contract basis. In the last term there were funds put aside for these people to be employed in permanent and pensionable terms so let us paint the real picture so that as we discuss and as we expect these people to work they should also get motivated because imagine someone is being called at mid night and probably in a remote area like my home Kaplelartet area, somebody all the way to where the fire engine is, is a distance so let's work on this. And Hon. Cheruiyot Bett has put a question that we don't know whether we can direct this statement to the said department or we can discuss more to add some committees that can work within the shortest time possible because eruption of this fires has been random in our county. So may be with your direction Mr.

Speaker can you propose and give additional members to work on this statement five or at least seven days, otherwise I second and support thank you.

The Speaker (Hon. Dr. Patrick Mutai): Thank you, Hon. Francis Terer.

Hon. Francis Terer (Member for Cheboin Ward): Thank you so much Hon. Speaker I am standing on a point of order. Standing Order number 46 (1) on statement, there shall be time to be designated “Statement Hour”, every sitting day, commencing not later than 3:00 p.m. and ending not later than 4:00 p.m. during which a Statement /questions under this part may be made. So look at it Mr. Speaker the time is now 4:30 p.m. your guidance Mr. Speaker.

The Speaker (Hon. Dr. Patrick Mutai): I thank you so much the Hon. Francis Terer, honorable members we must congratulate Hon. Francis Terer for reading the Standing Orders but using Standing Orders number one, I give members the opportunity to add the meat, the flesh and now having read that I want to give to Chairman Governance, Labour and Social Welfare to indicate when the report shall be ready, who is the Chairman for Governance or Vice Chairman, who is the Vice Chairperson to confirm, Hon. Beatrice you are the Vice Chair Governance, Labour and Social Welfare, order honorable members I think it is incumbent upon the honorable member but you prosecute the matter at hand.

Hon. Beatrice Chepkemai (Nominated Member Representing Women): Asante Sana Bwana Spika Kwa kunipea hii nafasi. Naomba siku kumi na nne tutoe jibu, bado niko mpya hapa naendelea kujifunza. Asante.

The Speaker (Hon. Dr. Patrick Mutai): Thank you very much Hon. Beatrice, we note the fourteen days the Clerk will note accordingly so that we can proceed. So honorable members before I go back to the communication we had held in abeyance.

Number one is County Assembly Service Board after this session to meet at the Speaker’s Office Secondly, honorable members this afternoon the Clerk received a communication from the Majority Party and that is the reason why we delayed a bit because we had to communicate this

in this House. Honorable members I want to remind you guide you on the Standing Orders on both election and removal of your leadership. Honorable members please also note that the Speaker and the Clerk doesn't participate on party affairs that should be very crucial for the honorable members and I still repeat that the Clerk and the Speaker does not participate in the election of the House leadership that is the Majority Leader, the Deputy Leader of Majority, the Majority Whip and the Deputy Majority Whip. I want to refer you to Standing Order number 19 that clearly talks about the removal of the County Assembly House Leadership whereas Standing Order number 19(6) says the removal of a member of a County Assembly from Office under paragraph 4 shall not take effect unless another member has been elected in a manner provided for under paragraph 1 and as you can see paragraph 1 is very clear that the largest party in the County Assembly shall be the majority party and shall elect from (a) up to (d). Standing Order number 19(7) says; upon a decision being made by the majority party or coalition under this Standing Order, the decision of the party or coalition shall be communicated by the Speaker together with the minutes of the meeting at which the decision was made. If you also look at (a) clearly in case of removal of that Leader of Majority by the County Assembly the Majority Whip will communicate, however the communication that I have which was received by the Clerk and forwarded to me tells us that the members resolved unanimously as follows;

1. That the Hon. Paul Chirchir member for Kapsoit Ward be elected the Majority Leader
2. The Hon. Gilbert Ngetich member for Kisiara Ward be elected the Majority Whip

Honorable members as I have said, this is just a communication I am making to this House and of course we have a number of issues that I want to rule. The reason why we delayed is that there was consultation in the House and there were matters that were raised by the honorable members. The Clerk and I cannot tell whether you sat or not because we are not part of the team.

The Speaker (Hon. Dr. Patrick Mutai): Okay, the Honorable Deputy Speaker!

Hon. Erick Bett (Deputy Speaker, Member for Kipchebor Ward): Thank you Mr. Speaker. I want to laud your wisdom in Standing Order number 19 (7) and I want to say that in part (a) of

that Standing Order number 19 (7) it says that communication of changes, in the case of Majority Leader the person communicating is the Majority Whip in part (b) in the case of removal of Majority Whip it's the Majority Leader communicating. It will be illegal to communicate so because unless the Leader of Majority Whip here will confirm otherwise that will be illegal. This is a House of rules and procedures, and it's very clear. In your wisdom Mr. Speaker, rise to the occasion and make the right decision basing on the Standing Orders. Do not allow illegalities in this House. As your Deputy Speaker and your principal assistant, I will not allow my Speaker to be misguided because the law is very clear unless this is the Standing Order you are changing in this House and I will ask Mr. Clerk to confirm if this Standing Order is one in this House. It is only fair that people campaign and looks for votes and not come with illegalities like these. As your principal assistant, I request that you rise to the occasion, they say that there comes a time where a man must make the decision according to his conscience. This is illegal and it's clear.

The Speaker (Hon. Dr. Patrick Mutai): Order! Let's give him time! Order members! I will give you time to talk.

Hon. Eric Bett (Deputy Speaker, Member for Kipchebor Ward): Thank you Hon. Speaker for protecting me. I wish to remind you that this is our rules and procedures of the House, it is very clear and unless the Majority Whip will confirm to the House. It says the one who will communicate to the Speaker is the Majority Whip and vice versa. So if the communication you get from the party is not from the Majority Whip or Majority Leader then it is null and void and should be taken as just mere propaganda.

The Speaker (Hon. Dr. Patrick Mutai): Order honorable members, please finalize Hon Deputy Speaker.

Hon. Eric Bett (Member for Kipchebor Ward): As I finalize I want to laud because I know today you make a ruling that will vindicate you and give you honor in that office. Thank you Mr. Speaker.

The Speaker (Hon. Dr. Patrick Mutai): Honorable members I know as well and I am aware that the Deputy Speaker that there is no one who has a monopoly of knowledge that is why this Standing Order was put in place. Honorable members let us prosecute this matter in a very sober manner. Let us not react, in fact I am using Standing Order number one which is my discretion. Otherwise this is just a communication that I was to communicate, this is a vindictive in indication that as Speaker it is a matter that I thought I should raise today in the House and allow you to make one or two comments. So I will give to Hon. Dr. Naaman first. Honorable members I see today you are busy taking us pictures. Chief Whip and Hon. Dominic you are out of order! Serjeant-at-arms please remove them they are out of order. Please order honorable members! The Chair ought to be respected. Serjeant-at-Arms I direct that you remove Hon. Harun Rotich and Hon Dominic Kipkirui ...

(Serjeant-at-Arms escorts the mentioned members out)

Honorable members let us be a House of dignity even when we disagree with one another you will always give your comment and I have given you the leeway. There is no need of trying to take pictures or videos with the purpose of incriminating one another. Honorable members please be guided on that matter and in any case we have the Hansard with us here. So whatever we are prosecuting this Hansard is here as well as our PR and communication team of course capturing us live. So any proceedings that you will require shall always be provided when requested. I want to request that way. Hon. Dr. Naaman then I give to Hon. Eric Bii.

Hon. Dr. Naaman Rop (Member for Soin Ward): Thank you Mr. Speaker for giving me this opportunity to also give my wisdom on the interpretation of Standing Order number 19. Standing Order number 19 has envisaged a scenario where only one of the two positions will be removed, for instance a scenario where the Majority Leader will be removed and the Majority Whip is still officially in the seat either will communicate but here is a scenario where both of them are being removed from their offices and in such kind of matter it only takes us to Standing Order number 1 it then becomes the prerogative power of the Speaker to communicate. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): The Hon. Erick Bii!

Hon. Erick Bii (Member for Kaplelartet Ward): Thank you Hon. Speaker for giving me this opportunity just to raise my concerns. As you make your ruling, remember this is a House of rules and procedures and from the beginning you have been abiding by the rules. I want to say that today before you give your ruling. I am requesting that you give us time to ventilate and find out whether there was a meeting that was done and perhaps peruse whether these signatures are legit. We are live and the entire country is watching and if we make any illegality, the EACC (Ethics and Anti-Corruption Commission) will be on us because we did an election and the majority members of this House elected the Majority Leader and the Majority Whip and there are minutes that the honorable members can be able to provide. I want to beg that with your directive as it is in Standing Order number 1, don't overly on Standing Order because all this honorable members were elected and they have rights for their views to be heard. If you make the wrong move today I am afraid it might come back to us, thank you.

The Speaker (Hon. Dr. Patrick Mutai): The Hon. Erick Bii, before you take your seat, I request that you substantiate the last statement that you made, what did you mean when you said that it will come back to us?

Hon. Erick Bii (Member for Kaplelartet Ward): I want to substantiate without fear of contradiction that if you make a ruling today I don't know about tomorrow because if your ruling will be illegal it will come back the same way.

The Speaker (Hon. Dr. Patrick Mutai): Thank you. Hon. Anita then Hon. Rogony.

Hon. Anita Mibey (Member for Chemosot Ward): Thank you Mr. Speaker Sir, I want to make a comment about what we have just been told today about the change of leadership and the involvement of the majority party, I being one of them I was not involved. When we did the election we were all involved and I would like to request for the unity of this House and that as you make your own decision, remember we have been talking about unity but what is coming out today, I want to be honest, there is no unity. We are starting to divide the House because of

decisions being made in a small room and not involving the majority numbers in what we are talking about. Mr. Speaker, I beg you to rise to the occasion, speak from your heart and save this House from what is coming, thank you.

The Speaker (Hon. Dr. Patrick Mutai): Thank you, the honorable Rogony!

Hon. Rogony Kiprotich (Member for Soin ward): Thank you Mr. Speaker I am also shocked that the majority party sat to remove the Majority Leader and the Majority Whip. I am a member of UDA (United Democratic Alliance) number 088 from Sigowet and unfortunately I was not in any meeting. I would wish that before you make the ruling I want you to let this House know how many members of that party in this House sat and if indeed we must change the leadership of this House, I want to invite you to come and elect leaders of our own choice. Secondly, we have members who have never moved on after elections and it's unfortunate because we have serious issues to prosecute in this House. Just as my colleagues have said, the ruling that you will give here today will guide this House to prosperity or it will completely change the course. Thank you

The Speaker (Hon. Dr. Patrick Mutai): Thank you, Hon. Peter Kemoi

Hon. Peter Kemoi (Member for Kapsuser ward): Thank you Mr. Speaker for giving me this opportunity, I am one of the members who were elected under the party, UDA (United Democratic Alliance) and when we were electing the Majority Leader all of us were involved. I seek to know who made the decision, where the decision was made and the number of people who made the decision. For the signatures that are there I beg that you let us see and peruse and allow everyone to make there declaration. Thank you

The Speaker (Hon. Dr. Patrick Mutai): The Hon. Philip Rono!

Hon. Philip Rono (Member for Kamasian Ward): Thank you Mr. Speaker for giving me this chance, when I was raising my hand I was trying to seek for interpretation on the County Assembly Standing Orders based on what the Deputy Speaker read on the removal of the two.

That the Majority Whip should remove the Majority Leader and the Majority should remove the Majority Whip. I wanted to ask that what if the two are being hoisted what could happen but I think that one lies on you. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): Hon. Hezron Ngetich!

Hon. Hezron Ngetich (Member for Chilchila Ward): Thank Hon. Speaker. First before I comment I want to use this opportunity to congratulate the new Majority Leader, honorable Paul Chirchir who was elected by the platinum and diamond members of UDA, the high ranking members of the party. I rise to inform the honorable House that these are party issues and neither does it involve the administration of the Assembly nor the office of the Speaker. When the party members met at CIALA Resort, some agreed and some of us were not even aware but we supported. I want to urge the Honorable members that we support the new able and dynamic leaders so that they can bring change and unity to this House. If there is any issue we meet at the party level and we sort it out. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): You are out of order the member for Chilchila! I am seeing several hands up. Honorable Martin!

Hon. Martin Cheruiyot (Member for Kapkugerwet Ward): Thank you Mr. Speaker for giving me this chance to make my contribution concerning this issue. I am surprised that the majority of the members of UDA which I belong met and made a decision to hoist the leadership that have been put in place by the majority members of UDA. For us to move forward I feel that if there is a list of the said majority members you could show us for each member to confirm that they appended their signatures accepting to replace the leadership of the House. Otherwise I want to say that I know my Majority Leader is Hon. Vincent Korir and the Majority Whip who was put in place by the majority of members. I think this other decision I can say was made by the minority and not the majority. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): Honorable Noela Opille then Hon. Bavina.

Hon. Noella Opille (Nominated Member Representing Minority Group): Thank you Mr. Speaker for this opportunity that you have accorded me. As I stand here I am very much surprised because I am here nominated by the UDA party. The honorable member who spoke before said that the party which is dominating this County Assembly is UDA. I only know of UDA which I am a member. I have been nominated by UDA and I have not participated in this. Mr. Speaker kindly consider this as null and void. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): The Hon. Bavina.

Hon. Bavina Serem (Nominated Member Representing Women): Thank you Mr. Speaker, I am really ashamed that we are talking about the UDA party. The party that produced the president of this country. They are purporting that they did an election, they did it in some dark room somewhere, and it's a shame!

(Loud consultation)

The Speaker (Hon. Dr. Patrick Mutai): Order! Please let's allow her to finish.

Hon. Bavina Serem (Nominated Member Representing Women): Please protect me Mr. Speaker, the election of the Leader of Majority and the Majority Whip was done procedurally in a meeting where all the members were invited. It was in an official meeting that was convened in the County Assembly and the members who were present elected their leaders. Kindly Mr. Speaker use your wisdom to make the right decision and guide this House. Thank you.

The Speaker (Hon. Dr. Patrick Mutai): Honorable members I am seeing that the emotions are really going high. Hon. Fancy!

Hon. Fancy Korir (Nominated Member Representing Women): Mr. Speaker this afternoon I am really surprised on the changes on the leadership of this House. As a Deputy Majority Leader of this House I have no notice on the same and we as the members of UDA party we are not aware of the same. Mr. Speaker use your wisdom to rule on this because we need time to sit as the members of UDA party and act on this, thank you.

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

Hon. Cheruiyot Bett (Member for Ainamoi Ward): Thank you Mr. Speaker for giving me this opportunity. First I want to take this opportunity to thank the Hon. Paul Chirchir. He has been a die-hard supporter of the UDA party. During its formation, I remember he was the chairperson for UDA so for the majority of these members to sit down and decide that they want their Majority Leader to be the Hon. Paul Chirchir that is a show of maturity. Paul comes from my Sub County and I want to tell the entire House that as a Sub County we welcome the position with both hands and let me also congratulate the Honorable Majority Whip in absentia. God bless this County Assembly.

The Speaker (Hon. Dr. Patrick Mutai): Honorable members, having heard your views, having read the Standing Orders and having consulted with the Clerk and as I mention at the beginning that the election of the Majority Leader or whoever, the Speaker and the Clerk are not part of it. You are all members of a party, the work of the Clerk and the Speaker is just to communicate whatever you give us, unless you are denouncing the minutes and the list that is here. Those other things you will sort out at your party meeting. Let us not put the chair in a complicated situation, my work is to follow the Standing Orders. I want to make an assurance that this communication stands unless decided otherwise by the majority party.

The Speaker (Hon. Dr. Patrick Mutai): Order, sorry for that technical hitch, I think it's a matter of power, I think it's a shame in this 21st century that we have to be interrupted by such issues. This honorable house deserves to have uninterrupted power so that the honorable members can prosecute the matters smoothly. As I was concluding I made it very clear that our work with the Clerk is just to communicate. Whatever you discuss in your party meetings is none of our business. On a matter of communication, the Speaker does not make any comment other than just communicate and for now the communication stands. Thank you.

(Adjournment)

The Speaker (Hon. Dr. Patrick Mutai): There being no other business this House stands adjourned until next week on Tuesday at 9:30am. Thank you.

(The house rose at 3:35pm)