



REPUBLIC OF KENYA
BOMET COUNTY ASSEMBLY
SECOND ASSEMBLY – (FIFTH SESSION)
ORDERS OF THE DAY
TUESDAY 23rd FEBRUARY, 2021 AT 2.30 P. M

PRAYERS

Determination of Quorum

1. Administration of oath.
2. Communication from the chair
3. Messages
4. Petitions
5. Papers
6. Notices of motions
7. Statements

8. * MOTION, The Constitution (Amendment) Bill, 2020.

**(Chairperson, Committee on Administration, Peace, Justice and Legal Affairs,
Hon. Samwel Keter)**

THAT AWARE, that Article 257 of the Constitution of Kenya, 2010, (hereinafter “*the Constitution*”) on Amendment to the Constitution by popular initiative, provides for the process by which the Constitution may be amended by Popular Initiative;

WHEREAS Article 257 (5) of the Constitution provides that if the Independent Electoral and Boundaries Commission is satisfied that an initiative meets the requirements of this Article, the Commission shall submit the draft Bill to each county assembly for consideration within three months after the date it was submitted by the Commission;

WHEREAS, the Independent Electoral and Boundaries Commission (IEBC), in keeping with the provisions of Article 257 (5) of the Constitution transmitted to the Speaker of the County Assembly a draft bill to amend the Constitution by Popular Initiative whose full title is *The Constitution (Amendment) Bill, 2020* vide a letter dated 26th January, 2021 from the Chairperson of the Commission;

WHEREAS the Hon. Speaker vide a Communication from the Chair on Wednesday 10th February, 2021 relayed to the Assembly his receipt of *The Constitution (Amendment) Bill, 2020*, and the admittance of the Bill before the County Assembly thereof;

WHEREAS the procedural exposition requisite for the consideration process when the Bill is transmitted to the County Assembly is not laid out in the Constitution nor indeed in the Assembly Standing Orders;

AND WHEREAS, the said Article 257(6) *provides that if a County Assembly approves the draft Bill within three months after the date it was submitted by the Commission, the speaker of the County Assembly shall deliver a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate that the County Assembly has approved it.*

NOW THEREFORE, pursuant to the provision of Article 257(6) of the Constitution of Kenya, 2010, this Assembly **RESOLVES** to **APPROVE** *The Constitution (Amendment) Bill, 2020.*

*** Denotes Orders of the Day**

Statements due on 22nd February, 2021 at 2.30 p.m.

1. Comprehensive statement sought by Hon. Wesley Kiprotich on 24th November, 2020 from the Chairperson Committee on Urban Planning, Lands and Housing concerning the status of Chepchabas Community Land which was systematically, forcefully and atrociously taken away by the white settlers thereby rendering them squatters in their own land. In the statement, the chairperson was asked to;
 - i. Provide the status of implementation of the National Land Commission's ruling on 7th February, 2019 which noted that the African Highlands Produce Company (AHPC), James Finlay Kenya, needed to pay the affected residents mesne profits for utilizing their land over the years;
 - ii. State the reasons why the residents of Chepchabas were compelled to buy a section of their ancestral land edge of the LR 7797/1 to a tune of 600 acres for 214 members currently occupying Chepchabas Community while the said land was under lease and there was no development to be sold
 - iii. State why they did not apportion the aforementioned land to the community as it was in their jurisdiction
 - iv. Provide the valuation report from the government registered valuer that advised the then African Highlands Produce Company (AHPC) LTD on the price per unit around 1974 when they started collecting payments from the residents
 - v. Provide the legal framework which the then AHP LTD used to sell public utility portions included but not limited to schools, Roads, Pathways, Water springs and Riparian areas
 - vi. Explain why the then AHP ltd did not look into the basic requirement to apportion recreational parts, other land portions for public interests for community development
 - vii. Explain why the portion of land sold to the residents is smaller in size compared to the agreed 612 acres when measured as per the survey provisions.

(The Statement was committed to the Committee on Urban Planning, Lands and Housing)

2. Comprehensive Statement sought by Hon. Andrew Maritim on 4th November, 2020 from the chairperson, committee on Labour and Public Service;
 - a) That pursuant to section 132 of the County Governments Act, 2012 what measures has Bomet County Public Service Board put in place to ensure that all permanent and Pensionable employees of the County Government belong to a pension scheme
 - b) How many permanent and pensionable employees are members of pension Scheme?
If not, why?
 - c) Which pension scheme providers has the County Government engaged to provide the services?
 - d) How were services of the pension scheme provider for all

(The Statement was committed to the Committee on Labour and Public Service)