



**OFFICIAL HANSARD REPORT**

**COUNTY ASSEMBLY OF BOMET**

**THIRD COUNTY ASSEMBLY**

**ASSEMBLY DEBATES**

**Vol. 2 NO. 103**

## DAILY HANSARD

*The Assembly met at the Main Assembly Chamber,*

*Dr. Joyce Laboso Centre at 2:30 p.m.*

Third County Assembly- Second Session

Thursday Afternoon 23<sup>rd</sup> November, 2023

*(The Assembly met at 2:30 p.m. in the*

*County Assembly Mini Chamber at County Assembly Buildings)*

*[Hon. Deputy Speaker (Hon. L. Rotich) in the Chair]*

### PRAYER

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Richard Ruttoh

**Hon. R. Ruttoh, Majority Whip (Chemaner Ward, UDA):** I humbly request that we wait for a few minutes for the Hon. Members. They are on their way.

**Hon. Deputy Speaker (Hon. L. Rotich):** In that case, I direct the Serjeant-at-Arms to ring the bell for ten minutes.

*(Quorum bell rang for ten minutes)*

**Hon. R. Ruttoh, Majority Whip (Chemaner Ward, UDA):** Hon. Deputy Speaker, we now have a quorum.

**Hon. Deputy Speaker (Hon. L. Rotich):** Clerk-at-the-Table, take us through the Orders of the Day.

### COMMUNICATION FROM THE CHAIR

#### WITHDRAWAL OF PAPERS LAID

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Members, as you recall the following Papers were laid on the Table of the County Assembly on 17<sup>th</sup> November 2023 at 2:30 p.m:

1. The Department of Lands, Housing and Urban Planning Review of the Integrated Strategic Urban Development Plan for Bomet Municipality for the Period 2010 – 2030 (Review Draft Plan Report 2019)
2. County Government of Bomet Consultancy Service for the preparation of Local Physical Development Plan for Mulot Town for the Period 2020 – 2030 (Final Draft Plan)

The said documents were thereafter committed to the Committee on Lands, Housing, and Urban Planning to process. However, upon review, the two Papers were not properly prepared since they were still in the draft form.

Consequently, I direct that the said documents be withdrawn. Thank you.

## QUESTIONS AND STATEMENTS

**Hon. Deputy Speaker (Hon. L. Rotich):** There was a Question that was deferred yesterday. That was the Question asked by Hon. E. Kirui on 18<sup>th</sup> October 2023 concerning the recent recruitment by the County Public Service Board for various county departments of the county government. The question was committed to the Committee on Labour and Public Service. Since I cannot see the Chairperson of the Committee on Labour and Public Service, can any member of the Committee give a response?

**Hon. F. Chepkirui (Nominated MCA, UDA):** Hon. Deputy Speaker, thank you. The report is with the Chairperson and I think he is on the way coming.

**Hon. Deputy Speaker (Hon. L. Rotich):** Is the Chairperson within the precincts of the Assembly?

**Hon. F. Chepkirui (Nominated MCA, UDA):** No, he is not.

**Hon. Deputy Speaker (Hon. L. Rotich):** Was he aware that he was to give this response today? Who gave the response yesterday?

**Hon. F. Chepkirui (Nominated MCA, UDA):** Hon. Deputy Speaker, Sir, the Hon. Member representing Kipsonoi did.

**Hon. Deputy Speaker (Hon. L. Rotich):** Okay.

*(Hon. E. Kirui rose on a point of order)*

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Kirui

**Hon. E. Kirui (Kimulot Ward, UDA):** Hon. Deputy Speaker, thank you. I rise because I am the one who asked the Question and the reaction and the lack of anyone to give a response to the Question says a lot about the seriousness of that Committee on this matter. It clearly shows that they probably did not sit to discuss this report. It says a lot when you are not able to give a response to what you have discussed at the Committee sitting. Hon. Deputy Speaker, the deferment from yesterday and the presence of only one member who is not even aware of what is to be discussed today says a lot.

Hon. Deputy Speaker, we have deferred answering this Question severally and I would expect you to give direction on the same so that we know where we are headed in this Assembly.

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Richard.

**Hon. R. Ruttoh, Majority Whip (Chemaner Ward, UDA):** Hon. Deputy Speaker, thank you. I rise to raise my concern on the different Sectoral Committees. It is saddening when the whole Assembly is seated expecting a response from a Committee and the Committee later disappoints. I do not support the Hon. Member but this is a matter of concern.

As a member of the Committee on Selection, there is need to relook on how we can improve on these Committees because it is unfair when we are seated expecting to have a report but get nothing at the end of the day. We need your guidance, Hon. Deputy Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Rosaline.

**Hon. R. Cheptoo (Rongena/ Manaret Ward, UDA):** Hon. Deputy Speaker, thank you. I rise to also contribute on this delay on reporting and how the Members come in during the Sittings. There is a low turnout when we start our Sittings. After analyzing, I have realized that the Hon. Members need motivation and the allowance which used to be there before. That will motivate us.

We may not know the challenges the Members absent are facing. This is a serious issue and the Salaries and Remuneration Commission (SRC) should reconsider giving the Hon. Members those allowances. Thank you.

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Vincent.

**Hon. V. Mutai (Nominated MCA, UDA):** Hon. Deputy Speaker, thank you. I rise to contribute on this matter. I wish to challenge the County Assembly Committee on Business and Rules that they inform the Chairpersons of the Committees whose business have been scheduled for that day. Some items appear on the Order Paper when the Chairpersons are absent or are on official duties. That is my request. Thank you.

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Felody.

**Hon. F. Chepkirui (Nominated MCA, UDA):** Hon. Deputy Speaker, thank you. I now have the report and can respond to the Hon. Member if you will allow me. Thank you.

*(Hon. R. Ruttoh rose on a point of order)*

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Richard Ruttoh

**Hon. R. Ruttoh, Majority Whip (Chemamer Ward, UDA):** Hon. Deputy Speaker, Sir, I am not happy on the way these Hon. Members are handling their issues. Hon. Felody rose and said that the report is with the Chairperson. Does it mean that the Chairperson is hiding outside?

*(Laughter and applause)*

Besides that, the Hon. Member has just mentioned that she has the report and I doubt that the soft copy has been sent to the Hon. Members. I do not know why the Hon. Member decided to leave the Assembly and suddenly came back with the report. Hon. Deputy Speaker, this is wrong. Give us direction.

**Hon. Deputy Speaker (Hon. L. Rotich):** Thank you. When Hon. Felody rose, she stated clearly that she did not have the report and that the report was with the Chairperson. Within no time, the Hon. Member is back to the Chamber with the report. We will not allow that. This Question has

been deferred severally and I would like to give a stern warning to the Committee Chairperson. Necessary action will be taken.

Hon. Members have given their sentiments. They have also mentioned of the allowances but on this issue, this is a Chairperson who has been bestowed to chair the Committee on Labour and Public Service. We do not know how the Committee is run because at one point the report is not within and then within no time the report is here with us. Do you also require allowances so that we organize ourselves? The Chairperson needs to be warned that there are actions that can be taken from where I sit.

The Question was due yesterday and it was handled halfway. Informing the Chairperson again that it will appear today is not called for. Hon. Felody, are you in a position to handle the Question now?

**Hon. F. Chepkirui (Nominated MCA, UDA):** Yes, I am.

*(Hon. C. Chepnetich rose on a point of order)*

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Catherine.

**Hon. C. Chepnetich (Nominated MCA, UDA):** Hon. Deputy Speaker, Sir, I rise to inform this Assembly that the delay from the Committee has nothing to do with the County Assembly Committee on Business and Rules. Thank you.

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Felody, take the floor and answer the Question.

**Hon. F. Chepkirui (Nominated MCA, UDA):** Hon. Deputy Speaker, thank you. Before I give the response, I would like to clarify to the Hon. Member who asked why I went outside and came back with the report. I went out to ask the Chairperson for permission to answer the Question.

Hon. Deputy Speaker, here is the response.

*(Hon. R. Ruttoh rose on a point of order)*

**Hon. R. Ruttoh, Majority Whip (Chemaner Ward, UDA):** Hon. Deputy Speaker, Sir, is it in order for the Hon. Member to seek for permission to give us the report. I believe all the members of that Committee have authority to present the report as long as the report is ready. She should withdraw that statement.

**Hon. Deputy Speaker (Hon. L. Rotich):** Do you have permission from the chairperson?

**Hon. F. Chepkirui (Nominated MCA, UDA):** Yes, I do.

**Hon. Deputy Speaker (Hon. L. Rotich):** Where is the Chairperson?

**Hon. F. Chepkirui (Nominated MCA, UDA):** He is on sick leave.

*(Hon. J. Samoei, Deputy Majority Leader rose on a point of order)*

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Samoei.

**Hon. J. Samoei, Deputy Majority Leader (Nyangores Ward, UDA):** Hon. Deputy Speaker, Hon. Felody should show us her phone to prove whether she called Hon. Benard Rotich.

**Hon. Deputy Speaker (Hon. L. Rotich):** All your sentiments are being noted. We will also require that sick leave. We are serious and represent the people of Bomet County. If the Hon. Member was sick then it needs to be authenticated so that we do not judge the chairperson wrongly. Hon. Catherine.

**Hon. C. Chepngetich (Nominated MCA, UDA):** Hon. Deputy Speaker, is it okay for the Hon. Member to respond to that Question being the only one present?

**Hon. Deputy Speaker (Hon. L. Rotich):** I did not get you. Kindly clarify. Hon. Richard.

**Hon. R. Ruttoh, Majority Whip (Chemamer Ward, UDA):** Hon. Deputy Speaker, she is asking for direction from you because Hon. Felody is the only member from the Committee on Labour and Public Service who is present. She is asking if it is permitted for her to proceed with responding to the Question or not. Thank you.

*(Hon. D. Busienei rose on a point of order)*

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Busienei.

**Hon. D. Busienei (Chemagel Ward, UDA):** Hon. Deputy Speaker, this Assembly is waiting for this report. All these point of order are confusing the Hon. Member who wants to give the response. Furthermore, Hon. Felody is not the only member of the committee present. Hon. Philip is also present. The response to this Question does not require the quorum of the members of the Committee.

Hon. Deputy Speaker, allow Hon. Felody to read the report. Hon. Deputy Speaker, guide the Assembly.

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Felody can proceed to give the response. The two members of the Committee present can handle any reactions that will arise. Hon. Felody, proceed.

*(Hon. D. Ngeno rose on a point of order)*

**Hon. D. Ngeno (Kongasis Ward, UDA):** Hon. Deputy Speaker, thank you. I seek your guidance. The response to the Question was given halfway through yesterday by the chairperson of the Committee. I seek your guidance if it is possible for the Hon. Member to proceed from where the chairperson left yesterday. Thank you.

**Hon. Deputy Speaker (Hon. L. Rotich):** It is possible. Hon. Felody, kindly proceed from where the chairperson left yesterday.

**Hon. F. Chepkirui (Nominated MCA, UDA):** Hon. Deputy Speaker, Sir, thank you. The Committee requested clarification from the County Public Service Board via a letter reference

number BCA/13/9/1 (35) pursuant to a Committee resolution. The County Public Service Board responded on 17<sup>th</sup> November, 2023 via a letter reference number CPSB/BCA/11/1/2023.

The following is the response of the Public Service Board together with the Committee's comments:

On the first question, the Board stated that it is guided by law in the entire recruitment exercise. The County Governments Act provides a guideline to guide from the time of advertisement to the time of appointment as follows:

Section 65 (1) of the Act provides that;

In selecting candidates for appointment, the County Public Service Board shall consider;

- (a) The standard values and principles set out in article 10, 27 (4), 56 (c) and 231 (1) of the Constitution.
- (b) The prescribed qualification for holding or acting in the office
- (c) The experience and achievements attained by the candidate
- (d) The conduct of the candidate in view of any relevant code of conduct, ethics and integrity
- (e) The need to ensure that at least 30 per cent of the vacant posts at entry level are filled by candidates who are not from the dominant ethnic community in the county
- (f) The need for open and transparent recruitment for public servants and individual performance

On the second question, in determining whether an appointment, promotion or re-designation has been undertaken in a fair and transparent manner, the overriding factor shall be merit, fair competition and representation of the diversity of the county. In ensuring compliance with the law, the Board invited applications through advertisement and other modes of communication so as to reach as wide a population of potential applicants as possible and especially persons for any reason have been or may be disadvantaged. It is thus the responsibility of individual applicants to make applications. The board carries out selections and interviews on the basis of merit, fair competition and representation of the diversity of the county.

The ability to meet qualifications, hold an office, meet the requisite experience and achievement of the candidate, the conduct of the candidate in view of relevant code of conduct, ethics and integrity and individual performance squarely lies within the candidate.

Committee's comment, the committee noted that the board's response to the aforementioned issues aligns with the provisions outlined in the law. It is essential to clarify that the honourable member requesting the statement was misinformed in asserting that the job grades and promotions should be distributed equitably. As this assertion lacks legal grounding, section 65, 2 of the county governments act explicitly stipulates in determining whether an appointment, promotion, or re-



designation has been undertaken in a fair transparent manner. The overriding factors shall be merit, fair competition, and representation of the diversity of the county. It is crucial to emphasize that diversity as envisioned in this aforementioned section encompasses not only geographical representation but also includes gender, ethnic, and age diversity.

Whether the board disregarded the approved recommendation of the ADHOC committee of the second assembly about the absorption of staff already serving in similar positions. The board received the approved ADHOC committee which was luckily implemented and with item H which was concerned with staffing in the county. The board conducted a suitability test for the permanent casuals and was unable to recommend their placement in the public service for lack of credential documents regarding their initial appointments and academic documents.

*(Hon. J. Samoei, Deputy Majority Leader rose on a point of order)*

**Hon. J. Samoei, Deputy Majority Leader, Deputy Leader of Majority (Nyongores ward, UDA):** I think this Assembly lacks enough quorum to continue with its business.

**Hon. Deputy Speaker (Hon. L. Rotich):** We had enough quorum when we began so the moment the quorum of the Assembly is met; the business of the Assembly can continue.

**Hon. F. Chepkirui (Nominated, UDA):** Thank you, Mr. Speaker, for the committee's comment. The committee acknowledges that substantiation is needed for both the assertion and the response provided by the county public service board. After a thorough examination of the ADHOC's committee report, it is observed that there is no recommendation related to the absorption of staff in similar positions even in such a provision where present, it will be categorically unlawful to suggest that the board autonomously decided to absorb contracted staff. Consequently, the committee disputes the aforementioned question since it is not addressed in the ADHOC committee report.

Whether the board failed to prioritize the hiring of an individual with a disability...

*(Hon. E. Kirui rose on a point of order)*

**Hon. Deputy Speaker (Hon. L. Rotich):** Wait for the member to finish first.

**Hon. E. Kirui (Mogogosiek ward, UDA):** I am sorry Mr. Speaker I am afraid that we will be breaking the law according to standing order number 35 and I want to read it so that we don't go wrong. The quorum notification that has been raised to you may have passed your noting and I seek to read the standing orders 35, b. I can even start from 35, 1 if at any time chair is taken or when the county assembly is in committee, a member objects that there is no quorum, the speaker or the chairperson shall count the county assembly or the committee as the case maybe. Number two, if the count under paragraph one, a quorum does not appear to be present the speaker or the



chairperson shall cause the division bell be rang if no quorum is present at the expiration of eight minutes.

Mr. Speaker I am particularly concerned because we are conducting business and part of the business of this Assembly as per the order paper is listening to a serious report and when you tell us that we can continue the business of the Assembly when the Assembly is not fully constituted normally then I am afraid that we will be breaking the law, this is a Assembly of laws. I want you to give a considered ruling on your earlier ruling so that I don't look like I want to overrule you but just bringing to your attention the standing orders and provisions therein so that we will not carry on any business in this Assembly if the Assembly is not duly constituted. Thank you Mr. Speaker I request for your considered ruling on the same.

**Hon. Deputy Speaker (Hon. L. Rotich):** Okay, clerk kindly ascertain whether we have the quorum. I instruct the Serjeant at arms to ring the bell for eight minutes and no member should be allowed to go out when the bell is being rang.

*(Hon. J. Samoei, Deputy Majority Leader rose on a point of order)*

**Hon. J. Samoei, Deputy Majority Leader, Deputy Leader of Majority (Nyongores ward, UDA):** We have attained the quorum Mr. Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** Okay honourable Felody kindly proceed.

**Hon. F. Chepkirui (Nominated, UDA):** Thank you Hon. Speaker, I'll continue from where left. Committee's comment, the committee recognises that the public service board provided an accurate on the issue at hand, it is important to highlight that the inquiring post by the honourable member is ambiguous as it refers to an unspecified individual without proper identification. Consequently the committee faces challenges in advancing on this matter as it lacks the authority to conduct an inquiry into an issue that lacks both merit and supporting evidence.

Mechanisms used by the county public service board to verify authenticity of documents submitted by candidates in terms of their educational qualifications from various institutions. In answering this question the board writes to various institutions where they were attached requesting for verification and authentication before successful candidates are confirmed in appointment. Any unauthentic document leads to disqualification.

Committee's comment, the public service respond has provided a detailed explanation of the procedures it employs to authenticate the documents submitted by the candidates particularly concerning the educational qualification from different institutions. The committee expresses that satisfaction with the thoroughness of the county public service board's response.

Whether the county public service board recruited individuals who are close relatives even when it is known that some have integrity issues in their former places including those with active cases

under investigation. In answering the question the board has had instances where close relatives were employed but the declaration of interest was made. However the board is neither aware of any relative who had integrity issues in their former workplaces nor have any active cases under investigation.

The comments of the committee, the committee acknowledges that the county public service board has addressed the issues at hand. It is observed that the question posed by the honourable member lacks essential evidence particularly details regarding individuals presumed to be relatives of the county public service board members. Consequently, the committee encounters difficulties in progressing on this matter as it lacks authority to conduct an inquiry into an issue that lacks both merit and a substantiating evidence, thank you Mr. Speaker.

**Hon. E. Kirui (Mogogosiek ward, UDA):** Thank you Mr. Speaker I have taken time to listen and read through then response by the committee on Labour and I am completely thrown off. I think this is absolute balderdash for all this committee to have sat here and to come and read to us a report that has been concocted to them by the same public service board that was supposed to be asked those questions. Even from the body language of the presenter of the report you could easily tell that this is not the owner of the report, there is no ownership on the report Mr. Speaker and I can tell you that from where I sit I can deduce that the honourable members did not do their homework, they just did a letter to the public service board and they decided that they want to come give the merits and demerits of asking those questions.

Number one Mr. Speaker when I made the decision to put forth the questions, I am aware and I don't know whether Mr. Speaker you are aware that there is one member of the public who has written to the clerk and I suppose the communication should have come to your desk or any other means to the Assembly leadership. Mr. Aaron Langat of ID Number 25441205 and this is a letter received in the county assembly on 8<sup>th</sup> of September and this letter decries and it says a lot about what the malpractices in the employment in Bomet County Public Service board.

As a member of this assembly I would expect that any petition written to this Assembly unless it does not meet the merits of being forwarded to this Assembly then it needs to be communicated to this Assembly or even having been communicated to a committee to deal with this matter Mr. Speaker. If you permit me Mr. Speaker, I would love to read the contents of the letter that was seemed to have been received in this Assembly on 8<sup>th</sup> of September and I am waiting for your permission and then I will proceed. Mr. Speaker I beg for your permission to read this letter.

**Hon. Deputy Speaker (Hon. L. Rotich):** Was the letter made to the attention of the committee?

**Hon. E. Kirui (Mogogosiek ward, UDA):** I don't know, this is an official document, it has a stamp of the Bomet County Assembly and it was received on 8<sup>th</sup> of September 2023 and I suppose

the committee should have looked through that and if they did not receive that then maybe there is a break in communication in the assembly. This is a second time within the month that we are raising issues that have been brought to the floor of the Assembly and has not been raised to the committee Mr. Speaker so I want to seek your permission that I may read this letter and if you permit me then I can have it printed and be brought to you for further scrutiny and action Mr. Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** Because I could have wanted the situation where earlier on together with the questions you asked, the letter was brought to the attention of the committee so that they'll have enough time to act on the same.

**Hon. E. Kirui (Mogogosiek ward, UDA):** Mr. Speaker they are not in any way related, it just comes to me. I think a member of the public made it to me because they got aware as at yesterday when we were having a discussion about this then they got to know which member raised this questions and they thought maybe I have in mind and then they have shared with me and I am an interested party now that this thing was actually received in the assembly and it should have been brought to the committee.

**Hon. Deputy Speaker (Hon. L. Rotich):** Honourable member I suggest that you serve the chair with the letter first before reading to the members. Kindly share with the speaker's office.

*(Hon. R. Ruttoh rose on a point of order)*

**Hon. R. Ruttoh, Majority Whip (Chemamer ward, UDA):** I just want to also ask your clarification on this, normally when a member of the public sends a letter it is normally a petition sent by a member of the public which I believe normally when the letter is received it is sent to the committee on petitions and not the other committees because if any member of the public can address or write a letter to different committees it will not be good Mr. Speaker because this is a way of underrating the committees. I believe the letter should have been addressed to the committee on petitions so that if there is anything to be petitioned it can be done through the specific committee, thank you very much Mr. Speaker.

*(Hon. D. Busienei rose on a point of order)*

**Hon. D. Busienei (Chemagel ward, UDA):** Mr. Speaker any correspondent addressed to this honourable Assembly should be addressed to the clerk and any other letter coming direct to honourable members should not make into the committee because if we do that, members of the public can do maliciously address this Assembly through the backdoor. So let us not allow such correspondents and we expect since the honourable member, honourable Kirui who asked this question after he got the opportunity to interrogate the report, it seems honourable Eric wants to divert the attention of this Assembly Mr. Speaker.

**Hon. E. Kirui (Mogogosiek ward, UDA):** I think the honourable member speaking would want to give the direction of action to you Mr. Speaker and I think you will protect me because I am not asking to introduce foreign documents to this floor of the Assembly, I am aware of the rules and the standing orders and I want to make it clear, I have been listening keenly to honourable Richard and honourable Busienei, I seem to pick the fact that they are not aware that as Hon. Member I can ask the speaker whether he is aware that there is a letter that was a letter that was written and maybe probably someone a wrote a letter, a petition even to the clerk and someone somewhere in some office decides to sit on a letter. Won't it be proper for a member to ask for that information and whether the speaker is aware of it or not? Because why I do that is because it is important that being an Assembly of procedure we would want to always be accountable at any point of our action and we expect that if a communication has been written, I am saying this letter was not addressed to me as honourable Eric Kirui, it was addressed to the clerk of the county assembly of Bomet. I am just asking if this was then communicated to the speaker. And if not where did it go to? And that is the bit that I wanted to know. The members. Kindly share this with the speaker's office.

*(Hon. R. Ruttoh rose on a point of information)*

**Hon. R. Ruttoh, Majority Whip (Chemamer ward, UDA):** Mr. Speaker I am not against what the honourable member has presented but in every office, if there is any letter written to that office, I believe there is a discussion on the same information which has been received. For instance, the office of the clerk has a legal team which means when a letter is written addressed to the clerk it is the responsibility of the clerk to go through the letter and can be advised otherwise if necessary by the legal team. If it is approved to be forwarded to the speaker that is the time at which the clerk can forward it to the speaker I believe if it is not at your table Mr. Speaker it means the letter was not approved in the office of the clerk and it is not our work as the honourable members to use a letter which has been forwarded by a member from outside to be discussed in this Assembly without the approval of the speaker, that is my humble request Mr. Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** I was in the process of making a ruling and I had told the honourable member that let the letter arrive in the office of the speaker and the clerk and it will be admitted this Assembly for discussion otherwise the honourable members are not disputing any sentiments which Aaron Langat listed in the letter. So honourable Eric kindly go direct to the question you asked and respond on the areas.

**Hon. E. Kirui (Kimulot ward, UDA):** Thank you Mr. Speaker I will go straight to look through the responses by the committee and like I started saying that the answers given by the committee and I have said just from judging from the body language it lacks conviction and strength of any

member to just stand and it becomes a conveyor of some sorts because when you ask questions we expect the committee to have internalized the questions and make a proper judgment on the questions.

On my first question Mr. Speaker on the criteria employed to ensure job grades were distributed equitably across all county wards to promote fair and equitable sharing of resources I would have expected the committee to come up with an analysis of the distribution of the job groups that were given because out of the 293 that was the latest and I know we would want to look even back a bit but I want to use the latest. Some wards got more senior positions than others in bulk. In general, if you were weighting allocation of the job grades there is a job group called R, P even to the lowest that we have in the county. If you did a weighting on those some wards and sub-counties got bigger and more senior positions as compared to others. The rest of the wards were getting the officer positions that were the lowest cadre in the county that was on offer then Mr. Speaker.

For them to allude to the fact that or the insinuation that the member lacks merit then I am thrown off. The members of this assembly, represent certain cadres and you know even the person who read the report today, it is such a shame that she represents the youth and I can even quote that one of the persons who was hired in the department of trade is a 53year old person disenfranchising a 28year old person and she is here reading to us a report justifying why we distribute job groups while you are disenfranchising a young person for an older person. I don't mean that a 53year is not supposed to get a job but if it were me I would give more opportunities to younger people in this country and not an older person who graduated in the 90s.

Number two Mr. Speaker I would expect that the committee would have done a specific count and said honourable member the fair distribution in every ward, we had a job group for the principal, for the director in charge of this because there were so many positions that were there, I cannot mention all of them, then this ward got this or this sub-county got this. But as it stands Mr. Speaker most of them went to the ward or the sub-county where the chairman of the public service board comes from and I think it is unfair and I think if there is anything that we need to look into in the future we want to make them accountable for the deeds, they cannot disenfranchise other wards and other sub counties for the sake of their selfish interest.

I am told even the chairman of the public service board is thinking to be the M.P of where he comes from and that is part of what he is doing campaigning dishing out senior positions and I can tell you Mr. Speaker while I served in the county executive and truth be told, when jobs were advertised everyone who came from the sub-county where the chairman came from were absorbed as a director but when it came to other people he went up and headhunted for his relatives and

brought them to them to the county executive. I think it is high time that we rise to the occasion and speak the truth about matters happening in the public service.

Number two Mr. Speaker is on discrimination, the constitution is very clear on why we should never be able to discriminate against people and the constitution is very clear that when you do discrimination you are disenfranchising the whole republic so I am thinking also the public service board is guilty of discriminating against some certain quarters of this county and action needs to be taken against them Mr. Speaker.

On the response on whether the board disregarded the approved recommendation, it is appalling that a member of this assembly Mr. Speaker would want to even discredit a report of the assembly because the report that was shared by Hon. Member of Embomos had made some very specific recommendations on giving a priority to people who were serving in those positions. The most shocking bit about this Mr. Speaker is the fact that the committee did not demonstrate an effort to even absorb people who were serving in those positions instead they threw them off that is called throwing them under the bus and brought in new people and those people had served in the county for over ten years. Tell me any other definition of being unfair if that is not being unfair to the staff who had served in the county for over ten years diligently and they were thrown off.

On my third issue Mr. Speaker on whether the board failed to prioritize hiring individuals with disability I will not chicken out and I am afraid and sorry that the honourable member representing the people with disability honourable Lilly is not here today and I am sure she would be very keen wherever she is today to ensure that we get it right from the word go. One Mr. Wilperson Kirui Mr. Speaker has been serving in county executive as the assistant director in charge of gender and when the response is given by the committee and I want to read this and I think this is a sloppy response from the committee and it is important that I read the bit that they answered it that it is important to highlight that the enquiry pressed by the honourable member is ambiguous and refers to unspecified individual without proper identification.

I want to go back to my question Mr. Speaker and my question was why did the Board ignore hiring an officer who is under the category of a person with a disability to a position he held in the Department of Social Services and hired someone new to that position? I can tell you if you go to the department of social services the staff in the social services are not more than 15, for them to insinuate that it is ambiguous it just says a lot about being lazy about how we do our work because how would we fail amongst people who are 15 in a department that we cannot tell this is a person with disability. One Wilperson Kirui is a person with disability and he served as assistant director. The public service board so it fit that they throw him off and brought him on board someone else. Can discrimination be defined any better than that? They don't even have a favour of telling us



about disability mainstreaming. Sadly the honourable member who read the report is a member of gender committee Mr. Speaker and she did not even dissent even one line on disability mainstreaming and I know my vice chair whom I respect and she knows very well that the members of gender we would be very happy if one Mr. Wilperson Kirui would have been given that opportunity and we will be happy that at least the discrimination would have gone lower but you know for anyone to stand here and I am happy in this assembly today we have full membership of the committee on gender led by the chair who is my neighbour here and the rest of the members who are sitting across the aisle and aware that we should have fought for this person in terms of disability mainstreaming Mr. Speaker.

On the fought issue of hiring of close relatives Mr. Speaker. This is very close to our hearts and everyone else. I know we all have relatives and all of them are looking for jobs but we will not even though you declare, the public service board members declared a conflict of interest but not to the extent that they even went ahead to recommend hiring their brother in law to serve as the director of revenue in this county while he has a case with where he used to work Mr. Speaker.

I think this Assembly needs to rise up to the occasion and face it the way it is. I remember on the talks on the streets before this question was answered, some of the members told me some of the questions are very difficult for them to answer and I told them why then are you a member of this Assembly, we are members of this Assembly so that we can face issues clearly as they are and we need to face it head-on and tell members of the public that we are here on their behalf. The positions that we hold Mr. Speaker are delegated positions that have been given to us by the members of the public and we are here to defend their positions and we don't speak on their behalf, no one else has authority to come and speak in this Assembly.

So I can tell you the committee slept on their job Mr. Speaker, they didn't carry out their work seriously and I want to say without fear of contradiction that you give a directive so that this committee can also invite the members of the public service board to this Assembly like you have directed for the rest of this week so that they come here and we get prepared and ask them those questions directly and if any other honourable member will be afraid to ask them I will be there to ask for them and be able to speak on their behalf because some of these questions and you know they've been answered and written very elaborately you would think they have answered them well but I can tell you we have a case against the public service board who have continued to disenfranchise the employment and even kill the careers of the young people of this county and an action needs to be taken now and immediately so that we continue providing the service and oversight that this county deserves, thank you Mr. Speaker and I beg for your ruling on this issue and we want to look further into the actions of the public service board, thank you.



**Hon. Deputy Speaker (Hon. L. Rotich):** Okay thank you Hon. members for deliberating on this very well. Hon. member who answered the question on behalf of the chair committee on Labour and public service and Hon. Eric who asked the questions. Hon. Felody, I wanted to ask, in any one of your meetings, did you invite Hon. Eric Kirui?

**Hon. F. Chepkirui (Nominated, UDA):** No we did not.

**Hon. Deputy Speaker (Hon. L. Rotich):** Okay. In that case therefore, there are many issues which Hon. Eric Kirui could have shared with the committee. In one way or the other, when the questions were being handled, for example question (a), there is a conclusion you gave in answering question (a) that Hon. Eric Kirui did not provide information which could have helped the committee especially in the situation of job group grades. In some of other questions, the committee also mentioned that Hon. Eric Kirui lacked evidence on some of the issues raised for example the fact that the board members hired their relatives I think there is something he mentioned to do with the member not having evidence. Isn't that so Hon. member?

**Hon. F. Chepkirui (Nominated, UDA):** Yes.

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Eric has also mentioned names of individuals whom I think they were not brought to the attention of the committee for example the purported letter written by Aron Langat which I think is a member of Bomet County did not feature in the committee table. Eric Kirui also mentioned Wilperson Kirui who was employed as an assistant director in Gender. I think Eric Kirui you mentioned such a name.

**Hon. E. Kirui (Kimulot ward, UDA):** Yes Hon. speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** You also mentioned that there is a position which required employment of a youthful person but the board employed a 53-year-old. Did you also say that Hon. Eric?

**Hon. E. Kirui (Kimulot ward, UDA):** Yes I said not that it required a younger person but that there are younger people who were equally qualified but they then chose to leave out young people for an older person disenfranchising the youth of this county.

**Hon. Deputy Speaker (Hon. L. Rotich):** Okay, thank you. I am seeing that all the sentiments which have been raised by Hon. Kirui could have been raised in the committee level where you ought to have been invited by the committee because they in one way or another provide evidence for some of the issues which have been raised here.

*(Hon. R. Cheptoo rose on a point of information)*

**Hon. R. Cheptoo (Rongena/Manaret, UDA):** I want to inform the Assembly concerning the issue which has been raised by Hon. Eric concerning the people living with a disability. I feel that as you are giving direction to the vice chair, I feel that we should be given information and the number

of people living with disabilities in all departments. We should have information on how many people have been employed so that we can see the percentage whether it reached the required percentage in every department. Thank you.

**Hon. Deputy Speaker (Hon. L. Rotich):** Yeah thank you. I believe Hon. Felody on behalf of the group noted the sentiments which have been raised by the Hon. Member. I was ruling that the committee to sit again and invite Hon. Eric Kirui to shed more light on the weighty issues he raised and the same to be reported to this Assembly before we break for a long recess. The said information will be relayed to the chair Labour and Public Service. This should happen as soon as possible so that this Assembly will also dispense on the matter more seriously because these are weighty issues and we want sufficient answers so kindly Eric you will be waiting for the invitation and I ask you to kindly appear when invited.

**Hon. E. Kirui (Kimulot ward, UDA):** Thank you Mr. Speaker. Much Obligated.

**BILL**

**THE BOMET COUNTY GENDER EQUALITY AND WOMEN EMPOWERMENT BILL 2023, BILL NO. 7 OF 2023.**

*Second Reading*

**Hon J. Cheruiyot (Embomos ward, UDA):** Thank you very much Mr. Speaker. I rise to move that the Bomet County Gender Equality and Women Empowerment Bill 2023 be read the second time. Mr. Speaker, on behalf of the committee on Gender, Culture and Social services and Pursuant to standing order 201 (5) (g), it is my duty and pleasure to present to the assembly the committees' report on the Bomet County Gender Equality and Women Empowerment Bill 2023 Mr. Speaker. This is the relevant committee that consider all matters relating to gender, culture activities, public entertainment, and Public amenities including betting, casinos and other forms of gambling, cinemas, video shows and hiring, libraries, museums, county parks, and recreational facilities, control of drugs and pornography, betting and lottery. Mr. Speaker, the committee on gender, culture, and Social Services as currently constituted comprises the following members:

1. Japheth Cheruiyot – Chairperson
2. Monica Manyei – Vice Chairperson.
3. Felody Chepkirui – Member
4. Lily Cherotich – Member
5. Caroline Chelangat – Member
6. Eric Kirui – Member
7. Caren Cheronon – Member.

Mr. Speaker, the Sectorial Committee on Gender, Culture and Social Service derives its mandate from the provisions of standing order 201 (5) which defines the functions of the Sectoral Committee. Mr. Speaker allow me because we have shared the same report to the Hon. members, the mandate of the committee, I do want to request that the Hon. members to go through on the mandate of the committee.

Allow me Mr. Speaker to give the committal of the committee on Gender, culture, and social services Mr. Speaker. The Bomet County Gender Equality and Women Empowerment Bill 2023 was published on 14<sup>th</sup> September 2023 pursuant to standing order 129. The bill had to complete the maturity period of 14 days before its introduction to the county assembly. Standing order 129 provides that no bill shall be introduced unless that bill together with the memorandum referred to in standing order 126 Memorandum of Objects and Reasons has been published in the Kenya Gazette or county Gazette as a bill to be originated in the county assembly unless in the case of county revenue fund bill and appropriation bill or a supplementary appropriation bill a period of 7 days and in the case of any other bill, a period of 14 days beginning in each case from the day of publication or such shorter period as the county assembly may resolve with respect to the bill has ended. The bill was therefore introduced in the county assembly through its first reading on 11<sup>th</sup> October 2023 and the bill having been read for the first time was then committed to the committee on gender, culture, and social services pursuant to standing order 133 (1), the committee was expected to undertake its scrutiny, conduct a public participation and report to the county assembly within 20 calendar days according to standing order 133 (4) Mr. Speaker.

Hon. Speaker, scrutiny of the bill is the detailed examination of a bill which has already been introduced to the county assembly by a Sectoral committee to which it is committed before it proceeds for the second reading Mr. Speaker. The scrutiny provides an opportunity of analysis of a bill and a chance to members of the assembly to acquaint themselves with the provision of it. It enhances the effectiveness of the assembly role of laws making. The scrutiny provides an avenue for the questioning of new policy initiative contained within the bill and consideration of any practical and technical issue which might arise from the proposed provision. Mr. Speaker in undertaking the scrutiny, the committee considered the following factors:

- i.** Whether the bill conforms to the latter and spirit of the constitution.
- ii.** Whether the transition of the bill into an act of the county assembly will be practically possible.
- iii.** Whether the bill has technical soundness, views, and recommendations from the members of the public during the public participation that was held at the county assembly grounds on 24<sup>th</sup> October 2023.

Mr. Speaker, the Public participation exercise was undertaken within the county assembly grounds as placed in an advert. During this exercise Mr. Speaker, the committee was able to obtain the views of the public across the county in regards to the bill. It is worth noting that the public was quite receptive and urged the committee to fast-track the enhancement of the bill and ensure proper implementation there. Mr. Speaker, in considering the bill, the committee on gender culture and social service held quite several meetings, and the committee also sought the views of the county executive committee member for gender, culture, and social service as noted above. The committee held one robust public participation forum at the county assembly grounds where residents from all the 25 wards were invited, Mr. Speaker.

Hon. Speaker, the committee finally retreated to Kericho at the exotic hotel where it held two sittings to review and consider the contents of the bill and views of the public made during the public participation and thereafter compiled this report, Mr. Speaker. Mr. Speaker may I take this opportunity to thank all members of the public for their invaluable input and in-depth understanding of the process of public participation and valuable contribution made during the public participation exercise. The committee also takes this opportunity to thank the officers of the speaker, the clerk of the county assembly, and the legal department for their support during the formulation and development of the bill. The committee is grateful to the technical team attached to the committee for the exemplary service rendered to the committee. Their efforts and inputs made the work of the committee and the production of this report possible. Finally, on behalf of the committee, it is my pleasure and duty to present to the assembly the committee report on the Bomet County Gender Equality and Women Empowerment Bill 2023 that was dated 14<sup>th</sup> November 2023 and signed by the chair. Thank you very much Mr. Speaker.

We the members of the committee on Gender Culture and Social Service do append our signatures against our names to this report to affirm that the contents in the report are true and deliberated on by the committee.

Mr. Speaker this is the overview of the Bomet county gender equality and Women Empowerment Bill 2023 and article 185 (1) of the constitution provides that the legislative authority of a county government is vested in the county assembly. The county assembly may take any law that are necessary for or incidental to. The effective performance of its function is the commitment of the Bomet County Gender Equality and Women Empowerment Bill 2023 to the committee on Gender Culture and social services therefore falls squarely within the functions of the county assembly.

Mr. Speaker, under Article 27 of the transitional mandates bore the levels of government to give full effects on the realization of the rights guaranteed under this article by enacting legislative and other measures including affirmative action programs and policies designed to redress any

disadvantage suffered by individual or groups because of the past. The county government of Bomet currently has no legislation providing for the gender environment and thus the enhancement bill is long overdue.

Mr. Speaker, this bill seeks to introduce measures and targets to strengthen existing legislations on promotion of women empowerment and gender equality it carries forward constitutional vision of equality by requiring the development and implementation of plans and measures to redress gender imbalance and to submit those plans and measures to the executive committee member for consideration, evaluation and guidance. It also seeks to promote the protection and advancement of women and girl child as envisaged by section 27 (2) of the constitution Mr. Speaker. Hon. speaker, the Bomet Equality, Gender and Women Empowerment Bill 2023 has a total of 21 clauses Mr. Speaker. The following is the overview of the bill Mr. Speaker.

Mr. Speaker allow me because the clauses are quite voluminous allow me Mr. Speaker that I request the Hon. members that they go through the clauses Mr. Speaker and I just go direct Mr. Speaker to the public participation process Mr. Speaker but before there Mr. Speaker, let us just go through clause 1 and 2 which deals with preliminaries such as citation of the bill and the extent to which it applies.

Clause 2 Mr. Speaker of the bill provides for interpretation and definition of various terminologies that has been used in the act. Clause 4 provides for objects of bills which includes effects to the letter and spirits of the constitution in particular the equal enjoyment of all rights and freedoms by every person, promotion of equality specifically gender, equality and values of human dignity, equity, social justice, inclusiveness and protection of marginalized contained in section 10 of the constitution Mr. Speaker. This clause is lengthy Mr. Speaker and allow me Mr. Speaker to go direct to the public participation processes Mr. Speaker. The constituents to the public of the Bomet County Gender Equality and Women Empowerment Bill 2023 by way of first reading and committal to the committee, the clerk of the county assembly of Bomet caused an advertisement to be put in the local daily newspaper inviting the public to participate in enhancement of the Bomet county gender equality and women empowerment bill 2023. The advertisement was published in the daily nation newspaper notifying the public of the date, time, and place for the public participation forum. Mr. Speaker public participation hearing of the Bomet gender equality and Women Empowerment Bill 2023, the committee on gender and social services conducted a public participation forum on Tuesday 24<sup>th</sup> October 2023 at the county assembly grounds starting at 9.00 AM. The forum attracted a good number of residents from all the 25 wards. It was noted that the residents were very enthusiastic about the enactment of the bill since it will provide the framework of gender mainstreaming in the county Mr. Speaker.

Mr. Speaker, the members of the public aired several views including:

1. The Department of Gender and Social Services should work closely with the legal department or a lawyer be assigned to work with the Department of Gender, culture and Social Services to ensure the effective implementation of the bill Mr. Speaker.
2. That the word progressively be deleted and therefore be replaced with specific years so that it does not go forever without implementation. It should be specific Mr. Speaker.
3. Marginalized areas in the county should be prioritized when striving to ensure equal opportunities.
4. During the awarding of an operation license to the organization by the county government, the license should be accompanied by regulations that should be duly signed by the management that protect the rights of women in that organization.
5. The bill should establish consequences or penalties for those who contravene the provision of the bill Mr. Speaker.
6. The implementation of the bill should be sensitive to the common *mwanainchi* to ensure the full realization of the bill's objectives.
7. The inclusion of the male gender should be considered in the implementation of the bill and the champion to be recognized in the subsequent years.
8. The empowered women should collaborate closely with men in the society and set a good example of economic empowerment.
9. The bill will empower women in the village that sometimes refuses to take responsibilities of leadership citing that it is for male dominion. Such cultures will be a thing of the past.
10. The bill if properly implemented will harmonize all the non-governmental organizations programs thus avoiding duplications of funding therefore there will be equity to most of the county Mr. Speaker.
11. The bill will empower the women in entrepreneurial activities and link them to market and seal all the loopholes for forgery that the group normally undergoes.

The committee was privileged to host the CEC Gender Services together with her team which included the chief officer, director social services and other staff transcended the following views:

1. The bill should provide assessment for reviewing of bill after every five years.
2. Correction of roman numerals should be made in clause 1 and clause 10 (5) (b). The sentence should read as follows: “ensuring and promoting equal opportunities for women seeking to eminent followed by roman numerals.
3. That gender, children, youth and people living with disabilities be replaced with Gender, Culture and Social Services.

4. There is need for gender responsive budget. The department emphasized on the allocation resource programs and policies that directly addresses gender related issues such as women's health education or economic empowerment.
5. The department emphasized on the engagement of male Chairperson for advancement of women empowerment and equality.
6. There is need to put in place and implementation matrix in order to track the implementation process of the bill.

Committee Observation;

In regards to the bill, the committee made the following observations Mr. Speaker:

1. The committee observed that the long title of the article is broad and the same has captured all matters relating to implementation of the bill once enacted into law.
2. The committee noted that clause 2 for both public and private bodies operating within the county will be required to comply with the proposed law.
3. The committee noted that there is misinterpretation of the department under clause 3 and that there is need to be amended to reflect the current description.
4. The committees observed that clause 4 to 9 are in order.
5. Under clause 10, the committee observed that limiting the empowerment targets at 50% may not be realistic and achievable in the long run.
6. The committee observed that using the word 'at least 60%' in this bill is likely to bring confusion during the implementation. Clauses 11 to 21 are perfectly in order and should be adopted as such.
7. The committee observed that the bill will facilitate fully progressive realization of the aspiration set out under article 27 of the constitution.
8. The committee further observed that the bill can be practically implemented once enacted.
9. The committee observed that the bill is properly drafted and brings out clearly its intended objects and purposes.
10. The bill has outlined all the important clauses pertaining the provision of necessary frameworks to gender mainstreaming and the same qualifies to assist to an article of the county assembly of Bomet.

Hon. speaker, upon further scrutiny of the bill and taking into consideration submissions made during these observations made during public hearing and enabling provision of the law, the committee proposes the following amendments:

1. That clause 3 be amended by deleting the word women's, youth, children and people with disabilities and replace thereof with the word Gender, Culture and Social Services.



2. That clause 3 be amended by deleting the word Gender, youth, children and people with disabilities and replace thereof with the word Gender, Culture and Social Services.
3. That clause 4 (b) be amended by deleting the number (V).
4. That clause 4 (e) be amended by deleting thereof the word presentation and replacing thereof with the word representation.
5. That the bill be amended by deleting the word ‘a minimum of 50%’ wherever it appears and replacing thereof with the word the constitutional provision on gender equality.
6. That clause 10 (5) (b), the committee recommends correction of...

*(Hon. R. Ruttoh rose on a point of order)*

**Hon. R. Ruttoh, Majority Whip (Chemamer ward, UDA):** Thank you very much Mr. Speaker, I just want to inform you that because of time, it is almost 4.30 and also the quorum is not with us Mr. Speaker, I humbly request that the Hon. member proceeds after you have given the direction Mr. Speaker because quorum is not with us Mr. Speaker.

**Hon J. Cheruiyot (Embomos ward, UDA):** Mr. Speaker I still have got just number 6 and number 7 Mr. Speaker to wind up the report. Allow me Mr. Speaker t just finish it and end it that way Mr. Speaker.

7. The new clause be introduced immediately after clause 17 with the following words: general...

*(Hon. D. Ngeno rose on a point of order)*

**Hon. D. Ngeno, Minority Whip (Kongasis ward, CCM):** The issue of quorum has been raised and I wish you give a ruling on the same and also the time factor Mr. Speaker is also of concerned Thank you very much we wish that you give your ruling on the same.

**Hon. Deputy Speaker (Hon. L. Rotich):** Clerk Kindly confirm the quorum.

**Hon J. Cheruiyot (Embomos ward, UDA):** Mr. Speaker I am seeing that the quorum is enough Mr. Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** Kindly conclude.

**Hon J. Cheruiyot (Embomos ward, UDA):** I was in clause 7 Mr. Speaker which says that the new clause be introduced immediately after the following words Mr. Speaker:

Genera Penalty: Any person who contravenes the provision of this act for which no penalty is provided, commits an offense, and shall on conviction be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding 100,000 Shillings Mr. Speaker.

Conclusion, the committee unanimously agreed that the bill once enacted will promote the protection and advancement of women and girl children as envisaged by section 27 (2) of the

constitution Mr. Speaker. This bill will also assist in mainstreaming empowerment, appointments and representation of women in decision-making positions and structures.

Mr. Speaker, the committee therefore requests this Assembly to resolve as follows:

1. That this assembly adopts the report of the committee on Gender, Culture, and Social Services and consideration of the Bomet County Gender Equality and Women Empowerment Bill 2023.
2. That the proposed amendment contained in the report be adopted Mr. Speaker.

That is the end of the report Mr. Speaker.

### **ADJOURNMENT**

**Hon. Deputy Speaker (Hon. L. Rotich):** The Assembly adjourns to 28<sup>th</sup> November 2023 at 2.30PM.

The Assembly rose at 4:30 p.m