



Third Assembly



First Session

(021)

# COUNTY ASSEMBLY OF KERICHO

THIRD ASSEMBLY – (FIRST SESSION)

ORDER PAPER

TUESDAY 6<sup>th</sup> December 2022 AT 2.30 P.M

## **ORDER OF BUSINESS**

### **PRAYER**

1. Administration of Oath
2. Communication from the chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements
8. **Procedural Motion – Majority leader – Hon. Paul Chirchir.**

That , Pursuant to the provision of standing order 33(3a), this house resolves to extend the sitting time for today's afternoon sitting until conclusion of business appearing on the order paper.

### **9. Motion by Chairman of Education and Child Welfare**

That this house approves the report of the joint committees of Education and Child Welfare and Youth, Culture, Sports and Social Services on the vetting of the nominee for the position of Chief Officer in charge of Education, Culture, Libraries and Social Services, **Mr.**

**Richard Tonui Kibet**

10. **Motion by Chairman of Finance and Economic Planning**

That this house approves the report of the Finance and Economic Planning Committee on the vetting of the nominees for the positions of Chief Officers in charge of Finance and Economic Planning: **Ms. Rosemary Chelangat** and **Mr. David Kurgat Kiplangat** respectively.

11. **Motion by Chairman of Agriculture**

That this house approves the report of the Agriculture Livestock and Fisheries Committee on the vetting of the nominees for the positions of Chief Officers in charge of Agriculture and Livestock and cooperative management **Mr. Willy Rop Kiprono** and **Mr. Michael Bett Kiprotich** respectively.

12. **Motion by Chairman of Water and sanitation and Environment Energy, Forestry and Natural resources Committee**

That this house approves the report of the joint committees of Water Energy and Environment and Natural Resources and on the vetting of the nominee for the position of Chief Officer in charge Water, Environment. Energy, Forestry and Natural Resources , **Mr. Wesly Koech**

13. **Motion by Chairman of Health Services Committee**

That this house approves the report of the health Services Committee on the vetting of the nominee for the position of Chief Officer in charge of health Services **Mr. Japhet Cheruiyot**

14. **Motion by Chairman of Research, ICT & Government**

That this house approves the report of the joint committees of Research, ICT and E-Government and Sports Culutre and Social Services on the vetting of the nominee for the position of Chief Officer in charge of



Information, Communication, E-Government Youth Affairs,, Gender and Sports , **Mr. Geoffrey Kipngeno Bett**

**15. Motion by Chairman of Lands, Housing, Physical Planning and settlement committee**

That this house approves the report of Lands Housing and Physical Planning committee on the vetting of the nominee for the position of Chief Officer Lands Housing, Physical Planning and settlement, **Mr. Alphonse Rotich Kipkirui**

**16. Motion By Chairman of Roads Transport And Public Works Committee**

That this house approves the report of Roads, Transport and Public Works committee on the vetting of the nominee for the position of Chief Officer Roads Transport and Public Works, **Anderson Terer Cheruiyot**

**17. Motion by Chairperson Governance, Labour and Social Welfare Committee**

That this house approves the report of the committee on Governance, Labour and Social welfare vetting of the nominee for the position of chief officer in charge of Public Service Management, **Ms Betsy Chebet**

**18. Motion by Chairman of Trade, Industrialization, Cooperative Management Tourism and Wildlife**

That this house approves the report of the joint committee of Trade, Industrialization and Cooperative management Tourism and wildlife on the vetting of the nominee for the position of Chief Officer, Trade, industrialization, Innovation, Tourism and Wildlife **Mr. Gilbert Kipkurui Bii**

**19. Motion : Deputy Speaker- Hon. Eric Bett**

**THAT**, aware that the Constitution of Kenya under Article 37 and 119 and Standing Order 219 of the National Assembly Standing Orders,

provide the right for citizens to petition Authorities or Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.

**THAT AWARE**, that pursuant to Article 256 of the Constitution of Kenya **the Hon. Stephen Mule, MP and the Hon. Gichimu Githinji, MP** have presented a Legislative Proposal before the National Assembly to amend Article 204 of the Constitution of Kenya through a parliamentary initiative in order to entrench the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund (NGAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund in the Constitution;

**APPRECIATING**, that the proposed amendment will contribute in the advancement of the principle of equity and the acceleration in the development of the Republic as demonstrated by the impact of the recently annulled Constituency Development Fund (CDF) funded projects and programs across Kenya;

**RECOGNIZING**, that current realities show that budgeting and implementation of development projects at the County level tend to be biased leading to skewed distribution of resources resulting in underdevelopment of some Wards within a particular County.

**THAT WHEREAS**, it has generally been accepted by a majority of Kenyans that the creation and implementation of a **County Wards Equitable Development Fund** shall guarantee the fulfillment of the objectives of devolution espoused in Article 174 and will in particular allow: -

1. The promotion of equitable development across all Wards in each county;
2. The participation of residents of each county in the identification of priority projects in the county; and
3. The promotion of the decentralization of functions and provision of services by county governments to the extent that it is efficient and practicable pursuant to Article 176 of the Constitution.

**NOTING THAT**, efforts to create the County Wards Equitable Development Fund have faced many hurdles including annulment of various legislations passed by various County Assemblies and inability of the Senate to pass a national legislation on County Wards (Equitable Development) Fund due to constitutional challenges similar to those facing the recently annulled CDF;



**THAT WHEREAS**, the legislative proposal presented by the **Hon. Stephen Mule, MP** and the **Hon. Gichimu Githinji, MP** which aims to amend Article 204 of the Constitution provides a perfect opportunity to entrench the County Wards Equitable Development Fund alongside the other proposed equity funds in the Constitution;

**THAT WHEREAS**, under the rules of procedure of Parliament a Bill to amend the Constitution must be considered by both Houses of Parliament having realized the requisite constitutional thresholds, it is prudent that before the National Assembly either considers or refers the proposed Constitutional Amendment Bill to the Senate, the proponents of the Bill or the National Assembly first incorporates the County Wards Equitable Development Fund in the proposed law;

**AND WHEREAS**, all the matters in respect of which this petition is raised are not pending before any court of law or constitutional body and earlier efforts by both the 47 County Assemblies and the Senate to establish the County Wards Equitable Development Fund by way of legislation have been unsuccessful for reasons stated herein;

**NOW THEREFORE**, your humble Petitioners **PRAY** that the National Assembly intervenes and ensures: -

2. **THAT**, the County Wards Equitable Development Fund be incorporated in the proposed Constitutional Amendment Bill before the National Assembly by the Hon. Stephen Mule, MP and the Hon. Gichimu Githinji, MP alongside other proposed funds namely the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund (NGAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with rules of procedure of Parliament.
3. **THAT**, the proposed Constitutional Amendment Bill in amending Article 204 of the Constitution should provide for the following with respect to County Wards Equitable Development Fund: -
  1. That each County Government shall allocate funds comprising of a certain percentage of the respective total County's Annual Budget Estimates or as shall be advised by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund;
  2. That all monies allocated to County Wards Equitable

Development Fund shall be considered as funds allocated to Wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament; and

That Parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund

20. **Motion – Hon. Anita Mibey**

That this house approves the report of the County Assembly Service Board on appointment of two external members of the public to the Board pursuant to the fourth schedule of the County Assemblies Service Act, 2017

21. **Motion – Hon. Dominic Mutai**

**AWARE**, that Kabianga Tea Farm is 100% owned by the County Government of Kericho; Further aware that the tea farm is an income generating activity for the county; Concerned that the income generated from the farm is far below the expectation of the county; Noting that the County Assembly is not only mandated to oversight the County Executive but also the County Government's Organs including the Kabianga Tea Farm ;

I urge this Honorable House to;

1. Set up an Ad Hoc committee to investigate into this matter ; The ad hoc committee membership shall comprise of;

a) Hon. Dr. Naaman Rop

b) Hon.Mathew Korir

c) Hon.Paul Chirchir

d) Hon Dominic Mutai

e) Hon Phillip Mutai

f) Hon Jesca Chepngeo

g) Hon Gladys Chesang

h) Hon.Hezron Kipngeno

i) Hon. Mercy Gikonyo

j) Hon. Gilbert Ngetich

k) Hon. Julius Siele

2. The terms of reference of the committee is to report to this house upon investigation on;

- I. The financial records for the last twelve years;
- II. The green leaf production for the last twelve years;
- III. The processing factories, each kilogram process per factory;
- IV. Payment rates per kilo and factory delivered to;
- V. The number of staff on permanent and pensionable basis;
- VI. The number of employees on contract;
- VII. The actual acreage on tea ;
- VIII. The company assets and the status;
- IX. The internal and external audit reports for the last twelve years;
- X. The Directors sitting allowances
- XI. Income of sale of timber/trees for the past twelve years;
- XII. Any recommendation from any investigatory organ including from Office of the Auditor General and the status of its implementation

That the said committee tables the report on the said issues within 21 days of passage of this motion.

Martin Epus Patrick  
Clerk to the Assembly