

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES

(OFFICIAL REPORT)

DAILY HANSARD

Thursday, March 5, 2015

PLENARY

March 5, 2015 (Afternoon Sitting)

**COUNTY ASSEMBLY
OFFICIAL REPORT
Thursday, March 5, 2015
The House met at 3.31 p.m.
[The Speaker (Hon. G.K. Korir) on the Chair]
PRAYERS**

COMMUNICATION FROM THE CHAIR

❖ **APOLOGY FOR STARTING LATE**

Hon. Speaker: Let me apologise to the members of this County Assembly and the members of the public for starting late; we are 28 minutes late as we were doing consultations on some issues and we have started late. All the same we will undertake our duties as per our Standing Orders.

PAPER

❖ **A LETTER FROM MS. ROSE KOSITANY**

Hon. Speaker: Honourable Ngeno

Hon. C. Ngeno: Thank you. Let me table a letter from Mr. Rose Kositany; it reads ‘withdrawal as a nominee as Chief officer Finance....’

Hon. Speaker: Honourable Ngeno is it Mr or Ms; please make the correction

Hon. C. Ngeno: It is Ms Rose Kositany and is copied to His Excellency the Governor; the letter was received today on the fifth of March.

Hon. Speaker: Thank you. Next order

MOTION

❖ **THAT THE COUNTY ASSEMBLY ADOPTS THE REPORT OF THE COMMITTEE ON THE VETTING OF MRS. BEATRICE CHEPKORIR TONUI KIRUI AS NOMINEE FOR CHIEF OFFICER, AGRIBUSINESS, COOPERATIVES AND MARKETING**

Hon. Speaker: The Chair, Agriculture, Fisheries and Livestock. Honourable Samson

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Hon. S. Towett: Thank you. Let me move the motion that pursuant to standing order 193(5)(1)(f) this County Assembly adopts the report of the committee on the vetting of Beatrice Chepkorir Tonui Kirui as nominee appointment for Chief Officer, agribusiness, cooperatives and marketing; we are all aware that there has been no Chief Officer in this Department for quite some time and following the intent from the Department concerned of Agribusiness, Cooperatives and Marketing and we have received as an Assembly the name of the nominee and she went through the processes in the prescribed Acts and as per the Constitution in the County Government Act and we present the report of the committee and subsequently the recommendations of the committee. Let me give you the background information on how the committee carried out the vetting; the Committee noted that the Departments of Agriculture, Cooperatives and Marketing have not had a Chief Officer since the inception of the County and on behalf of the joint committees on Trade, Tourism, Industry Cooperative and Agriculture, Livestock and Fisheries and pursuant to standing order 193(5)(1)(f) I am proud to present the report on the findings of the committee on the vetting of the chief officer nominee for Agribusiness, Cooperatives and Marketing; the two committee are among the sectoral committees established under standing order 193 and the second schedule to the standing orders which provide that the sectoral committees of which the committee on Trade, Tourism, Industry Cooperative and Agriculture, Livestock and Fisheries falls shall inter alia vet and report on all appointments where the Constitution or the law requires the County Assembly to approve; Mr. Speaker, the vetting was conducted by the two committees as the Chief Officer will serve across the two committees and we sat and completed the vetting process successfully and let me acknowledge the members of the two committees on their dedication, contribution, diligence and integrity in carrying out the vetting process as a joint committee; we are grateful to the support from the Office of the Clerk and the Speaker as we discharged our mandate of vetting the nominees, and it is my pleasure and privilege on behalf of the two committees to table the report and recommendations to the House for adoption. The committees had 15 members and these are the members

Hon. Samson Towett	Chair
Hon. Leah Kirui	Vice-Chair
Hon. Sammy Kirui	Member

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Hon. Philip Korir	Member
Hon. Robert Metet	Member
Hon. Joyce Korir	Member
Hon. Taplelei Rotich	Member
Hon. John Molel	Member
Hon. Patrick Chepkwony	Member
Hon. Robert Serbai	Member
Hon. Christopher Ngeno	Member
Hon. Benard Ngeno	Member
Hon. Evaline Chepkemoi	Member
Hon. John Ngetich	Member
Hon. Nancy Chepkirui	Member

The Committee draws its mandate from the Standing Order 193 and the second schedule to the Standing Order and it is to investigate and inquire into and report all matters related to the mandate and management activities, operations and estimates of the assigned department; secondly, study the management process administrative operations of the trade tourism and entrepreneurship department and study the programmes and policies of the department and effective implementation; fourthly, study all the legislations referred to it and access and analyse the relative success of the Department and make reports and recommendations to the County Assembly as often as possible including on the proposed legislations and as per the Standing Order 193(5f), a sectoral committee shall vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those on the committee on appointments as per standing order 188. The committee is constituted under Standing Order

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193(5f) to carry out all those functions I had mentioned early and as per section 45 of the County Government Act, it provides for appointments of County Chief Officers and it states that;

(1) The Governor shall nominate qualified and experienced staff to serve as County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board, and;

(2) With the approval of the County Assembly appoint County Chief Officers and; the office of the County Chief Officer shall be an office in the County Public Service, and;

(3) The County Chief Officer shall be responsible for the County Executive Committee Member for Administration of a County department as provided for under section 46, and;

(4) The County Chief Officer shall be the authorised officer in respect of exercise of delegated power, and;

(5) The Governor may reassign a County Chief Officer, and;

(6) A County Chief Officer may resign from office by giving notice in writing to the Governor. As per section six of Bomet County Public Appointments Approval Act 2014, it says; a County Chief Officer may resign from office by giving notice in writing to the Governor. Section six of Bomet County Public Appointments Approval Act 2014 provides the following conditions on vetting and approval and appointment; one; upon receipt of the notifications of appointments the Clerk shall submit notifications to the committee, and upon receipt, the committee shall table the notifications before the Assembly within seven days, and the Speaker shall direct the committee to commence the approval hearing; the committee shall determine the time and place for holding the approval hearing and shall inform the Clerk who shall notify the candidate of the time and place of holding an approval hearing and the Committee shall notify the public of the time and place of the approval hearing at least seven days before the hearing.

Let me move straight away to the nomination process; pursuant to article 179 (b) of the constitution and section 45(1a) of the County Government Act 2012, the Governor, through the office of the County Attorney, shall write to the Speaker of Bomet County Assembly and forward to the Clerk of the Assembly the name of the nominees for Agribusiness and Cooperatives and Marketing for consideration for approval by the Bomet County Assembly for appointment as Chief Office for the Department as per Bomet County Public Appointments Approval Act 2014 and the Standing order 193(5). The joint committees on Trade, Tourism, Industry Cooperative and Agriculture, Livestock and Fisheries recommends that based on the

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vetting process the nominee was found to be suitable for the appointment as Chief Officer of Agribusiness, Cooperatives and Marketing and the date of this notification was made on 30th Jan 2015. On the 10th of February 2015, the Speaker in communication to the Assembly committed the said nominee to the committees and directed that the CV and certificates of the said nominee be referred to the joint committees on the committee on Trade, Tourism, Industry and Cooperative and Agriculture, Livestock and Fisheries for vetting

Notification to the public;

The public were expected to participate in the vetting process through submission of memorandum or affidavit on the suitability or otherwise of the nominees. On Thursday 12th February 2015, the Clerk of Bomet County Assembly placed an advertisement on the Standard Newspaper for the public to submit memorandum by 18th February 2015 on the on the suitability or otherwise of the nominee; however, no memorandum were received from the public

Submission of documents and credentials by the nominee;

The nominee was expected to submit the following copies of documents; CV, meaning a person's credentials, academic certificates and clearance certificate from the Ethics and Anticorruption Commission, compliance certificate from KRA and HELB and Certificate of good conduct from the CID. The Committee held two sittings and on a sitting held on 19th February 2015, in which the nominees appeared before the committee, and she was vetted as per the provisions of the County Government Act 2012 and Bomet County Government Appointment Approval Act 2014 for approval and appointment as chief officer for Agribusiness, Cooperatives and Marketing. During the vetting, the nominee went through the process and presented all the requirements and the nominee has a Master's degree in Strategic Management from Kenya Methodist University and a Bachelor's degree in Marketing and Diploma in Marketing from Kitale Technical Institute and a certificate in General Agriculture and Home Economics. She has worked in different places and the last place she was working at was as a Regional Manager, Kenya Seed Company. She has previously served as Branch Manager, North Rift and Regional Manager; South Rift and she has also served as Senior Sales Officer and Counter Sales Officer and Distribution Officer. She has also undergone capacity building courses on management and human resource at the Kenya Seed Company and has worked with them for 18 years and has grown over the years from a junior officer to senior management level covering six counties and has dealt with agricultural activities in a vast region to ensure farmers get high quality seeds and customer satisfaction is ensured.

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On committee's observations, the following were made in regard to general suitability of the nominee to be appointed as the Chief Officer for Agribusiness, Cooperatives and Marketing;

1. Mrs. Beatrice Chepkorir Tonui understands what she is expected to do in the County department. She demonstrated this by explaining to the committee the dependent and independent variables to attain the goals of vision 2030 for our county.
2. She understands the potential the county has and how to unlock them through investments, promotions, marketing, branding of goods that are produced within the county. She talked about value addition of produce for us to get more returns for our farmers and even more resource for our county. She also talked about having our people in Cooperatives which will be intertwined with agricultural activities.
3. She is qualified to undertake the duties of the Chief Officer for Agribusiness, Cooperatives and Marketing since she has leadership and management skills.

Out of the above observations on Sunday 22nd February 2015, the members of the joint committee on Trade, Tourism, Industry and Cooperatives and that of Agriculture, Livestock, Fisheries committee unanimously voted to approve the appointment of the nominee as the Chief Officer for Agribusiness, Cooperatives and Marketing. In conclusion Mr. Speaker, and pursuant to the provisions of the Standing Order 45(1) (b) of the County Government Act 2012, Bomet County Government Approval Act No. 7 of 2014 and the Standing Order 193(5)(f) the Trade, Tourism, Industry and Cooperatives and that of Agriculture, Livestock, Fisheries committees recommends that based on the vetting process that was followed, the nominee was best suitable for appointment as a Chief Officer, Agribusiness, Cooperatives and Marketing. Hon. Speaker, I would want to say, looking at the process when it started, this lady did apply for this position after having learnt of the vacancy from the advertisement that was made by the County Government. She tendered her application which was received by the County Public Service Board. She was invited to appear for an interview before the board through a media notice which was posted in the dailies. She eventually made it to the top three who were forwarded to the Governor's office for further consideration. Upon noting that Beatrice Chepkorir Tonui followed all the laid down procedures, and having met the minimum conditions that were laid down the committee was satisfied, and having looked at the places where she has worked to date she demonstrated that she is fit to hold this office going by all those issues that I have raised. Therefore, Hon. Speaker, I would want to urge this House to look at the committee's recommendations, and I want to pray to this Hon. House that together we adopt the committee's recommendations which will pave way for the Governor to go ahead and appoint Mrs. Beatrice

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Chepkorir Tonui to be the Chief Officer in charge of Agribusiness, Cooperatives and Marketing because in any case she has understanding and knowledge in these areas as she has worked there. With those few remarks, I plead and I pray together we discuss objectively and we adopt this report to pave way for the next step to be taken. Up to that far Mr. Speaker, I would like to request Hon. John Ngetich to second this motion.

Hon. John Ngetich: I second.

Hon. Speaker: Thank you very much Hon. Samson and Hon. Ngetich. It is now my turn to propose the question that pursuant to standing order 193(5)(1)(f), this County Assembly adopts the report on the committee on Trade, Tourism, Industry and Cooperatives and that of Agriculture, Livestock, Fisheries on the vetting of Mrs. Beatrice Chepkorir Tonui Kirui, nominee for appointment as the Chief Officer for Agribusiness, Cooperatives and Marketing. Now it is open for debate. I request everybody because of the nature of debate we restrict ourselves to at least five minutes so that everybody has a chance. Proceed Hon. Taplelei

Hon. T. Rotich: Thank you. I stand to support the report of the committee, of which I am a member by virtue of being a member of the Cooperatives committee of this County Assembly. My reason for supporting this is because there are so many things that have been happening in the County, especially in relation to the Women and Youth Enterprise Fund. There have been many questions that have been raised through this House in form of statements and questions. It is high time that we really need to have a Chief Officer to run that agribusiness department so that some of these things can be streamlined in line with what is required to be done in that department. Going by the experience that this lady has, I see no challenge unless it is something that is not portrayed in her documents and what she presented during the vetting time and up to the committee level. I therefore wish to request all the members to really support the adoption of this lady to be the Chief Officer for Agribusiness, Cooperatives and Marketing so that we can be able to have everything implemented in relation to our youth and our women in this county which of course men are in it because among the youth are men. Thank you.

Hon. Speaker: Hon. Chepkwony

Hon. P. Chepkwony: Thank you Hon. Speaker for also giving me this chance to contribute on the same. Agriculture, Livestock and Fisheries are the major sectors and directly affect the lives of people of this county. Before we appeal to the county government to give more resources in the three sectors, there is a need for such sectors to have a Chief Officers. I do support the

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nominee on the order paper and I urge the members that we approve her to be the Chief Officer for accounting purposes and other measures pertaining to this sector. Thank you. I do support.

Hon. Speaker: Hon. R. Serbai

Hon. R. Serbai: Thank you Hon. Speaker. I am one of the members of this committee and we vetted the said Chief Officer and we found her to be very suitable because all her documents were well arranged and the way she was answering the questions that were put before her was very much OK. The lady has vast experience and she has the relevant skills for that particular sector. I don't want to take much time because the report is actually very clear and even for the said person the documents are very good.

Hon. N. Chepkirui: Thank you Hon. Speaker for this opportunity which you have given so that I can contribute on the nominee who has been brought on the table. Mr. Speaker Sir, I am one of those who were there when the vetting was done and from the deliberation which we made I am among those who concluded that the nominee is suitable for the work and also she has got passion to this work. What made me also delighted is that she elaborated an issue that while she was working Uasin Gishu County, and I like the way she explained, that it had reached a time that she was to lose her job or to speak the truth. Lastly, I like what she said that she shook hands with the Governor because she stood on her own principles. Mr. Speaker sir, I am supporting the motion and we should adopt seeing that we have got less rain and we need to survive since agriculture is the backbone in our life and we need to support it whether there is rain or not. Last, I support the report. Thank you Mr. Speaker.

Hon. W. Mosonik: Thank you Hon. Speaker; I stand to support this nominee simply because we have seen her documents and we have seen her qualifications and given the fact that this nominee was vetted by the Agribusiness committee and the Cooperative committee then this member deserves this job. We have also seen her working experience and it shows that she is qualified and on her academic standard, she is qualified too. We are assured that the nominee will take this county in the issues of agribusiness to a higher level. I support this motion.

Hon. P. Siele: Mr. Speaker I would like also to register my concern as far as Beatrice Chepkorir Tonui is concerned as the Chief Officer of the Agribusiness and Cooperative. Hon. Speaker I want to believe that the lady is an able Chief Officer. This is because of the fact that since the inception of this new county government and as far as agribusiness is concerned, it is the backbone of the economy of this county. Mr. Speaker, I just want to believe and witness that this lady will change this county if given this position of Chief Officer. Many a times this

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department has been left aside and this is the backbone as far as the economy of this county of Bomet. We have allocated some fund to some cooperatives and I believe that this lady will carry on management of such cooperatives having been a regional manager of the Kenya Seed of which we had a problem of maize the other time. I believe this lady will change a lot as far the policies that need to be established and brought before this House. Hon. Speaker, I want to stand and support the adoption of this lady as Chief Officer for Agribusiness and Cooperatives. Thank you.

Hon. Joyce Korir: Thank you Hon. Speaker. I stand to support the motion on agribusiness. This is a nominee who was vetted by the committee on Agriculture together with the committee on Trade and Tourism where it happens that I am a member. We interrogated the nominee in several ways though it happens the nominee had been employed by the County Government a month ago before being appointed into a docket which was not clear. Mr. Speaker, after thorough research by the committee, it came to our conclusion that this is the lady who if she is given time, and if all procedures in this county are adhered to, at least she can be in a position to deliver. The reason why I am saying this is because this is one of the counties where we are looking at the best performers, but at the end of the day, we end up misusing them and even not facilitating them and not using them to implement the wonderful policies that have been passed and cannot be given time when it comes to implementation for them to implement. I want to say that this is one lady that has got experience in terms of marketing. She even went further to tell us how this issue of the maize disease which is affecting us is being handled, and apart from that, it happened that this lady has tried as much as possible. She even attracts the people of this country at large in terms of agribusiness that she has even started in her own farm on poultry and dairy farming and a number of other things that she has done. I want to say indeed, I changed my mind and I saw the sense of the nominee being given the opportunity to serve as the Chief Officer in this county.

Hon. R. Serbai: Thank you Hon. Speaker. I like the sweet words coming from Hon. Joyce and I want to congratulate her, but I have a question; she did mention that this lady was employed one month ago. By whom? Is it the County Public Service Board or through the most boastful CEO of this county?

Hon. Joyce Korir: Thank you very much, Hon. Speaker. Indeed, it's a wonderful question and I want to say that it is so unfortunate to tell the member of the public that this County Government does its work different from what is required in the Constitution. It happened that all the CECs that were being vetted in the relevant committees; the ten CECs were already the employees of this County Government.

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Hon. Speaker: Hon. Joyce you need to clarify that. All the CECs as far as I am concerned, before...

Hon. Joyce Korir: I am sorry Hon. Speaker. It is a slip of the tongue. The Chief Officers who are already in the floor of the House are the employees of this county government and anybody who is coming from outside is just wasting their time. I am not very sure and I don't know who appointed her but I just to say that she is qualified having been brought in for that one month and having gone through the papers and her qualifications she even went further to deliberate on a number of issues that have been affecting this County and how to assist this County. We saw the lady was fit, Hon. Speaker. So with that few remarks, I want to beg to the House that we adopt this report. Thank you Hon. Speaker.

Hon. C. Towett: Thank you Mr. Speaker. I also stand to support the nominee; and that based on the report given by the committee, I have come to realize that the lady is qualified and she is in a position to tackle issues that had not been handled before the Chief Officer came in. I realized that her performance is up to the standard. She has the experience on the same field and given a chance, she will do wonderful things. I stand to support that the nominee be approved so that issues that have not been sorted out will be cleared with the incoming in of the Chief Offices. Thank you.

Hon. B. Ngeno: Mr. Speaker, I equally rise to make my contribution in relation to the nominee known as Beatrice Chepkorir Tonui. This is one lady whom I believe made an application to the Public Service Board and she was shortlisted as one of the candidates qualified for appointment. From there, the name of the nominee has landed in the floor of the House having met the requisite steps before the approval. I want to state that we assume the background of this nominee but what we can tell is what is in the application she made to the Public Service Board. On the appointment that she got from the Governor and then the name is now in the House, I don't want to dwell on the irregular engagements that she was given but I want to tell on the formal recruitment process that started from the time of application. Mr. Speaker, according to the County Governments' Act section 14(3) it shows how the approval can be done by the Assembly having been nominated. Knowing that Agriculture is the backbone of this County and knowing that the farmers of this County are suffering and knowing that the income generated from their farms is no longer enough to support them, if I can dwell on the tea sector the problems the tea farmers are experiencing cannot be solved if we use the political approach. This is the right person to save the farmers from the agony they are undergoing at the moment. We are aware that the price of tea per kilo dropped from KES 33 and it is now standing at KES 10 per

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kilo and it is likely to drop further. This is the lady we expect to give us the solutions of problems the farmers are facing. Mr. Speaker, she has managed to work in the Kenya Seed but I don't know if she still has that knowledge on how to handle this matter. I can bring this to the attention of the House that this is the right person to handle the problems the farmers are facing through a Bill that needs to be enacted by this Assembly. It is not about holding a political rally or a *baraza* and chart the way forward for the farmers and by misleading them having given them hand-outs to sit in the meeting that may not result in the solutions that farmers require. We require the Bill and this is the right person to assist us go through the same way Muranga County Government did. I want to say this is one ministry that has been starved for the last two years. I remember the allocation that was given to the tune of KES 148 million but only for the ministry to spend KES 8 million and KES 118 million cannot be explained where it went to; yet we rely on Agriculture as the backbone of economy of this county. Mr. Speaker, if the CEO of this county is not interested with issues to do with agriculture then we want to encourage the nominee hoping that she will go through in this House to change the outlook of agriculture in this County. Approving her is bringing solutions that this County is facing in terms of food security; drop in tea prices, milk and cooperatives so that we can find solutions to problems that farmers are facing. If she will act as a marionette we may not get the solutions that farmers are facing. Based on the interview and the vetting that we did having been a member, I found her to be a principled lady who is likely to have the agenda of this county forward.

Hon. Speaker: What is your point of information Hon. Joyce?

Hon. Joyce Korir: I just wanted to inform the Hon. Member who is just on the floor that it is just a matter of passing. Otherwise, there is room under section 45 of the County Government Act that is allowing the Governor to interchange the CECs every now and then. That is why the sector that was given to Konoin was agriculture but right now the CEC for agriculture comes from Chepalungu. Such a lady can also be changed to education.

Hon. Speaker: Proceed Hon. Ngeno

Hon. B. Ngeno: I concur, Hon. Speaker.

Hon. Speaker: What is your point of order Hon. Mosonik?

Hon. W. Mosonik: My point of order is this Hon. Speaker. Do we need to have a regional balance when the holder of that office cannot deliver? Do we need to have that?

Hon. Speaker: Hon. Joyce, I think this your second question and is the last question.

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Hon. Joyce Korir: My question goes to Hon. Mosonik. How much did you budget for agriculture and how much was it spent for that sector Hon. Speaker? The CEC came to the committee and has been requesting for the funds that they were allocated. How much was budgeted for and how much does she require in order for her to perform?

Hon. Speaker: Hon. Members, the moment we go in to that debate we may lose the issue at hand because what is at hand is the nominee for agribusiness. I think I should not allow so that we don't digress.

Hon. B. Ngeno: I beg for protection Hon. Speaker.

Hon. Speaker: Hon. Ngeno what is it? Let Hon. Taplelei go on.

Hon. T. Rotich: Thank you Hon. Speaker. I think I remember during the budgeting time we invited all the CECs to this House and we asked them each to defend their budgets. I don't remember those issues coming from the CEC of agriculture and therefore asking even Hon. Mosonik to give an answer and he is not even under budget committee is not the right time because we are dealing with the approval of Chief Officer. Thank you.

Hon. Speaker: Hon. Members, under the circumstances, let us deal with the issue at hand. Hon. Members you remember the issue that has been brought to the floor of the House. Perhaps Hon. Taplelei you were not there when the committee on agriculture, and I remember very well Hon. Chair, Committee on Agriculture really brought out the issues. He said the budget had been reduced by the time of the report; the agricultural had used up to KES 13 million. They ended up at around KES 45 million. So I think that issue was dealt with when that report was brought to the floor of the House. Let us not revisit it. Hon. Ngeno proceed.

Hon. B. Ngeno: I doubt if honourable Kirui is smiling. Let me continue by saying I wish to seek your protection as it could be part of the strategy to destabilise my contribution. I want to say this; the Ministry of Agriculture is very crucial and we need to take this seriously. It is facing serious challenges and I remember as a member of the committee that we allocated KES 25 million to tea buying centres across the County and not even a single cent has been given to them. We allocated KES 40 million to STEGRO SACCO and as we speak it is undergoing receivership because of mismanagement of resources and it is the County that is bringing down the SACCO. We have faith that this lady will bring changes in the agricultural sector and we hope the Governor will not misuse section 45 of the County Government Act by reassigning her as a Chief Officer and once a person does not respect his wishes, the following they are transferred to education or other departments and we have witnessed this and there is no CEC

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who has served for more than a year except the CEC Finance. If one does not heed the demands of the CEO they are reassigned and that is misuse of section 45 of the County Government Act which allows the Governor to reassign Chief Officers; otherwise I support the nominee hoping that we are giving agriculture a new face. Thank you.

Hon. Speaker: Honourable Metet.

Hon. R. Metet: Thank you. I support the nomination of Beatrice Chepkorir Tonui as the Chief Officer, Agriculture. I was among those who vetted her and we found her suitable. Since the county is producing raw materials to outside the county, I believe the nominee will take us far as she is experienced in marketing and we may market our produce outside. Much has been said in the committee level and I support the nomination of the nominee. Thank you

Hon. Speaker: Honourable Aurelia

Hon. A. Chepkirui: Thank you very much honourable Speaker for giving me this opportunity to contribute to this motion. Just like my colleagues, who have talked on the same, I support this motion. Honourable Speaker, when I look at this sector, Agriculture, Agribusiness, Cooperatives and Marketing, this is a sector that we have been talking about day in, day out in this House. Honourable Speaker, I want to reiterate what the other Members said earlier concerning this sector. In the financial year 2012-2013, when we were analysing the reports, we realized that the absorption rate of this sector was very low. Honourable Speaker, 2013-2014, still it was not satisfactory. Honourable Speaker, 2014-2015, when we were doing the budget, we put a lot of money in this sector. When we were doing the CFSP, honourable Speaker, we recommended a lot of things that needs to be done in this sector. Reason being, honourable Speaker, this is a sector that is the back-bone of the economy of this County. Honourable Speaker, I also want to talk about the problems we are facing currently. When we look at the County we have a lot of youths who are facing the problem of unemployment. Honourable Speaker, what do we do to these people? I was looking at the Kenya National Bureau of Statistics, the statistics that they gave in 2009; it was clear that about 80% of the employment which is there in the Country comes from the informal sector. Honourable Speaker, when we look at these youths, they have gone to school, they have papers but then, they don't have jobs. We have been talking honourable Speaker, in this House, about modernization of agriculture. Honourable Speaker, that is a serious issue that needs to be considered if we want to have the economy of this County growing and if we want to have our youths getting jobs. Honourable Speaker, having that in mind, then we've got to have a serious person in this sector. Mr Speaker, when I also look at women, in this County, there are several women who are hardworking and have engaged...

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Hon. Speaker: Yes, what is your information Joyce...under which section?

Hon. Joyce Korir: Thank you very much honourable Speaker. I just want to congratulate the Member who is in the floor of the House. I just want to make some information to this House that it happens that this County was concerned about the youths, and they bought, honourable Speaker, 50 litre tanks with a few pipes inside, and they told the youths those were green-houses. That is how this County is working honourable Speaker

Hon. Speaker: Honourable, I think you are totally out of order. Proceed honourable Aurelia

Hon. A. Chepkirui: Honourable Speaker, before the interruption, I was talking about the women of this County. They are hardworking. Every time the honourable Members go to functions, they are asked, we have planted potatoes, you even gave us the seeds, where is the market? We have planted watermelons, where is the market? We have done this, where is the market? Honourable Speaker, if we need or we want to help... Protect me! Honourable Speaker.

Hon. Speaker: What is your point of order? What is your point-of-order honourable Serbai?

Hon. R. Serbai: My point-of-order, honourable Speaker is that the Member on the floor is biased. Is she in order to only name women as if agriculture only belongs to women and not men?

Hon. Speaker: Honourable Aurelia, just proceed...

Hon. A. Chepkirui: Honourable Speaker let me tell the honourable member to sit and relax because I am coming to men. Honourable Speaker, I was saying these people ask about market. Honourable Speaker, if we need to help these people then we need to have someone, not only qualified, but, someone who has the passion in this sector. Honourable Speaker, let me also talk about revenue. I have said agriculture is the back-bone of the economy of this County. We have been analysing the revenue of this County honourable Speaker and it is still too low. And we know what the PFM act says, that; *“revenue collected locally, that is the recurrent expenditure, should equal the revenue that is collected in the County”*, honourable Speaker. When you look at that, we are still collecting little revenue. If we want to get more we need to empower our farmers. We need to help them find more market so that they can be in a position to help this County by paying agricultural cess. Honourable Speaker, when the mover of the motion was talking, it came out clear that the nominee is qualified and has relevant experience, has done a lot of marketing and gave out all the documents. Honourable Speaker, from the questions she was

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asked, she understands the County and what is going on in the agriculture sector. Honourable Speaker, it also came out by someone who was presenting earlier that this is a lady who has done a lot of farming. At some point, we are told that she was rearing about 3000 chicken. Honourable Speaker, I sincerely support this person. And I want to conclude that, honourable Members, if we want to move this County to another level let us vote for this Beatrice Chepkorir Tonui. If we want, honourable Speaker, people who serve the County and not their own interests, and by extension will change the agricultural sector of this County, honourable members, let's vote for this lady. If we want to change things and have Bomet being number one always, honourable Speaker...

Hon. Speaker: What is your point-of-order honourable Serbai?

Hon. R. Serbai: Mr Speaker, I think the honourable Member is not in order to tell us this County is number one while our roads are in a pathetic condition. While the money we gave out to tea buying centres, KES 25 million, have not reached the farmers; while the KES 10 million for the disabled have not reached them. Is it in order honourable Speaker that we are number one? She was supposed to tell us this County is number one in corruption. Thank you.

Hon. Speaker: Honourable Ngeno

Hon. B. Ngeno: Mr Speaker, I want to support the honourable Member that we are number one having, honourable Isaac Rutto, as the Chairman of the Council of Governors, but we are not number one in development, Mr Speaker. And I wish to believe she was saying that Isaac Rutto is the Chair for the Council of Governors, bringing that to the attention of the House. But when it comes to development Mr Speaker, we still challenge the procedure and the criteria with which those people who submitted those statistics use Mr Speaker. I believe that if we can rank ourselves, based on what I know has been done in Kapletundo and neighbouring wards, Mr Speaker, I believe I can say we are number 46 out of 47. Thank you.

Hon. Speaker: What is your point of information honourable Josphat?

Hon. J. Kirui: Honourable Speaker, I want to inform the House that I heard the Member very clearly that she said, if we are to be number one. And I know the Members want this County to be number one.

Hon. Speaker: Order members... let's proceed with the debate. What is your question honourable Cecilia?

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Hon. C. Towett: Thank you Mr Speaker. I want to ask the honourable Member if there is any school where we finish the syllabus in one year. It has to go for four years. So we are still in the process of doing things. Honourable Members, whether there is a syllabus or none, let's proceed with the debate of the day.

Hon. A. Chepkirui: Thank you very much honourable Speaker. I really want to request the Members to be listening keenly to the statements that I am giving. Because I said, honourable Speaker, protect me honourable Speaker...

Hon. Speaker: What is your point of order!

Hon. R. Serbai: Honourable Speaker, is it in order for the honourable Member to tell us that we have to listen keenly? That shows we are not listening keenly honourable Speaker. We listened keenly when she said "...always number one..." Is she in order to accuse us that we are not keen?

Hon. Speaker: Honourable Members I am looking for relevant sections...wait honourable Member, there is a section I am looking for. I want to refer you to our standing order number 83, where it is talking about the points of order. And sub-section 4 says clearly, "the Speaker or the Chairperson shall order any Member who unnecessarily and persistently interrupts the proceedings or consults loudly and disruptively, to withdraw from the chamber under Standing Order number 113". I think honourable Members, our various points of order and point of information are disrupting us from the main objective. And I think I am not going to entertain any point of order or information. If you persist then you leave me with no option. Let's really constrain ourselves to the debate that is before the floor of the House. If you can see Honourable Majority clapping then it means I have done the right thing. So let's proceed. Let's not constantly raise point of orders. You should only raise point-of-order when it is absolutely necessary. Let's proceed.

Hon. A. Chepkirui: Thank you honourable Speaker. I was saying that if we are not number one, we want to be number one. If we want to leave...

Hon. Speaker: I think honourable Chair, you are also becoming another...you said we are number one. You are changing a bit. Let's proceed...

Hon. A. Chepkirui: Thank you honourable Speaker. If we want to have a... honourable Speaker, I request the honourable Members to support this nominee. Thank you.

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Hon. Speaker: Honourable Bett then honourable Ngetich and the honourable Kirui.

Hon. R. Bett: Thank you very much honourable Speaker. First, let me declare my interest on the nominee. My interest, honourable Speaker is, I want to say that I am a happy man; I am a happy representative in this House because the honourable Members who have contributed all along are supportive of the candidate who comes from my ward. And more importantly, Mr Speaker...

Hon. J. Kirui: Point of order. Mr Speaker...

Hon. Speaker: What is your point of order?

Hon. J. Kirui: I don't know honourable Speaker; whether it is actually right that we defend these nominees based on whether they come from our wards or whether they are our relatives, or if they are qualified...

Hon. Speaker: Order! Order! I know what you want to say. Let me state it clearly. The Standing Orders, honourable Majority, may be to remind you, provides that when you have any interest you declare before we start debating. So I think honourable Bett is totally in order. Proceed honourable Bett.

Hon. R. Bett: Mr Speaker, I think honourable Majority should be reading the standing orders; should be very conversant of the procedures of this House. Mr Speaker, I stand here to declare the interest and expound on the activities, knowledge and experience of the said nominee. I did not want to speak until the Members have spoken. Mr Speaker, I want to say I am not one of the Committee Members who vetted the said nominee. I never interjected to anybody. I never persuaded anyone, because Mr Speaker, the person who was contesting for that particular position is well versed, well experienced and has a lot of passion. Mr Speaker, I know she can deliver. Even if you go to the homestead of this lady, the scenery itself will tell you this person is an agriculturalist; this person is well versed in marketing issues. Mr Speaker, this is a person who doesn't want a big land to develop in the agricultural sector. Mr Speaker, I know the qualification which she has because many at time we know our neighbourhood, we do encourage them to move forward. The position she has held Mr Speaker, she has never had any issues. Mr Speaker, I am a happy man, and I continue urging the honourable Members to have the same spirit as they debate to the last minute. Thank you, Mr Speaker.

Hon. Speaker: It was honourable Ngetich then honourable Korir.

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Hon. J. Ngetich: Thank you very much, Mr Speaker, for catching up my eye. Mr Speaker, I stand in support of this report, Mr Speaker being that Mrs Beatrice Chepkorir Tonui passed all the processes starting from where she applied for the position; she was short-listed, she was interviewed and eventually she became among the 3 top names that were forwarded to the Governor. On top of that Mr Speaker, as I go through the academic qualifications, it shows that the qualifications are relevant to the position that she applied for. She has a Master's degree in Strategic Management and she holds a degree in Bachelor of Business Administration, Mr Speaker. This made to say she is very suitable for that position. On the integrity issues, she is very clean. Pertaining to the experience that was required by the County Public Service Board, she has more experience than the 10 years required. Finally Mr Speaker, adopting the report or passing the name of the nominee will actually transform this County to the highest level, Mr Speaker. As I finish, Mr Speaker, I want the C.E.O of this County not to misuse Section 45 of the County Government Act. Let this lady be given a chance and she will transform this County. Thank you, Mr Speaker. I support the adoption of this report.

Hon. Speaker: Honourable Korir and then I give the mover. I had given honourable Kirui then I gave the mover.

Hon. Julius Korir: Thank you very much honourable Speaker. I also rise to contribute to this motion by honourable Chair, Agriculture and Fisheries for the adoption of the report of the committee to appoint Beatrice Chepkorir Tonui Kirui as the Chief Officer. Honourable Speaker, before I contribute, I would like to contribute on what honourable Bett has just said that he is one amongst the happiest people, I don't know, I remember there is a psychological notion we've seen on our dogs that, when you start to washing the 'sufuria' that is meant to cook the 'ugali', that dog starts salivating. So could it be that the dog is salivating before we approve the nominee? But all in all honourable speaker, I'd like to applaud the committee first for recommending that the nominee was found to be suitable. Indeed, if you look at the background of this nominee you will be amazed and you will definitely support the nominee to be appointed as the Chief Officer. If you look at the observations of the committee; "...that she understands the potential that this county has and how to unlock them through investments, promotion, marketing, branding, value addition and cooperatives intertwined with agriculture."

You see, if you look at the experience that this nominee has, indeed given the opportunity, she will take this county a step ahead. Again, if you look at the academic qualifications, again, she is qualified. But we know the big hurdle that will make these persons that we are appointing to be ineffective, everybody is aware but whether you are appointed to sweep our streets or appointed

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to clean our washrooms, you need to be singing two songs, you need to be attuned to two laws that have been inscribed in the minds of every staff. There once were rules that somebody instructed everybody to follow; Rule number one, that the boss is always right. Number two, when the boss is wrong, look at rule number one. These are qualified and experienced persons but we know that everything that the boss says, whether it is wrong, the boss is right. And we know that this will be the big hurdle. And remember we approved strong and efficient County Executive Committee, who are the CECs, but eventually they have been frustrated, they are just there being used as rubber stamps. The same case will apply to this Chief Officer, Mr. Speaker. So I know I support the appointment of this nominee but I know there is hell awaiting these nominees but they will not be able to express what they have experienced, what they are used to and this will be a big challenge. As I wonder, I want to give a general observation on the appointment of these chief officers, if you look at section 65 of the County Government Act, it talks about the matters to take into account during appointments, and I think this is an oversight that we might have neglected as a County Assembly and the repercussions might befall this County Assembly; we know somebody can use it to challenge the whole process, and they will succeed, and I want to read it. Under section 65 sub sections (1)(e) it says, 'in selecting candidates for appointments, the County Public Service Board shall consider, the need to ensure that at least 30 per cent of the positions at the County Level are filled by candidates who are not from the dominant ethnic community from the county'

So as we pass know that we have not approved anyone from a different community as it has been enshrined in the County Government Act and it can easily be challenged and this county will be placed in an awkward position. Thank you, honourable Speaker.

Hon. Speaker: Honourable Kirui; then I give the mover.

Hon. S. Kirui: Thank You, honourable Speaker for the opportunity also to raise my voice on the motion beforehand. I want to congratulate the committee on the report we are about to adopt today. Honourable Speaker, I am one of the Members of that committee and I have to confess that I had not seen the nominee, I did not know her before she appeared before that committee and from presentation, from the records, from academic qualifications, from her experience, it impressed me until I almost gave her all the points which we were giving Mr. Speaker. Honourable Speaker, one thing is that the nominee, on her qualification she started from doing a certificate in agriculture and she rose to a Masters in Marketing. This shows that the person has been consistently working hard up to that high level. Also honourable Speaker, the experience she has runs from the lowest level to the highest level in her field. This is somebody who has the

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drive, the vigour and she has the passion for this particular job. If I give you the background for this sector, this is a sector which I can call a multifaceted sector; it touches agriculture, veterinary, animal production and cooperatives. And this is a sector which needs somebody who is mature and sees things the way they are supposed to be seen and I believe if given a chance, she will lead this county to greater heights in agri-business. Agri-business in itself, Mr Speaker, is the back bone as it has been said. Not only that, if we are to attain vision 2030, especially the economic sector, then this is the sector we are supposed to be focusing our minds, our energies and even our resources on this sector. Honourable Speaker, I am not supporting this candidate because she comes from a certain region, I am supporting based on her background and all other factors. It is irrelevant to look from where a candidate comes from, honourable Speaker. If she is coming from Chepalungu and she is qualified, I will support, if she comes from Eastern and she is qualified, I will support. Honourable Speaker, there are two schools of thoughts, if today I had water up to half or to a level where I have touched, and I ask somebody he might say it is half empty, someone else may say, it is half full. I am of the opinion that the water is getting full, let us be optimistic when we are judging these people, let us be optimistic for our county, so that we can move these people forward. Otherwise, I support the adoption of this report and I urge the honourable members that we support. Thank you.

Hon. Speaker: Honourable Chair

Hon. S. Towett: Thank you very much, honourable Speaker, and I want to say, what else am I left with? Otherwise, I am only left with thanking the honourable members for the positive contributions that they have made against this nominee. And Mr Speaker, I want to make some few remarks before I conclude. That, one, this nominee as we are told has been recommended by several members and she has a Bachelors in Agriculture and she appeared in one of our dailies for almost one month under column classified as seed of gold after having a quarter of an acre to rear 3000 chicken and also having some dairy animals in the same farm; so if she is given this opportunity I know she can really transform this country. Indeed agriculture and Agri-business and Cooperatives at large, as it has been said, is really the economic pillar of this county. There is nothing that we can do in this county which is not agriculture and most of it has go through the chains we have said and we want to understand that there are 56 enterprises in Bomet County which people of Bomet engage in and she will really will carry this county to a new level. Honourable Speaker, there are also policies which the nominee talked of; that we need to develop policies to be able to implement all the programs we are talking about. I know there are about nine policies which are laying within the executive and we are pushing that they need to be

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tabled or to be brought to this August House for adoption and now that we are going to have this Chief Officer, I know now things will move faster and easily. On the issue of the budget for this financial year I want to also emphasize that there are some issues which when we were budgeting were placed under agriculture but were supposed to be implemented through cooperatives. By that time, Agriculture, Livestock and Fisheries was standing as a separate departments and Cooperatives and Marketing was also standing on its own and was having its own executive member. So now when the supplementary budget was made, the alignments of these programs were transferred to the right department. However, I would say lack of structures could not enable department of agriculture to do a number of programs because some offices had not been established by that time. Now that we have cooperatives which have been put up, we have the multipurpose cooperatives which had been rolled out, I would want to say that this nominee, once she takes office, she wants to move faster and also look at the cooperatives bill and approve it so that this nominee and the entire department can have a conducive working environment to be able to implement all the programs and deliver to the expectation of the county at large. That far honourable Speaker, I wouldn't want to take long. I also pray that this nominee and other top officials in this department have that conducive environment they desire to be able to deliver and be able to generate more resources and more revenue to this County. To that far I still pray to my colleagues that we unanimously as we have debated approve this member. Thank you very much Hon. Speaker.

Hon. Speaker: Thank you Hon. Chair and the Hon. Members for the debate. It is now my turn to put the question that pursuant to Standing order 193 (5) (f) this County Assembly adopts the report of the committee on Agriculture, Livestock and Fisheries on the vetting of Beatrice Chepkorir Tonui Kirui nominee appointed as the Chief Officer for Agribusiness, Cooperatives and Marketing.

(Question put and agreed to)

(silence)

Hon. Speaker: Next order.

Hon. Speaker: Hon. Chair committee on Finance and Economic Planning.

Hon. C. Ngeno: Hon. Speaker, I seek you legal advice when the nominee has written a letter to this Honourable House.

Hon. Speaker: Hon. Ngeno what is it? Proceed Hon. Ngeno, the Chair first.

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Hon. C. Ngeno: Hon. Speaker I seek your legal advice on the way forward when somebody or the nominee has forwarded her letter of withdrawal from that position as the Chief Officer. Do we need to debate to debate the motion anymore? That is my question.

Hon. B. Ngeno: Mr. Speaker I wish to table before the debate continues.

Hon. Speaker: Which documents? It relates to what?

Hon. B. Ngeno: Mr. Speaker they are the additional academic documents of the said nominee.

Hon. S. Chang'morik: Thank you very much Mr. Speaker. If the nominee has withdrawn as said by the Chairperson, I think you should give a direction on that first.

Hon. S. Kirui: Hon. Speaker because the Chair has requested that you give direction, I believe this will be the right direction, Hon. Speaker. There is no need for other members to bring other issues yet the Chair himself is talking of whether it will be in order to debate on this issue when the nominee has already withdrawn. I believe it is the Chair only waiting for the answer so that we proceed.

Hon. Joyce Korir: Thank you very much Hon. Speaker. I want to concur with Honourable Kirui that you give the direction first then on the documents that have been presented by Hon. Ngeno will find way whether they be used after your ruling or not. Please give us the ruling first Hon. Speaker.

Hon. R. Serbai: Since my colleagues have actually said you give the direction first, my question is if there was a section quoted during that withdrawal.

Hon. J. Kirui: Thank you very much Hon. Speaker. I also wish to ventilate on this very weighty matter that has been raised by the Chair pertaining the proposed nominee; that Hon. Speaker in a situation like this, and considering we passed an Appointment Act in this House and considering we are supposed to deliberate on this nominee and considering the nominee has written that she is declining the nomination. In a situation where this House rejects or adopts the report, either way Hon. Speaker we will actually be thrashing a dead Horse. Thank you Hon. Speaker.

Hon. Speaker: What is your information Hon. Joyce? Is it under section 82(a) again?

Hon. Joyce Korir: Yes I don't want it to appear as if there is a lot of tension in the House Hon. Speaker. I want to say this is the process that we passed long time ago. It is not something that has started today. The letter that we have just received was a letter that was written today to this House. I want to say Hon. Speaker the order paper was already out and it is only we respect the

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ruling that we expect of which I expect to go on as per order paper of the day. Not unless there is something else Mr. Speaker, we will not go by that.

Hon. Speaker: What is your point of information Hon. Josphat?

Hon. J. Kirui: Hon. Speaker, section 11 of our Bomet County Appointments and Approval Act 2014, states very clearly that a candidate may at any time by notice in writing addressed to the Clerk...

Hon. Speaker: Is it section 11? The section talks about that the Clerk shall notify...

Hon. J. Kirui: Section 6 (11) Mr. Speaker. I am raising a very pertinent issue and I think we have to set a precedent that we have to follow a due process of the law. I was just saying in section 6(11), it is saying that a candidate may at any time by notice in writing addressed to the Clerk withdraw from the approval process and the candidate's nominations shall there upon lapse, thank you Hon. Speaker.

Hon. Joyce Korir: Thank you very much Hon. Speaker. Just where the Majority Leader has just read this is talking only on approval; it was support to be brought only before the process started but we have gone to an extend that the report has been made, it has been tabled in this House it has passed through the House business and now it is in the floor of the House.

Hon. R. Bett: Hon. Speaker the type of discussion we are engaging into seems as if there is certain interest. Mr. Speaker, I am requesting to give also the clarification of an approval process here do we say this stage is not approval. So Mr. Speaker we are urging you to give us direction on this matter.

Hon. R. Serbai: Thank you Hon. Speaker. I think that we are all aware that the Bomet County Assembly Approval Bill or Act is a law and as we are all aware that the constitution is superior than the law and it is also very clear that any Act passed by any county assembly will never therefore contravene the national law under article 10 of the Constitution, the national values and principles of governance in this article binds all state organs. Therefore the issue of Bomet County Public Appointment Act ceases to exist here. It also goes to state under article 10(a) that the national values and principles of governance binds all state organs, the state officers and all persons whenever any of them applies or interprets this constitution, elect, applies or interprets any law. The Majority Leader is just to interpret the law and here is the Constitution that supersedes the law. Hon. Speaker if you also go to article 260 it actually defines who the state officer and who a public officer is. We are not supposed to be telling each other we are

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depending on the Bomet County Appointment and Approval Act. Hon. Speaker, as we are very much aware while we were sworn in, we promised that we shall respect, uphold and respect the Constitution. This is actually under article 3 of this Constitution. I believe whatever the Act that anyone might read in this House we therefore cease to exist before this Constitution.

Hon. B. Ngeno: Mr. Speaker the Constitution is the mother of all the Acts. Article 191 is very clear that in a situation that a County legislation contradicts a national legislation, the national legislation shall prevail. When we come to the County Governments' Act, section 45 it is very clear on the procedure with which should be followed before approval of an individual is done. Mr. Speaker, the nominee is now the property of the House. We were expecting the nominee to submit the resignation or the withdrawal letter before the document became the property of the House. Mr. Speaker if we can read section 5 of the County Governments' Act it is very clear that the Governor shall nominate qualified experienced County Chief Officers from among persons competitively sourced from among persons recommended by the County Public Service Board. This is the nominee we want to assume before we dig into other details that she was picked by the County Public Service Board, approved by the CPSB, nominated by the Governor and the name submitted to the County Assembly. This could be the strategy that can be capitalized by the Executive so that when they are not interested in a nominee from the CPSB, they withdraw the individual when it has reached a certain stage. We want to set a precedent so that the future Governors will not capitalize on the same. I believe that train has taken off the station and we are expecting to reach the destination. Thank you Mr. Speaker.

Hon. T. Rotich: Thank you very much Hon. Speaker. Mine is actually to seek clarification because this motion has come in pursuant to standing order 193(5) (1)(f) and 190 (3) (a). When I read 193 (a) it is saying the function of this committee is to investigate, enquire into and report on all matters related to coordination, control and monitoring of the county budget. I thought we are not dealing with the budget we are dealing with the CO and I just want to seek clarification whether this is in order for us to use that standing order. Thank you.

Hon. Speaker: I think in my own opinion it is still under that function because it says to investigate, enquire into all matters related. It is upon coordination, control and monitoring the county budget. The person who will be dealing with that position will be dealing with issues of county budget. The same case with other CECs because they will be the accounting officers. Then in this case it only deals with powers of the Chief Officers of Finance. This is true for all the others because they are the accounting officers. What are they accounting for? It is their budgets that were passed in this House and I think it is well within their mandate.

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Hon. J. Kirui: I wanted to seek clarification because we swore to defend the constitution and to uphold the constitution. The section that has that has been quoted expressly state that in case the county legislation conflicts with the national legislation and the constitution, I wish to be informed where in the constitution on which article contradict with this Approval Act of the County Assembly and I wish to be informed thank you.

Hon. Speaker: Thank you Hon. Members. I think there are two critical issues that have been raised. The first critical issues that has been raised is by the Chair Person on committee on Finance, ICT and Economic Planning on what happens if a nominee gives letter before the debate. The other critical issue that has been raised by the Hon. Benard Ngeno where he really wanted to table some documents before the debate. To start with what Hon. Ngeno has said, I think it would not be proper at this point in time for you to table the documents before we know whether the debate will proceed or not and you will need to wait on that. The first issue so we need to dispense on that is on the issue on whether after the nominee has written a letter to this House says that she wants to withdraw. At least for the members who are not aware today, I think before noon, it happened that the Clerk gave me a letter that was written by the County Secretary requesting that for one Rose Kositany and one Dr. Sawek that there debate or there nomination be withdrawn from House; they were saying specifically that they can still bring the names. That is the first letter that I saw. Hon. Ngeno still tabled before this House a letter from Ms. Rose Kositany on the issue of her withdrawing from this process, and also I understand there is a letter from Dr. Sawek requesting that he withdraws from the whole process. Before we were late and before you started we try to really see the right position of the law. I know we passed Bomet County Approval Act 2014. There are also other issues surrounding it and I had requested the Clerk to be able to give me an opinion on the way forward. Given we have the constitution here, we have Bomet County Approval Act especially if you read from section 6, it talks about the approval hearing. In section 7 it talks on what happens after that; you see section 8 talks on the committee reporting to the House and how to table the report. Section 9 talks about instances where the committees fail and I think this are some of the relevant section where we need to go through and given that by now the Clerk and his team should be through with the opinion. Maybe you can allow me we adjourn for five minutes then I come back and we are able to review what they have written and see whether we are following the right procedure. We can be able to get a proper direction on the way forward on this issue. I want to request we be allowed so that we at least adjourn for five minutes. Just to review because I know it is already ready then I will be able to come and give direction on the issue that has been raised. We can adjourn for five minutes because it is just a matter of reviewing.

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Hon. Speaker: Hon. Member I had requested to take a few minutes to be able to request for a few minutes to be able to get the direction or the ruling. First I want to deal with what Hon. Ngeno had said you will need to wait until I have the delivered this so that we will see the way forward. I want to deal with what Hon. Ngeno Christopher the Chair of committee on Finance and Economic Planning. I think this is my ruling on whether the nomination of a candidate ceases upon the notification withdrawal of a candidate. Hon. Members, as you are aware that the Clerk's Office received a letter by the County Secretary Mr. Jonathan Soy whose report that the Governor has withdrawn the names of Rose Kositany and Dr. Bernard Sawek as candidates for the position of Chief Officers. Hon. Members it is salutary to note that we have enacted the legislation that governs the procedure for the approval for the county public appointments. This is the Bomet County Appointment Assembly Approval Act 2014. The Act provides the procedures for the County Assembly's approval of constitutional and statutory appointments within the county. Hon. Members sections 6 provides for the approval hearing with an elaborate procedure right from the receipt of notification on the appointment from the appointing authority to the Clerk of the County Assembly, the committee proceeding, issues for considerations and more pertinent for this ruling, the procedure in which a candidate may withdraw from the process all together. Section 6 (11) of the Act states as follows 'a candidate may be at any time by notice in writing address to the Clerk withdraw from the approval process and the candidates nomination shall there upon lapse'. Hon. Members, the intent and the substance of section 6 of our approval Act is to mend, to give room to a candidate who wishes to withdraw to do so. However what must be noted is that the section requires a formal notice from the candidate who is undergoing the vetting exercise and it is received by the Clerk. The law does not envisage the appointing authority or his agent or any other person acting on behalf or exercising authority on behalf of the candidate to file a notice of withdrawal from the approval process. Hon. Member the letter dated 5th March 2015 and addressed to the Clerk of the County Assembly has been signed by one Mr. Jonathan Soy who is the County Secretary, and Head of County Public Service. Looking at the content of the letter there is no doubt that it is a notice of withdrawal made pursuant to section 6 (11) of the Act. It is however worth noting that Mr. Jonathan K. Soy is neither Rose Kositany nor Dr. Bernard Sawek, the candidates envisaged under the section 6(11) of the act as the candidates envisage section 6 (11) of the act. The letter cannot therefore suffice as a notification of withdrawal by candidate, in this particular case, Ms Rose Kositany candidate for the Chief Officer and Dr. Bernard Sawek for Chief Officer Health. For consideration of Miss Rose Kositany and by this House must therefore call all until its conclusion. Hon. Member I could have stopped here but thought Miss Rose Kositany and Dr.

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Bernard Sawek sent letters to withdraw their candidature, I therefore believe that I am obliged to rule on their letters of withdrawal effectiveness to stop their nominations. Hon. Members, it is my considered view that given the instance case of the nomination process of Miss Kositany section 6 (11) of our Approval Act may have an ambiguity. I feel it is necessary to give guidance on the interpretation of section 6(11) for purposes of the future cases. In this instance, on this case, I particularly wish to address the issue as to when a candidate can withdraw from the approval process particularly when the approval process is at an advanced stage. Hon. Member as I have set out above, under our law, a candidate can indeed give notice the Clerk in form of writing to withdraw from the approval process and the candidate nomination shall there upon lapse; however when the committee has already conducted an approval hearing proceeded to write a report and has tabled its report for debate, a notice of withdrawal raises serious issues and questions. Honourable Members, a reading of the entire Act reveals that there are two parts to the approval process, this are the approval hearing and the consideration process. Section 6 deals with the approval hearing while section 8 deals with the consideration and adoption of the report. Section 8(2) states as follows ‘at the conclusion of an approval hearing the committee shall prepare its report on the suitability of the candidate to be appointed as the committee may consider necessary’. I wish to read the whole of that section.

Section 8(1) says ‘unless otherwise provided by in any law, the committee shall consider a nomination and tables its report in the Assembly for debate and decision before the 30 days from the date on which the notification of the notification was tabled in the Assembly

Subsection 8(2) says ‘at the conclusion of an approval hearing the committee shall prepare its report on the suitability on the candidate be appointed to the office which the candidate has been nominated and shall include in the report such recommendation as the committee may consider necessary’

If you see the title of section six, it is specifically saying ‘approval hearing’; section 8 is saying ‘period for consideration and report’. I think have deliberately underlined the words ‘at conclusions of an approval’ to indicate that the ‘approval hearing’ is distinct from the ‘consideration stage’. Hon. Members, I wish to point out that the County Assembly is one of our constitutional organs as provided for under article 260 of the constitution and members of the County Assembly as state officers under article 260. The Assembly is therefore bound by the values and the principles of governance when it seeks to enact apply, or interpret any law. Among the value and principles set out in the constitution include good governance, integrity transparency and accountability. Hon. Member, in my interpretations of section 6(11) of Bomet

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County Approval Act, I have taken into account article 10 of the Constitution. I have also taken into account the canons and rules that guide interpretation. One such rule is that words in a statute should be interpreted according to context. It is clear that section 6 primarily deals with approval hearing. It is important to state at the onset that a plain reading of an Act is and must remain the general governing principle in this area. Anything else will lead to chaos. However, there are minority of cases where literal meaning of a provision is not consistent with the purpose of the relevant Act and one should look beyond the literal meaning in order to get the meaning of the intended meaning of statute. I believe section 6(11) is such case. We are required to interpret the meaning of the statement in ‘pursuit of purpose.’ I am of the considered opinion that section 6(11) must be given a construction which does not stop the limits of the operative range that must be ascribed to it. Having regarded the legislative skill as expressed in the Act as a whole, this section only deals with approval hearing which the committee has long passed. Therefore the words of section 6(11) must be given no wider meaning than is necessary. It should thus therefore be confined to the approval hearing. I am of the considered view that we must part from the literal construction of section 11 in order to avoid an anomalous consequence and adopting its place a purposive approach as that will more faithfully reflect the true legislative intention gathered from the Bomet County Public Appointment Assembly Approval Act 2014 as a whole. Having stated the above, I am of the opinion that we are now at the consideration stage and that the letter of withdrawal has come late and as such has been overtaken by events. I therefore rule that the House is properly sized to deliberate on the motion as contained in the order paper and must point out that should this House chose to approve the nominee, Ms. Rose Kositany as Chief Officer Finance, nothing whatsoever stop her from resigning from the Chief Officer of Finance after approval by this House. That is my decision. Thank you. Yes honourable Josphat.

Hon. J. Kirui: Thank you very much Hon. Speaker for that elaborates answer that actually we have to abide by. I also wish to be informed through your honourable Chair, Hon. Speaker. In a situation where it is envisaged in our standing orders for instance standing order 184(5) that states very clearly that the report of a joint sitting of two or more committees shall not be adopted unless supported by a resolution of a majority of the total membership of the committee. I seek your indulgence Hon. Speaker in such a situation as envisaged by our standing orders. Thank you Hon. Speaker.

Hon. B. Ngeno: Mr. Speaker, the Leader of Majority does not understand that your ruling is saying that the report has gone through the House but you were ruling whether the said motion

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should appear on the order paper and to proceed but for this one, it is talking about the report of which we have not got. We shall cross the bridge when we get there.

Hon. Speaker: Hon. Majority Leader this is now the main issue which you can raise after the motion has been moved, seconded and I propose the question. Hon. Ngeno you can now table the documents before the motion is moved. Hon. Ngeno you can now move the motion and find somebody to second it. It was only Hon. Ngeno to table but if you also have a document, then you need to make an application. Hon. Ngeno unless you don't want to table the documents anymore.

Hon. B. Ngeno: Mr. Speaker, I am still looking for the authenticity of the documents I have but because they were two, I have offered that Hon. John Ngetich to table on my behalf. Thank you.

Hon. J. Ngetich: Thank you very much, Mr. Speaker. When we were in the committee stage we asked for the verification of documents and we got some information from KASNEB and here is the letter to that effect.

Hon. Speaker: Sorry Hon. Member I am being informed that you will table after the seconding of the motion. Hon. Christopher Ngeno, kindly move the motion.

MOTION

- ❖ **THAT PURSUANT TO STANDING ORDER SECTION 193(5) (1)(F) AND 190(3)(A), THE COUNTY ASSEMBLY ADOPTS THE REPORT OF THE JOINT COMMITTEES ON FINANCE, ICT AND ECONOMIC PLANNING AND BUDGET AND APPROPRIATION ON THE VETTING OF ROSE CHEPKIRUI KOSITANY A NOMINEE FOR APPOINTMENT AS CHIEF OFFICER FOR FINANCE.**

Hon. C. Ngeno: Hon. Speaker thank you for the opportunity so that I can move the motion no. 9 that pursuant to Standing Order section 193(5) (1)(f) and 190(3)(a), this County Assembly adopts the report of the joint committees on Finance, ICT and Economic Planning and Budget and Appropriation on the vetting of Rose Chepkirui Kositany a nominee for appointment as Chief Officer for Finance.

Hon. Speaker: You are putting it that way? You cannot elaborate on the report? You can tell us some of the main issues and the recommendations of the committee.

Hon. C. Ngeno: Because of the volume of the report, I will summarize the report. The committee composed of a joint committee on Finance, ICT and Economic Planning and Budget

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and Appropriation which comprised seventeen members. I may not go through all the pages because the members have the copies already and therefore I go straight to observations and the findings. The committee made the following findings and observations. The committee noted that; I was reading the findings and observation. The committee noted that the nominee possesses a degree in Bachelor of Commerce (Banking and Finance Option) thus qualified on academic requirement. The minimum requirement as per the advertisement was at least a first degree from a university recognized in Kenya.

The nominee had the relevant knowledge.

That even though the nominee submitted a Master's degree documents, the same had serious authentic (and/or) integrity issues and could not be relied upon especially in view of the letter from the university confirming the non-completion of the said program.

Hon. Speaker: Honourable member you are doing a disservice. You need to read everything so that it can come out clearly. Because if you leave it at the middle you will be leaving many concepts, if you can see some part why not the whole part?

Hon. C. Ngeno: Let me continue but meanwhile let us have some light.

Hon. Speaker: Or you can leave to your Vice Chair, or the Chair of Budget or Vice Chair Budget. Honourable Chair we thank you are one of the senior citizens and appreciate the work the work you have done so far. Honourable Evaline proceed very quickly.

Hon. E. Chepkemoi: Thank you very much honourable Speaker for this chance, let me read the findings and observations; the committee noted that the professional qualification regarding the nominee's Certified Public Accountancy were incomplete since some of the certificates were missing. Neither an exemption certificate was availed nor police abstract or an affidavit to confirm that the documents were lost and could not be traced. The committee also noted that the submitted document were not originals.

The committee noted that the nominee had been instrumental in setting up of systems including IFMIS and G-PAY in the County.

The committee could not understand why the nominee did not avail required clearance documents from Criminal Investigation Department, Kenya Revenue Authority, Credit Reference Bureau, Higher Education Loans Board and Ethics and Anti-Corruption Commission. The same documents were required at the time of the interview by the County Public Service Board (Copy of the advertisement attached).

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The committee could not comprehend why the County Public Service Board allowed the nominee to appear in the interview whereas the nominee had not fully complied with was expected of her during the interview.

The nominee did not meet the minimum required experience of ten (10) years for the position. The committee further noted that she had two (2) years' experience as a Finance Officer in the County Government of Bomet and that the committee could not verify experience obtained from working in other organizations, as alleged, owing to lack of documents in support thereof.

The committee resolved that there was need to confirm the authenticity and validity of the tender documents submitted during the interview to determine the directors of the company's stated in it.

The committee noted that the nominee was quite evasive during vetting and deliberately avoided answering some of the questions especially those relating to her tenure at the county treasury as the director of finance. The nominee did not provide satisfactory answers on crucial financial issues within her docket such as signing and issuing cheques which were not supported by any regulation, policies or legislations.

The nominee could not convince the committee the extend of her participation in the preparation of the County Assembly Budget which should legally be prepared by the County Assembly Clerk. She also did not provide convincing reasons why the budget uploaded in the IFMIS differed with the one approved by the Assembly.

The following members then considered that the nominee was unsuitable to the Chief Officer for Finance;

Hon. Reuben Langat

Hon. Joyce Korir

Hon. Evaline Chepkemoi

Hon. John Ngetich

Hon. Philip Siele

The following members said the nominee tried within the circumstance she was in and was therefore suitable to be the Chief Officer, Finance, and the following names supported this nominee for the Chief Officer Finance. That is;

Hon. Josphat Kirui

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Hon. Robert Metet

Hon. Sammy Kirui,

Hon. Wilson Keter

Hon. Taplelei Rotich stated that she was not in a position to determine the suitability of the nominee as she arrived late for the meeting as she was participating in another similar vetting process.

The following members were not present at the decision stage to get the committee's opinion, that is;

Hon. Beatrice Chebomui

Hon. Bernard Ngeno

Hon. Samuel Bor

Hon. Cecilia Towett

Hon. Philip Korir

The members said the County Public Service Board should submit a newspaper advert of the position of chief officer, list of applicants and forwarded nominees.

Hon. Speaker: I think honourable member you are going to the minutes.

Hon. E. Chepkemoi: I think honourable member those are some of the findings

Hon. Speaker: After that you need to go to the committee recommendation because you have stated the observation; so what is in the final observation in page 15.

Hon. E. Chepkemoi: Let me go to the committee's recommendation. In view of the above findings and observations, the committee by a majority decision found that the nominee was not suitable to be the Chief Officer for Finance. That was the committee's recommendation.

Hon. Speaker: Proceed until the final part of page 15, you are only reading part of page 15 and therefore you will be leaving this House in a limbo

Hon. E. Chepkemoi: Mr Speaker, In view of the above findings and observations, the committee by a majority decision found that the **nominee was not suitable** to be the Chief Officer for Finance. The committee therefore recommends that the Governor resubmits another nominee for vetting. Thank you honourable Speaker.

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Hon. Speaker: Are you no going to elaborate a bit or it just like that.

Hon. E. Chepkemoi: Because I am the Vice Chair of Finance, and after I had discovered some of the issues that rose Kositany had, I declined and said that she is not suitable to be given this position because she never appeared before the Public Service Board. She was not interviewed and since she has worked in the County Treasury after even passing the budget of KES 265 Million for the County Assembly which is now giving us problems; especially the staff are going home without salaries this month and even the honourable member are going home without money this month; it shows that this Rose is not even concerned.

Hon. Speaker: Is that some of the considerations that informed your decision or you are trying to build your case. Proceed, honourable member.

Hon. E. Chepkemoi: I think I have clarified some of the...

Hon. Speaker: Proceed honourable member

Hon. E. Chepkemoi: I think I was trying to clarify some of the issues hindering rose Kositany from being given this position and saying that Rose Kositany is not suitable to this position.

Hon. Speaker: Is that all?

Hon. E. Chepkemoi: That is the decision of the House that Rose Kositany is not suitable for the position.

Hon. Speaker: That is the decision of the committee not the House

Hon. E. Chepkemoi: Yes of the committee

Hon. Speaker: Anyone to second you?

Hon. Joyce Korir: I second.

Hon. Speaker: Thank you honourable Joyce, it's now my turn to propose the question. That pursuant to standing order No.193(5)(1)(f) and 190(3)(a) this County Assembly adopts the report of the joint committees of Finance ICT and Economic Planning and Budget and Appropriation on the vetting of Rose Chepkirui Kositany, nominee for appointment as the Chief Officer for Finance. So I think honourable Ngetich you can be able to table the document.

Hon. J. Ngetich: Mr. Speaker maybe I will table when I will contribute to the House Mr. Speaker, to actually substantiate what I have Mr. Speaker.

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Hon. Speaker: Honourable member what you need to do is to table. You can rely on it as much as possible. Honourable Langat.

Hon. R. Langat: Is it in order for you to know who has some information or he is supposed to come to you and say I have this information. We have to be objective but not to indicate that you have some document that you can bring because it means there was something wrong.

Hon. Speaker: Honourable Langat, let's not bring issues that are outside this House. When I was advised, after the motion has been moved and I have put the question, but I can allow honourable Ngetich to deposit his. So if you were outside the House please forgive us and let's proceed. Because I had mentioned that and that's why I was saying honourable Ngetich to wait and get ready to table and that's why he stood up to table the document. I wonder where you were. Proceed, honourable Ngetich. Honourable Ngetich Kindly proceed!

Hon. J. Ngetich: Thank you Mr. Speaker, let me table a letter from the KASNEB verifying the documentation of Rose Kositany, Mr. Speaker.

Hon. Speaker: It is now the property of the House. What is your point of order?

Hon. R. Bett: My point of order Mr. Speaker is that whenever a document is allowed to be tabled in this House, you first you peruse through the document. This document is not signed to meet the quorum Mr Speaker. How else are you going to be so passionate in deliberating in these issues Mr. Speaker? This document was signed by seven people out of sixteen Mr. Speaker. So it doesn't not meet the quorum. So this document is just as useless as it is.

Hon. Speaker: What is your point of order honourable Mosonik.

Hon. W. Mosonik: Honourable Ngeno talked of the authenticity of the document and standing order No. 186(5) says the report of a joint sitting of two or more committees shall not be adopted unless supported by a resolution of a majority of the total membership of the committees. So the authenticity of this report is null and void.

Hon. Speaker: Honourable Ngeno.

Hon. B. Ngeno: Mr. Speaker based on the minutes that were adopted by the committee having gone for a retreat in Kisumu; the minutes were confirming that the members and the voting pattern had been shown, Mr Speaker. Secondly, during the final stage Mr. Speaker the minutes were adopted. That was to confirm that the document became official and authentic.

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Hon. Joyce is trying to speak

Hon. Speaker: Honourable Joyce, I am standing and whenever the Speaker is standing no one should stand or utter any word. So you people are interpreting our standing order selectively. You really need to read our standing orders. A motion before the House can be debated without a report. That's what you people do not read; whether there is a report or not. So long as a report has been slotted for debate it will proceed so you need to choose to rely on it or not. Secondly, you can't come and turn away the Chair for Finance, he had problems and every member when you were told to sign you was running away. What did you want the Chair of Finance to do? At the end of the day we had the Chair and we had a by-line. So you cannot come and turn away and start using our standing orders. So we need to debate on the report. Whether there is this report or not. Let's not apply our standing orders selectively. Let's proceed with the debate. What's your point of order?

Hon. R. Bett: My point of order is selective dispensing of the law in this House. Mr. Speaker. You cannot at one stage say a document which is not authenticated by the majority of the members has legality. We want to say you take this House through the right process Mr Speaker.

Hon. Speaker: Honourable Members, I think honourable Bett is referring to the authenticity of the report or what honourable Ngetich had tabled. I think then let me give a final way forward on this. I would not expect any other point of order on the same. Honourable Bett I have just stated that the members; some of them refused to sign the report. It was signed and that is why they were supposed to write what we call minority report. Do we have a minority report attached to this document? So if there is no report... *(Interrupted)* Honourable Bett you cannot and you should never reply to the Speaker. When the Speaker is talking this is my last warning to you. No member should talk to the Speaker directly. We need to enforce the standing orders, so honourable Bett and other remembers who have a serious issue; remember it is the County Assembly; after the committee they requested that they need at least authentication of the document. The document had been tabled by honourable Ngetich. It's the Assembly itself which sought clarification from KCA University and KASNEB. Unless you doubt the authenticity of the document. The authenticity of the document is the problem of the committee. We dedicated...

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Hon. Speaker: Honourable Bett I am warning you; I am seeing you are almost jumping.

Hon. Speaker: Let's stop this issue and proceed with the debate. I am going to allow anyone who only wants to contribute on this debate. Anything else, let's stop. Honourable Langat proceed with the debate.

Hon. R. Langat: Thank you very much Mr Speaker. I want to urge this House to be sober and everyone to reason and everyone to dispense off with this matter. Without prejudice. Here I am one of the Members of Finance and you have heard clearly in that report I said Rose Kositany was not fit to be in that docket. Following your ruling, that this thing continues, what is haunting me, because of this report is; at which stage of the process of approval, if a process that started at some point and we have come and started from the middle; that its only at the approval stage, in the whole process we started up to this day that one can produce a letter and resign; that is what point?

Hon. Speaker: Honourable Langat, Honourable Langat, Honourable Langat! I wonder where were you when I was giving the ruling and I stated section 6(11); the one you are trying to rely on. I have also stated that you need to read section 7 & 8(2); there are two phases, approval hearing and consideration stage, as per section 8. I don't know why you are coming back to that. So you need to contribute on the substance whether you are supporting the report or not. Or you can choose again not to rely on the report and continue to debate on the suitability of Rose Kositany to be the Chief Officer. You always understand the rules, where have the rules that you always say gone to today. Let's proceed on the debate.

Hon. R. Langat: Mr Speaker, it's also good to be sober when doing this, and I was building my case. That please I am one of those who said Rose Kositany is not fit and my name is the first in the list and it was mentioned and everyone heard, I said we have gone through what you went through and I was seeing that to me or personally, our Clerk said there was a personal letter that was written by Rose Kositany to withdraw. I was expecting because of that process this debate was not going to go on; but not withstanding that, this House has seen the report and we have seen even this document being produced were questioning the credibility of this person and the credibility of this person is what has given her the courage to write a letter to say I am withdrawing, and that I thought it was going to dispense the whole situation. That is not going to

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touch on us if she has understood that she is not fit and has written the letter; then what is the question again?

Hon. Speaker: What is your question honourable Joyce

Hon. Joyce Korir: Is it in order for the honourable member who has just sat to tell us she has withdrawn by writing a letter of withdrawal at the last minute yet she has been a worker of this County Government handling a very critical office for the last two years.

Hon. Speaker: I think honourable member it is within his constitutional right. The only problem I have with what honourable Langat has said is that I have given a ruling and we have dispensed with that aspect and what I expect members to engage on is to either adopt the report or not. Let's leave other side shows. I have made a determination on that and lets not go back to that which I have made a determination on. Honourable Samson. What is your point of information?

Hon. S. Towett: I wanted to inform the House that when documents are tabled in the House for verification, and may be to support any issue that have risen in the discussion, its authenticity needs to be ascertained before even we can continue with anything else. I think for the documents tabled by honourable Ngetich, its authenticity has not been explained to the House and this could be an issue that is taking us round and round but it's not coming out. For the House to put that issue to rest they should have told us where the document tabled by honourable Ngetich was authentic or not. Thank you.

Hon. Speaker: The authenticity of the documents has been confirmed. I would not have allowed this document to be tabled in this House. In fact it was send by KASNEB by post the way the other documents were given to the committee and you should read the report. Remember one of the recommendation of the committee was to do further authentication of the documents. I don't understand how you want to see things from different point of view. You go down you write a report and come to the floor of the House...it's your right. But some things should really be straight to allow things to be. I am not going to be wavering left right and centre. Let's discuss on the issue. Honourable Serbai proceed with the debate. I hope that has confirmed every fear. It was sent to County Assembly not Ngetich.

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Hon. R. Serbai: I thank the committee for coming out with very good report pertaining one Rose Kositany who is vying for this position of Chief Officer in charge of Finance. Honourable Speaker, as per the report, it shows that Rose Kositany never attended the interview. Two, I remember I was there in attendance and I did manage to ask her why on the first short listing she was not there but on the second list she was there. I also managed to ask her the whereabouts of the mandatory certificates before being invited to sit for that particular interview by the County Public Service Board. If you go through the interview you will find that the interview was done and the certificates were dated on 17th February 2015. That means the County Public Service Board allowed for that particular interview to be done without these mandatory certificates. It's there in the report. Honourable Speaker I also asked her that CPA Part (i), (ii) and (iii) was questionable. I asked her what happened with part (ii) and part (iii), was there any exemption? She said in part (iii) the documents got lost but there was nothing to prove that she was exempted and a police abstract to show that indeed some of the documents were lost. I also remember I asked her if she was aware of the consequences of sections 353 and 345 of the penal code. And she answered by saying I did not forge. As per the experience, the advert said ten years but Rose Kositany is only two years in this county government of Bomet. If you actually go as per the report the report is actually against her. I inform this House that we are sitting in this House as honourable members and the constitutions is actually very clear who we are. Let's not forget as per article 260 (h); it's about state office which means it is any of the following offices stating from the president but also we as the members of the County Assembly, Governor or Deputy Governor of a county and if it is a state officer, you go to article 2(c). If you also go to chapter six, article 73 it talks about integrity. Of which I believe this House consist of thirty five member of the County Assembly which is sponsored by National Vision Party and the thirty four are sponsored by URP. I want to believe under Political Parties Acts, it is also a subject of chapter six of which you who are members are supposed to push for policies of this particular party. If you are just at the doing the contrary to what is actually in this constitution and under Political Parties Act, I say it now time that if I as a member of URP is doing anything contrary, the party should take stern action against me or another one who is actually contrary to the law. So let's follow the law the way honourable Reuben Langat has been saying. If you go to article 3 everyone was sworn to respect, uphold and protect the constitution. If you are doing anything contrary to this then it means this House, as one Member of Parliament the late Martin Shikuku and Jean Marie Seronei, when they said KANU is dead because of the many thing that were happening that were not following the law. Will me also, Mr. Speaker, say if URP is not going to do what they are supposed to do as per the Political Parties Act, their policies can be wrong. We

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have to respect article three by saying the nominee is unsuitable and I believe our standing order is very clear that if you are a member of certain committee, and if you have appended your signature and you do agree by the report, and if you also want to rescind orders, your decision is against the standing Mr. Speaker after appending the signature I believe we are also contravening the standing orders of this House. I therefore urge this honourable House the way honourable Langat urged this House that lets approach this issue with sober mind without witch hunting and face the reality as per the report given by the committee. The report by the committee is very clear and why should we dilly dally, Mr. Speaker, as if there was anything done, Mr Speaker to convince other against the report. As I was coming sometime back on Monday, some members went to a House of a prominent person in this county and were coached till 2AM to rescind the report.

Hon. Speaker: Honourable member I think you are totally out of order, don't go that direction unless you have evidence that members were in that House. If you don't have any evidence proceed.

Hon. R. Serbai: I believe as I was coming, I saw a GK vehicle waiting for a member to be taken to those sides. I withdraw but my message is clear. There is a place called Tumoi where they used to roast the chicken and that is where the chicken came from, and that's the place which is actually confusing this House.

Hon. Speaker: I think honourable Serbai you rare totally out of order. Have you cleared? Honourable Joyce.

Hon. Joyce Korir: Thank you honourable Speaker. I have stood to support the report of the committee on Finance and ICT. Honourable Speaker we have a very competent and able Chair, honourable Christopher Ngeno who has tried by all means to table this document despite the very many road blocks that transpired on the way. Honourable Speaker, I am a member of this committee and I want to say I must thank all the member of the budget and the finance committees for coming together during the vetting sessions of this nominee. I want to say that this committee did the two nominees in charge of Economic Planning and Finance.

Hon. Speaker: Honourable Taplelei. You will proceed.

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Hon. T. Rotich: Thank you; considering the motion going on and that is weighty and creating a lot of anxiety, I wish that pursuant to Standing Order No.30(3), this County Assembly sits beyond the normal sitting hours until the business appearing in the order paper is dispensed with.

Hon. Speaker: Who seconds?

Hon. J. Kirui: I second.

Hon. Speaker: I now propose the question that pursuant to Standing Order No.30 (3); this County Assembly do extend its sitting beyond the normal sitting hours until the business appearing in the order paper is dispensed with.

(Silence)

Hon. Speaker: If there is no objection, I now put the question that that pursuant to Standing Order No.30 (3) This County Assembly do extend its sitting beyond the normal sitting hours until the business appearing in the order paper is dispensed with.

(Question put and agreed to)

Hon. Speaker: Proceed, honourable Joyce.

Hon. Joyce Korir: Thank you honourable Speaker for allowing me to continue. I want to say I am a member of that particular committee. I want to say from the start of the vetting process, I was present and we went through a number of questions starting from why she was not appearing on the first paper that was given by the Public Service Board and after even the division of the said sector honourable Speaker into two; Economic Planning and Finance. That raised a lot of questions because at first it was Finance and Economic Planning but because of some interest I can say the sector was divided into two which we did not dispute. We went further asked her if she went for the interviews and the reason is because of the documents that were laid in this House which were given to this house bearing the date of 17th Feb 2015, yet the interviews were done early January or even late last year. The last date I checked after my own investigation I found that honourable Speaker, the document submitted by the committee were never submitted to the Public Service Board and this person never went for the interviews, Mr. Speaker. The

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reason I am saying this is because we had the KRA certificate which was supposed to be submitted before the Public Service Board but it was brought to this House on 17th Feb. There is a document from HELB that was supposed to be given to the Public Service Board but it was brought to this House on 17th Feb. Honourable Speaker, the lady was qualified because she gave us the certificate that she did degree in Finance. Unfortunately she went ahead to lie to the committee that she had done Masters and apart from this, dates that were appearing in the police receipt, the HELB certificate and the KRA certificate giving us the receipt that was bearing the date 17th Feb; it prompted us to say the results were having a lot of mischief. That's is why the committee recommended that we needed to know the authenticity of this documents which I want to say through our able Chair, honourable Christopher Ngeno and the committee, guided by the Clerk of this House, they went further to inquire from the relevant institutions starting from KCA University and KASNEB. Fortunately before the vetting date we had a very good certificate that was saying Madam Rose Kositany has successfully completed her Master's degree and was awaiting results. On the same note the report given to the office is saying that the lady has not completed her course work. This raised a lot of questions honourable speaker because we felt that her documents were kind of coming from the River Road and you understand the River Road where things are being done in a very naughty way honourable Speaker. We went further to KASNEB and I want to say because the member has tabled the said report, I had also got an opportunity to have a look at the report and it is so shameful for this County Government starting with the Public Service Board, then next is the Governor are giving us people who are not qualified to man the money of this county. That is why we have a lot of messes in this county in terms of finances. Right now the county is running with a lot of debts and with a lot of deficit everywhere because of incompetency of the people who have been put in that office. It is not only that Hon. Speaker, yesterday the said CEO of this County removed the CEC in charge of finance because of the messes which they knew the County Assembly were digging into and transferred him to the Department of Trade having messed up and even having a motion pending in this House. Hon. Speaker, I am talking of an office that is supposed to give light, to change and to take care of the lives of the residents of this county, Hon. Speaker. This is an officer who shouldn't be having any integrity questions, who should be qualified and should not be blameless at all, Hon. Speaker. But as we speak Hon. Speaker, here comes a letter, and I would like to read this letter from the KASNEB which is very shocking not only to the members of this House but also to the members of the public at the public gallery and anybody else who has been elected to come to this House to stand on behalf of the residents of this County. We have been sent by the learned and unlearned, we have been sent by the poor and the rich, we

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have been sent by the wonderful people of this county, Hon. Speaker, just to represent them having been sworn in, praying day in day out that we are going to do what is right and this is the letter that we have received. The letter reads ‘... VERIFICATION OF DOCUMENTS FOR CHEPKIRUI KOSITANY: Please refer to your email dated 25th February 2015 in which you requested us to verify authenticity of a copy of a document presented to you by **Chepkirui Kositany**. **Chepkirui Kositany** registered for the Certified Public Accountants (CPA) Examination on 30th November 2011 and was allocated studentship registration number **NAC/199647**. She was exempted in CPA Part I Sections 1 and 2 vide letter reference number 2012/CPA/11421 dated 14 September 2012 which indeed she explained that she was exempted; though she never had the letter. Hon. Speaker, she attempted CPA Part II Sections 3 and 4 in December 2012. She passed Management Information Systems and Financial Management Papers, and I must thank her because she did what is called IFMIS in this County and that is why she passed but was referred in Financial Reporting Paper and failed all the Section 4 Papers. Hon. Speaker, she is yet to attempt and pass the referred paper in CPA Part II Section 3 and the Papers in Section 4. Finally Hon. Speaker, what is really shocking me is the letter received by the County Assembly from the nominee stating that she has withdrawn after serving for 2 years, after being interviewed and vetted by the County Public Service Board and County Assembly respectively, yet she had a lot of room to withdraw before appearing before the members of the public who are now astonished because of this last paragraph, Hon. Speaker. **Chepkirui Kositany** has never attempted CPA Part III Sections 5 or 6. The document submitted to you by **Chepkirui Kositany** purported to be a copy of CPA Part III Section 5 result notification is therefore **forged** and did not originate from **KASNEB**. **What a shock!** Hon. Speaker, if we are talking today of somebody who is in charge of this county’s money to a tune of KES 7.8 billion that has been dispatched from the national government. Right now the members of this House are crying all over that the money has been misplaced. Hon. Speaker, I am wondering who is this person who gave the opportunity to this nominee to serve in this office. Remember, it is the same office which has been dictating the CECs, this county assembly and even the chief officers who are being vetted before this House Hon. Speaker. Hon. Speaker, I want to say that I don’t have any personal grudge with her. I don’t have any interest in that office. I haven’t done finance and banking neither did nor do I have a child who has done that. But for the purpose and for the concern of the people of this county Hon. Speaker, this is one office that should be having qualified personnel in order for the CEO of this county to deliver. I want to say that the County Public Service Board is answerable for this. Hon. Speaker, remember when the biometric head count was done in this county, I understand that they refused that she was not going to be entered

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because of missing documents but there was a lot of canvassing here and there until she was entered. Hon. Speaker, sincerely speaking I want to say that if there is any member in this House that is trying to defend, block, and to go against the committee report, then with due respect Hon. Speaker, we need to call all the pastors of this county to have a prayer, thank you.

Hon. B. Ngeno: Thank you very much, Mr. Speaker. First I want to state very clearly that interest is necessary to be declared. Mr. Speaker, I am not a contractor neither am I interested in the position that the said person is holding. Mr. Speaker, I still equally want to confirm to this Hon. House that the position I have in this floor of the House today is not induced either through assets, cash or any other thing Mr. Speaker. With sobriety and open mind, I believe that we all swore to defend the constitution and the interest of the members of the public, Mr. Speaker. If we may go to the issues to do with the County Public Service Board, Mr. Speaker, it was the responsibility of the CPSB to competitively advertise the positions to the members of the public and do the shortlisting of which the CPSB did the advertisement based on what is in this report. Mr. Speaker, they invited the applications and did the shortlisting. Based on the first shortlisting that was done and put in the papers, I want to confirm to this House that the name of the said person **Rose Kositany** didn't appear in the list of the shortlisted candidates in the first list that was put to the public. Mr. Speaker, it took a new twist, and to please someone in this county, the CPSB was arm-twisted to do the second shortlisting in which Rose Kositany appeared. I went further to inquire on what made the CPSB to change mind and I was told that the Governor said they had to do. Mr. Speaker, quote my words, the Governor who is to abide by the constitution of this House and who became an Act to this House. Mr. Speaker, the Act spoke that we have to reduce the experience from 10 years to 2 years because of the Act that was passed nowhere. That led to Rose Kositany having a way of getting shortlisted in the second paper. Mr. Speaker, it was unlawful. Also, the Governor sent the names of these nominees to this House and were received at the office of the Clerk and channelled to the committees where the drama began. Mr. Speaker, on the requirement that the CPSB wanted for one to qualify for the position, one was to provide clearance from HELB, CRB, KRA, CID and EACC. These are the documents necessary to clear one in chapter six of the constitution which talks about issues to do with integrity. Mr. Speaker, I am not induced neither have I consumed the *chicken*. My mind is opened and my conscience is very clear when handling this matter, Mr. Speaker because we are trying to put the precedent that will be emulated by the members of the County Assembly today and in future. This chapter states that unless you are cleared by these bodies, you are not qualified to hold any state office. Article 10 (2)(c) talks about national values and principles of governance which binds all state organs, state officers, public officers and all persons whenever any of them does this, Mr.

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Speaker. I can put the said person to the category of a public officer. Article 10 (2)(c) states that there should be good governance, integrity, transparency and accountability. I am not the one who drafted this constitution, everybody in 2010 voted for this constitution and we shall not do any wrong to follow the constitution in favour of someone because we are doing a great service to the members of the public if we follow the constitution. Bending the constitution, Mr. Speaker, is doing a great disservice to the public. Chapter six of the constitution talks about leadership and integrity. Mr. Speaker, integrity cannot be confirmed in those documents. Finally, when it comes to the documentation, it is a criminal offence that a public officer can do is forgery. Mr. Speaker, it is unfortunate since forgery is one way of killing professionalism of an individual from now henceforth. Forgery is an illegal engagement that anyone who would want to survive in any other profession should not get into it completely and it should not be part of what is likely to be witnessed in Bomet. Now that it has been witnessed Mr. Speaker, we have seen the confirmation that KCA confirmed through a letter that Rose Kositany has done masters and is awaiting graduation. According to the little knowledge that I have, when you are doing masters, you do a course work for one year and in the second year, depending on the university without exceeding 3 years, one should have completed the second part of the programme by submitting a project. But unfortunately, Rose Kositany confirmed to this house that she never submitted the project because of the nature of work that she is handling with this county government and she is on record that she hasn't submitted the project. Meaning to me that masters has been done halfway but according to the letter that was brought, it is confirming that she has successfully completed masters and awaiting graduation. You cannot await graduation if you haven't completed the second part of the masters. The email that was sent from the registrar of academics confirmed to this House that Rose Kositany is indeed a student of KCA but hasn't completed her masters. That is a contradiction, Mr. Speaker. When it comes to the issue of CPA Mr. Speaker, we do have CPA parts I, II and III. According to this document here Mr. Speaker, it is that she did up to Section 5 which for that matter I confirm that one to be part III and according to the letter that we received, she has never even attempted section 5 and 6 and failed section 4. Mr. Speaker, I can as well take that document now to be a forged document because she has never attempted section 5 and 6 but she has a certificate confirming that she has successfully attempted and passed section 5. Mr. Speaker, it is unfortunate that we as Hon. Members who were elected to defend the right of the people can as well collude with people who can engage in forgery of documents. If somebody can forge documents for academics, what can stop this person from forging documents that are meant to manage our finance? Let me end by saying that when asked to declare wealth, I think it is confidential and I don't know if I am

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allowed to say this. I don't know who wrote this but what I am seeing in this document is shocking. I have been in this House for 2 years and if I am asked to declare my wealth, it will be a bit different from what I am seeing here Mr. Speaker. That Rose Kositany has a bank loan of KES 4.2 million and assets worth KES 6 million. I don't know whether this can be confidential but Mr. Speaker you can work for 2 years earning a salary of less than KES 150,000 and the gross earnings cannot get to a level of securing a bank loan of KES 4 million, assets being worth KES 6 million and the liquidity standing at KES 600,000. Mr. Speaker, I am about to conclude; on the documents, I asked her whether she has a relationship with the directors of Mulot Sunset Hardware Limited. She said that she doesn't know the directors of Mulot Sunset Hardware Limited. She also doesn't know the owners of Mulot Sunset Enterprise Limited but she is the one who signed a document that released KES 3.2 million to the company yet according to the minutes that I have here; she was tasked to supply 1700 bags of cement for the construction of stadium. Mr. Speaker, she was the one who was tasked and what was said is that the Bamburi cement was to supply these but unfortunately Mulot Sunset Hardware Limited supplied 1700 bags at KES 3.2 million meaning each bag of cement was going at KES 1750 but in the market price a bag goes at KES 700, especially for economies of scale where you purchase in large quantities, you can receive in a reasonable price. Mr. Speaker, let me end by saying that I don't know who Felix Kiplang'at and Lorna Chepkemoi, being the directors of Mulot Sunset Hardware Limited are, but somebody else can confirm to me. Also I don't know who Felix Kiprotich Langat and Linet Chebet being the directors of Mulot Sunset Enterprises Limited are. I still wish Mr. Speaker, if possible, more investigations to be done so that we can know who these directors are. We cannot be here to loot the public funds. I am not about to have this lady brought down but I am saving her on integrity issues. Mr. Speaker, we are trying to look for a way where these integrity issues can be reduced where the money for the members of the public cannot be misappropriated. Up to now in my ward, road construction hasn't been completed because of this silly thing. Up to now the county government is having a debt of up to a tune of KES 700 million because of such issues. Mr. Speaker, the construction of nursery classrooms in our wards has never been done because of such issues. Mr. Speaker, the old aged person, day in day out, are coming to my place asking for their dues as if I am the one carrying their money because of such issues. I want to say today that for this county government to survive, impunity must be fought from all corners of this county if we are to succeed, thank you Mr. Speaker and I do support the report.

Hon. J. Molel: Thank you very much Mr. Speaker. I also rise to support the report of the committee. Mr. Speaker, I want to urge this Hon. House that whatever we are deliberating on is

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just but the report of the committee. Mr. Speaker, I can say that we may not be feeling comfortable the way things are being exposed in this House but it is our role and duty to do so. Mr. Speaker, I was shocked to hear that the nominee didn't bring some of the documents. Mr. Speaker, in a committee where I am a member, we forced a candidate to produce documents. If in any case, one candidate is being exempted to produce documents, what will the others say? Mr. Speaker, I want to say that I am not against anybody getting a job in this county government Mr. Speaker. After all the said nominee has been there even though we are saying that we haven't been having the chief officer in the same docket but I believe the lady has been playing a role on the same docket, Mr. Speaker. Whatever has been raised here is serious and I want to thank the committee by saying that the lady isn't suitable for the position. Mr. Speaker, the question of somebody withdrawing in the last minute actually raises legal questions. Mr. Speaker, whatever the mess which has been happening in this county, it emanates from the said nominee. The contractors and suppliers are crying and when asked they say there is somebody somewhere who owns the money that when you ask, you are told that the money hasn't been released from Nairobi whereas the money has already been released and the contractors who are well known to them have been paid. We are just saying and if we really dig it further, the truth lies there Mr. Speaker. We don't want a situation where in 10 years' time; we will be having less than 100 people being rich while the others are becoming poor, Mr. Speaker. This lady has violated chapter six of the constitution concerning the integrity issues, Mr. Speaker, article 75(a) talks about conduct of state officers. A state officer should have no conflict of interest and whatever has actually come up here is that she may be having some businesses with the county government.

Hon. Speaker: Hon. J. Molel, I think there is a total difference between a state officer and a public officer. Under the circumstances, is she a state officer or a public officer?

Hon. J. Molel: Mr. Speaker, all the same the lady is not honest. From what the committee members have said; that she produced the fake documents and if she can lie that she has actually undergone some sections of CPA whereas she is not, what can prevent her from lying in the office that she is heading, Mr. Speaker. I want to thank the committee for coming up and exposing what is happening in this county Mr. Speaker. Thank you very much and I support the report of the committee.

Hon. J. Kirui: Thank you very much Hon. Speaker for this opportunity that you have given me to ventilate on this issue. I also want to declare my stand like Hon. B. Ngeno member for Kapletundo ward that I am not one of the contractors in this county. Hon. Speaker, I also want to

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really state that I do also represent my people. I also want to state that I am part and parcel of this committee of which the joint committee were having 17 members. Hon. Speaker, I am a member of Finance and ICT committee. I was also in the panel that was interviewing Rose Chepkirui Kositany. I also wish to say that during the deliberations of the said committee, I am one of the members who said that Rose Kositany is suitable for that post Hon. Speaker and I am not in a position to really renege on my own personal judgment, Hon. Speaker. I also wish to state that notwithstanding the fact that she has written a resignation letter, I wish to say that there are wild allegations that have been said here, and as far as I am aware Rose Kositany isn't a member of any committee

(On a point of order)

Hon. Joyce Korir: Hon. Speaker, this is the only Majority Leader of Bomet County standing in on behalf of 25 elected and 10 nominated members of this House and he is alleging that the issues that have been laid by the members of this House are just allegations. Hon. Speaker, let him substantiate before we go back

Hon. R. Serbai: Hon. Speaker, I just want to ask our able Majority Leader a simple question pertaining to the letter from the said nominee. The Majority Leader is saying a resignation letter. Is it a resignation letter or a withdrawal letter? And if it is a resignation letter, I also want to ask the second question that is she resigning from being the Director of Finance because that is the position she is occupying as of now.

Hon. J. Kirui: Thank you very much Hon. Speaker. I am saying wild allegations and I am not about to withdraw the terminology. I haven't talked about any document but I have talked about a wild allegation about Mulot Sunset Hardware Limited because we have never dealt with reports of committees or we have never in this House had a report from PAC/PIC committee concerning the same matter.

(On a point of information)

Hon. Joyce Korir: Hon. Speaker, this House tables a document then it is referred to a House Business Committee. This is the only report that we have just deliberated which has got all these issues where the Majority Leader is a member of this committee and he is a member of the House Business Committee. The document has a number of issues pertaining to Mulot Sunset Hardware Limited where the nominee agreed that she is the one who signed the document and she is aware of the hardware and she even went further to state that the company could not supply the cement because they had a huge debt and went further to bring cement from Mulot

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Hardware Limited to the field. That is the report of the committee and that is the nominee who was speaking to the committee and we have the Hansard to the same.

Hon. B. Ngeno: Mr. Speaker, I know that every person defends a bowl with which he is feeding from but Mr. Speaker let me be very clear on this. I never said that Mulot Hardware Limited belongs to Rose Kositany but I asked her here if she knew Mulot Hardware Limited and the two directors of the company. Today I have the names of the two directors and had asked her before if they are related to her. She said NO to all the questions. Today, I am still asking the same questions and if the Hon. Majority Leader knows, please tell us.

Hon. Speaker: Hon. Majority Leader, you need to proceed on that context.

Hon. J. Kirui: Thank you very much Hon. Speaker. I really like Hon. B. Ngeno because he is very objective. I am also saying up to this point, it is just but an allegation Hon. Speaker because I am not saying that whatever took place in the supply of the said cement to the stadium was done because this issue needs to be investigated to really find out if there was any malpractice because this is a Hon. House whereby we really need any issue that touches on contracts or procurement to be investigated since as I am aware also the said nominee isn't even a member of the tender committee. So there are people who are supposed to answer some of these allegations Hon. Speaker. This is unnecessary interruptions Hon. Speaker and we are not in a shouting contest. We are deliberating as Hon. Members and not as *thugs* Hon. Speaker.

(On a point of order)

Hon. Joyce Korir: Hon. Speaker is it in order for the Hon. Majority Leader to refer the Hon. Members as thugs. Are we thugs?

Hon. Speaker: Hon. Majority, kindly withdraw and move on with the debate.

Hon. J. Kirui: I withdraw the terminology Hon. Speaker but I don't know this constant interruption from Hon. Joyce Korir because I once, not once, twice or thrice saw her lorry running towards the stadium. I don't know if this is the issue that is making her to be very uncomfortable Hon. Speaker.

Hon. Speaker: Hon. Majority Leader, you are getting personal and as per the standing orders, kindly withdraw that statement and proceed.

Hon. J. Kirui: I withdraw the terminology Hon. Speaker. Article 236 of the constitution Hon. Speaker says that a public officer shall not be victimized or discriminated against for having performed the functions of office in accordance with this Constitution or any other law Hon.

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Speaker. The reason why I am so annoyed is because we are infringing on the right of this nominee Hon. Speaker without tabling any criminal charge that might have been preferred against the nominee without substantiating whether she is a director of Mulot Hardware Limited and without being objective

(On a point of information)

Hon. B. Ngeno: The monopoly of knowledge that somebody believes that he has over others to mislead is what we reject in this House. Mr. Speaker, if I can refer you to article 236 of which he is quoting wrongly Mr. Speaker that is being victimized or discriminated against for having performed the functions of office in accordance with this Constitution. All the performance that had been done weren't in accordance with the constitution and were done in a way that was not in accordance with the PFM Act and the County Government Act. So by pointing out what had been done against the constitution is not victimizing the individual but he is using the article to protect the said nominee.

Hon. Joyce Korir: Thank you very much Hon. Speaker. The issue of *chicken* has been disturbing the National Assembly but it seems it is also disturbing some of the County Assemblies.

Hon. Speaker: Can you elaborate when you say about the *chicken*. I have heard it being said many times. Can you kindly elaborate? What is this *chicken* Hon. Members are talking about?

Hon. Joyce Korir: The reason why I am talking about the *chicken* is that this *chicken* is further making a number of people blind inwardly Hon. Speaker.

Hon. Speaker: What is wrong with *chicken*? Is there anything wrong when I keep a *chicken*?

Hon. Joyce Korir: I am elaborating Hon. Speaker. This issue called *chicken* Hon. Speaker is what is bringing confusion everywhere. Even where there is a tarmac, when you swallow a *chicken*, it becomes stuck.

Hon. Speaker: Hon. Joyce Korir, I don't really understand where you are driving at. As far as I am concerned, I keep *chicken* in my home and they don't disturb. Hon. Members don't keep on referring to *chicken* and we aren't seeing *chicken* here. So you need to substantiate that.

Hon. B. Ngeno: Mr. Speaker, when somebody say birds of the same feathers flock together, he isn't referring to birds. In literature Hon. Speaker, you can use something to drive a point in a more respectful way. We cannot say bribery Mr. Speaker openly but when we say a *chicken* it is a more respectful way of saying bribery.

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Hon. S. Chang'morik: Thank you Mr. Speaker. The member who is talking about the *chicken* has been in the government for two months; maybe she was the leading in the *chicken*.

Hon. Speaker: Who has been in the government in the last two months?

Hon. Joyce Korir: Hon. Speaker, I was in the government and the reason why I am talking about the *chicken* is that we used to be called to Tumoi area and Brevan Hotel for *chicken* until I realize that this *chicken* is taking me to a hell Hon. Speaker and I repent Hon. Speaker after being prayed for.

House cheers

Hon. Speaker: Hon. Joyce Korir, you are totally out of order and we should restrict ourselves to the debate. The issues of *chicken* should be left outside there. You cannot bring the issues of *chicken* to this House not unless you have evidence. So if you have been one of those who have been eating *chicken*, kindly submit evidence to this House. So proceed Hon. Joyce Korir

Hon. Joyce Korir: Thank you very much Hon. Speaker. The shortest way to reach the heart is through the stomach Hon. Speaker and I wanted to say that I wanted to inform the House on the issue that was raised by the Majority Leader that the Chair of the tender committee on construction of the stadium is Ms. Rose Kositany

(On a point of order)

Hon. W. Mosonik: Thank you very much Hon. Speaker. My point of order number one is that we need water Hon. Speaker. The temperatures are becoming hot. Secondly is that Hon. J. Kirui was contributing yet Hon. Joyce Korir has started contributing yet she was on a point of information. She has taken a lot of time yet we still need to contribute Hon. Speaker.

Hon. Speaker: Let Hon. Joyce Korir finish in 30 seconds. I know it is a tall order for you but kindly condense whatever you are going to say.

Hon. Joyce Korir: Thank you for that respect Hon. Speaker. Let me try Hon. Speaker. Hon. Speaker, the same nominee came to this House where the vetting process was done. She stated to the committee that she was the Chair and out of the minutes that were done in that meeting, they tasked themselves with the CEC finance some responsibilities and one of the responsibilities that was tasked to the nominee is the supply of 1700 bags of cement which she has tried passing it through Mulot Hardware Limited. So I don't know whether the Majority is aware of the minutes.

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Hon. B. Ngeno: Information Mr. Speaker, Hon. W. Mosonik is complaining of a *1 GB water bottle* yet he is the same member who was singing outside there having passed a ceiling Mr. Speaker. So it is unfortunate.

(On a point of information)

Hon. S. Kirui: I think Hon. Speaker, it will be wrong if we just alleged issues. It wasn't only Hon. W. Mosonik who was singing. I think the leader of that group was Hon. Joyce Korir who was in that ring and she has affirmed to this House that she has been eating *chicken* that is why she is so allergic to the *chicken* issue.

Hon. Speaker: I think I am going to instruct the Clerk that the so called *1 GB water* if at all there still exist in store because you understand the challenges that we are still undergoing on the issues of budget. So I am going to instruct the clerk if at all it is within his means but if there is no more water then you have to persevere because we have tried as management within our means to ensure that you have the water. I really regrettably inform you that there is no more water. So let us proceed with the debate.

Hon. J. Kirui: Thank you very much Hon. Speaker. One time Martin Luther King said that you can force my mind but you can never force my conscience Hon. Speaker. Hon. Speaker, I speak out of my own conscience that this is not a House of witch hunt and I really respect my Hon. Colleagues who have really talked about several of issues. Hon. Speaker, I want to inform the House that I am reliably informed that Rose Kositany was working with an NGO before she joined the County Government of Bomet. Whatever she is worth is a matter of another debate Hon. Speaker. It has also been said that the reason as to why the elderly aren't getting their dues, the reason as to why roads construction hasn't been done in some wards is because of her. Apparently in my ward, there are some roads that are yet to be done. Hon. Speaker, this nominee, Rose Kositany has never been a policy maker neither has she been an accounting officer within the finance department. So I think maybe we could be directing our anger and frustrations on the wrong person Hon. Speaker and the burden of proof...

(On a point of information)

Hon. J. Molel: Hon. Speaker, I want to inform the House and the member that the same docket we are talking about has had no chief officer and neither an accounting officer. The accounting officer is none other than the said nominee.

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Hon. J. Kirui: Hon. Speaker, you may not like the message but you can never crucify the messenger Hon. Speaker. The issues that have been raised actually, part of the burden of proof is the CPSB who were mandated to carry out by the constitution the issue of recruitment Hon. Speaker. They were supposed to verify and ascertain the documents Hon. Speaker. It is so annoying to say the least that the members are forced to burn the midnight oil to really check on the documents yet our work is actually to vet the nominee Hon. Speaker. Hon. Speaker, somebody somewhere slept on the job and it is not actually the membership of this committee but the CPSB need to be accountable on this Hon. Speaker.

(Jambo la kushangaza)

Hon. R. Serbai: Mheshimiwa Spika, ninashangaa sana vile kiongozi wa walio wengi katika bunge hili anavyosema ya kwamba lawama zitumwe kule tume la uajiri na amesahau ya kwamba mwenye pia anapatia jina baada ya tume la uwajiri kutuma jina katika bunge hili sio mwingine bali ni Mheshimiwa Gavana wa jimbo hili. Kwa hivyo hata yeye mwenyewe Mheshimiwa Spika vile ninashangaa ni kwamba wakati alipokuwa akituma jina lake pia yeye mwenyewe hakuangalia stakabadi ambazo zilikuwa mbele ya meza yake. Na kwa hivyo ninashanga na kiongozi wa walio wengi katika bunge hili kulaumu sehemu moja na kuacha mkubwa wake ambaye kila wakati anaota moto naye.

Hon. J. Kirui: Hon. Speaker, constitutionally and through the County Government Act, there is nowhere where the Governor will see the documents of an individual. It is the CPSB who have to prove that the documents which the nominee has are the right ones then forwards the name to the Governor. It is only for the Governor to check and see which one has eaten. It can be chicken but it is the truth and the truth cannot be hidden.

(On a point of clarification)

Hon. Joyce Korir: thank you very much Hon. Speaker. The reason why we need to clarify is because this *chicken* is blanketing very many people. My point of clarification is that the CPSB came in place after the employment of one, Rose Kositany. She was in place before the CPSB was in place so the Majority Leader shouldn't lie to this House.

Hon. R. Serbai: Thank you Hon. Speaker. I want to clarify further to Hon. J. Kirui that after the CPSB has submitted the 3 names to the Governor, it is very clear that the Governor will nominate one among the 3; and one that must be the best. So I think when the Governor was nominating one of the best, he nominated Rose Kositany as one of the best. That means Hon. Speaker, he went through the documents and was convinced that the fake documents were

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actually genuine and we are now telling him that the documents aren't good. Even the Governor himself Hon. Speaker is also not good equally like the CPSB.

Hon. Julius Korir: Thank you very much Hon. Speaker. I also rise to contribute to this motion number 9.

Hon. Speaker: Are you contributing?

Hon. Julius Korir: Yes

Hon. Speaker: Wait first until Hon. J. Kirui clears then I give you the opportunity. I thought you were on a point of information. So just wait because I was wondering that you have kept quiet until I was thinking that you might be having a cold. It is good at least you want to contribute. Let Hon. J. Kirui clears then I will give you the opportunity.

Hon. J. Kirui: Thank you very much Hon. Speaker. I was winding up by saying that as part of the committee, I think one of the reasons which informed the chair not having the confidence of moving the motion is because the report as per our standing order number 186(5) wasn't supported by two-thirds of the members. Hon. Speaker, I want to end by saying

Hon. Speaker: Hon. J. Kirui, before you proceed there are some things you really need to know and I expected all the members to know on these documents. The members who signed in the first instance are very few but if you look at the minutes, it was adopted unanimously that means all the members agreed to it. And I had given out a ruling on that a motion before the House can be discussed without necessarily having the report. I thought these things had been settled.

(On a point of information)

Hon. S. Kirui: When we were signing as being present, it is so that clerk can know we were present in that meeting but not because we were adopting the report. In fact the reason why we said that we need to have an extra meeting was so that we could adopt this report because we didn't know what will come out of that report; whether it was coming from us or outside. So the content as per the list of people present in that committee doesn't give the validity of the document. So Hon. Speaker, I am in that committee and that is the truth.

Hon. J. Kirui: Hon. Speaker, some have confessed having been jilted lovers. I want to end by saying that it was better if we had stopped the motion Hon. Speaker but notwithstanding we have continued Hon. Speaker, I wish to say this on Rose Kositany, as it has been alleged Hon. Speaker, the matter needs further investigation. The relevant body that is the CPSB which is mandated to do this should shed more light on this and we should not punish this lady from

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stopping some lorries which were going to the stadium belonging to some members, thank you Hon. Speaker.

Hon. Speaker: I think Hon. J. Kirui; you are totally out of order. You cannot say that we cannot punish the nominee because of some lorries of other people and yet you cannot substantiate. So you are totally out of order, kindly withdraw and apologize to the House.

Hon. J. Kirui: Kindly give me time so that I come and table the information. I will table the information of the lorries that were doing the stadium and I want to say that I don't believe that somebody should be punished because of personal interest but because of the issues that can be of prudence.

Hon. R. Serbai: Hon. Speaker, if the Leader of Majority is going to table a report pertaining to the lorries doing the contract, he shouldn't bring a lorry of an individual but should bring all the lorries belonging to all the members of the County Assembly so that we can really know that he is doing a fair thing to this County.

Hon. B. Ngeno: Mr. Speaker, while I was young I was trained on where I can easily get a place where chickens do normally drop their eggs Mr. Speaker. And the only way you can know Mr. Speaker is that you take a dog who has been feeding there. And once you realize that it is there, another dog needs to be brought so that upon identification, another dog has to be brought next to the place and the same dog will direct you there. Meaning dogs meet in feeding places, Mr. Speaker. So where the Majority Leader managed to know the lorries, he must have been having his to meet with the others Mr. Speaker.

Hon. Speaker: I think Hon. B. Ngeno; you cannot refer to the members as dogs. Hon. Members let us proceed

Hon. Julius Korir: Thank you very much Hon. Speaker. I rise to contribute to this motion number 9 despite the fact that I don't know which parameter are you using to identify that somebody is either cool or not active. Hon. Speaker, it doesn't mean when you are cool or silent, you don't want to contribute. All in all Hon. Speaker, this motion number 9 has created a lot of confusion and elicited a lot of questions. Hon. Speaker, you have given some rulings but some of us have been left perturbed and confused in that as we follow this motion number 9, get to know Hon. Speaker that we also participated in the vetting of this nominee despite the fact that we were not members of any of the committees that were involved. We were also involved in report writing that we were inputting to the members of this committee as they wrote the report. I remember that I participated by questioning on the issues of County Annual Development Plan

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and CIDP. I was also involved in questioning on the budget of the County Assembly on how the tampering on the approved figures by this House came up to be. Hon. Speaker, it elicited that generally she concluded by saying that she was using the warrant from the County Governor. So I realize that an individual is responsible for destruction of the future of the queens and kings of this County. Somebody is seated there whom I am conversant with; in fact the same person drafted the Constitution and County Government Act when he was in parliament. He is the same person who contributed in coming up of the PFM Act and many other Acts that were passed before the elapse of the last government Hon. Speaker. He knows the laws and understands them in and out. If a County Government can run for a period of 2 years without an implemented CIDP and Annual Development Plan under a docket of one CEO, then Hon. Speaker, somebody is there to ruin the future of our people in this County. I have always been open on how I contribute and I have insisted that we could be circumventing from point A to point Z but at the end of the day the same issue will drop at the office of an individual. This nominee has been working in the finance docket and you find that when an individual wants to go round this County, he instructs this nominee to sign some cheques and then the individual will go round distributing these cheques. He knows that what he is doing is very unlawful and he is subjecting to suffering an innocent *child* whose future is bright. If he knew, he needed to have known if this *child* has completed her education. But all in all we still need to think as the Hon. House. A lot has been said but what I think what I am only deeply concerned is the future of this nominee. Hon. Speaker, if an individual can misuse the human resource we have in this County for his personal gain, then we need to stop it and stop it right now. What is also confusing me again is that the same nominee has withdrawn by writing; now suppose we drop this report and the nominee has withdrawn? You see we still have some legal questions that should have prompted your further clarification Hon. Speaker. So as I conclude, we could be witnessing too much noise, but at the end of the day somebody else should be carrying a big blame. And I told Hon. Members yesterday that article 181 of the same Constitution allows the removal of a County Governor.

(On a point of order)

Hon. R. Serbai: My question goes to the Hon. Member who is contributing because what I know is that we do have Rose Kositany who is the nominee and the same Hon. Member is saying somebody is trying to ruin this *child*. Who is this *child*? Because I know we do have Rose Kositany, is this *child* **Monica Lewinsky**? Can we be told?

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Hon. Julius Korir: Hon. Speaker, when some terminologies and names come into play, I might not be able to interpret but what I wanted to say is that this is a *child* who has been educated by her parents and relatives. She has a future like any other person but I was driving the information that somebody who knows the law is misusing this *child* and we need to stop it because suppose we drop the report, where is the future of this girl headed to?

(On a point of order)

Hon. B. Ngeno: Hon. Speaker, when somebody is below the age of 18 years, we term that one according to the Constitution as a minor. And I still believe the same minor is a *child*. I wish to seek for more clarification on the grounds with which Hon. Julius Korir is using to describe somebody who is over 18 years to be a *child*?

Hon. Speaker: Maybe to inform Hon. Julius Korir, I think you are misinterpreting the report because when I look at the report the nominee only asked for the position of chief officer and not any other position. This is what I used basing on my ruling. If you can read the last part, it is saying ‘in view of the above findings and observations, the committee by a majority decision finds the nominee was not suitable to be the chief officer for finance’. The committee therefore recommends that the Governor resubmit another nominee for vetting. So I don’t know why you are saying all those issues unless I am not getting clearly that last part. Not unless there is any other recommendation for the future? It means the nominee is qualified for any other job.

(On a point of order)

Hon. J. Kirui: Hon. Speaker, this is quite a confusing issue because when you talk of the majority report that the majority of the members and at the same time there are only 7 members who signed that report, I don’t know which majority? The majority which signed or what Hon. Speaker? I think there is some grey area Hon. Speaker.

Hon. Speaker: Hon. J. Kirui, please don’t tempt me to go to the politics of the committee especially on the reports of these chief officers. You really understand very well the politics because the County has spent money for committees to go and write a report. And when you go through the minutes, all along everybody was saying by majority and it is only on the last day that everybody was refusing to sign. But when you go back to the people who adopted the report and out of the 9 members, 5 adopted the report. Was there a quorum? The answer is yes because out of 17, half of them is 8 yet 9 were there. So I think let us not play politics in that aspect and I have said that this debate can go on without the report.

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Hon. Julius Korir: Hon. Speaker, as I wind up I want to say that the committee has done a lot of work and has written a report. In all these Hon. Speaker, the public funds in one way or another had been used in coming up with a report. So without going further Hon. Speaker, you need, especially for me who got confused on the way, to give us clarification though you had ruled that you will no longer going to dwell on it on a situation whereby the candidate before us has withdrawn. That has created a lot of confusion Hon. Speaker, thank you.

Hon. Speaker: I think I addressed that in my ruling that there was the issue of approval hearing and the issue of consideration and I quoted sections 6, 7 and 8 of County Approval Act of Bomet. So I think that matter was settled.

Hon. S. Towett: Thank you very much Hon. Speaker for giving me this opportunity to also contribute towards motion number 9. I would first of all take this opportunity to thank the committee members for the good work that they have done to carry out this exercise from the first day, going through the documents that they were given and verifying whether they were genuine or not. I want to thank them for the good work, energy and the commitment that they showed. Hon. Speaker, I also want to thank them for going through all the process and arriving at such a report which we all made while in Kisumu on the 22nd of February 2015 and I know that we all saw the conclusion part of the report and agreed on it. So the remaining part of the committee was just for the committee to adopt the report. Hon. Speaker, aside from that, I would want to say that this nominee who is Rose Kositany has presented herself to us to be nominated as the chief officer in charge of finance and she has worked with us for that period of almost 2 years. We have seen what she has done right and what she has done wrong. I know we need to give credit where it is due and we need to give corrections where it is also necessary. However, I don't want to go that direction this evening Hon. Speaker, mine is just to say that I also participated while as a member in attendance when the nominee was appearing before the committee for vetting. Mine was just to listen and hear what she said but again the standing orders allows me to ask questions but I know I can't be allowed to vote. Hon. Speaker, I am one of the members who are disturbed looking at the last financial year's budget. How it was implemented in the department that I chair as a Committee on Agriculture, Livestock and Fisheries. A number of work plans had been made by the concerned department and they had also raised requisitions for those work plans to be financed. When the nominee appeared here, I asked her that why is it that the CEC member in charge of Agriculture, Livestock and Fisheries at that time made some requisition pertaining to the programme to be funded, you were not willing to fund them. Now, what she answered me was that they checked on the benefits of the

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programmes to the county and how much that programme could benefit the economy of the county didn't allow. It therefore convinced me that the reason why the CEC member who was in charge of Agriculture, Livestock and Fisheries was being blamed for not performing wasn't her mistake, somebody else contributed towards her not performing by denying her funds. This also told me that and I might be wrong or right that there could be other departments who may have also made the same requests but their request weren't respected. Now that here is a situation whereby we are elevating this person to a higher position to be now in control of everything, how will the programmes of this county be implemented? Are we going to progress or regress? Therefore Hon. Speaker, this made me to conclude that as per the committee recommendation, which I want to abide by, that this person isn't suitable to hold this position. As a mother, if a mother cooks today and a mother has 10 children the way we have the departments in this county, you have to ensure that every child gets his or her rightful share. One could be consuming more than the other one so you have to ensure that you give that one who consumes more his or her rightful share. The one who consumes little, you give him or her right proportion but you cannot starve somebody because you have one child whom you favour at the expense of the other ones to suffer. Hon. Speaker, I would also want to say as committees when we are making our own reports, before we adopt the minutes of the reports, if there is any issue that is coming up, it needs to be captured as a matter arising but for the case of the joint committee on budget and finance, they adopted all the minutes the way they were and there is no matter which arose that the recommendation that you made while we were in Kisumu wasn't conclusive and we want to go this direction. That one didn't come up. Therefore, it tells us that whatever the committee arrived at in Kisumu on 22nd that the nominee was not suitable; then who are we at this particular point to turn against the resolutions of the committee and say otherwise. Hon. Speaker, I would also want to give another caution to the County Assembly that let us tread carefully as we fight towards this resolution. If we drop this resolution, what does that amounts to? It means we have paved way for the nominee to be appointed. What will that say about us as the County Assembly? Will it uphold our integrity or will it bring it down? As members of the Budget and Appropriation Committee, all along the line you were in agreement if not three-quarter almost 90% that this nominee is not fit. What happened down the line such that when it came to the time of signing the resolution, most of us ran away? Now we have the members of the public with us, what message are we sending through these people to the community?

(On a point of clarification)

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Hon. T. Rotich: I would like to clarify that when we were in the meeting to adopt the report, there were a lot of commotions. And at the same time, a legal officer came to me informing me that my motion on the plenary had already started. I moved out leaving other members before the adoption of the report. The following day, I went to the Chair, Hon. C. Ngeno and I asked him if we could have a meeting to adopt the report. He said there was no need for the meeting at that time. Then I asked him how about the signing of the report? So I only got surprised that that day when I asked him, in the afternoon he was tabling the report before the House. So it isn't a question that we refused.

Hon. Speaker: Hon. Member, if I remember the minutes that were read, you were one of the members who said that you cannot make a comment towards the last minute but all the same let us proceed.

Hon. T. Rotich: I have just said that I asked him even for permission because I was called that my motion was on in the plenary. Isn't that what I did Hon. C. Ngeno? I did exactly that and I moved out. Yes, I said that comment but now when it came to the adopting, actually we didn't go up to the end of the meeting and the following day I asked him whether it was adopted or not. And I am just stating the fact because I wanted to correct the notion that I knew the meeting didn't adopt but we had gone up towards the end but when I asked him the following day, he told me exactly what I have said. He can even answer that and he will tell you exactly what I have just said.

(On a point of information)

Hon. R. Serbai: Thank you Hon. Speaker. I would like to inform this House that I was there when Hon. C. Ngeno was going round looking for Hon. Members and nobody was actually turning up. Hon. Speaker, I also want to inform this House that when we were in Kisumu, I was also in attendance and I do remember very vividly when Hon. C. Taplelei said that since she wasn't there, she could not comment on anything and she is still maintaining that comment.

Hon. Speaker: Hon. R. Serbai, let me put to rest this matter. I think the only major problem is when it comes to that decisive moment, we always and we are always very evasive and I think if I can confirm Hon. C. Ngeno can you kindly confirm to this House whether you came to my office severally saying that Hon. Members are refusing to sign the report so that it is in record. Hon. C. Ngeno, can you kindly confirm that because I don't like us engaging in unhealthy debate which isn't assisting us to move forward.

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Hon. C. Ngeno: Thank you Hon. Speaker for the chance. I think I went round asking for signatures and then at the last minute, let me be frank the members have divided loyalty. So they sign it or twice sign it or chose to leave it because of that divided loyalty. Otherwise if honourable Taplelei had asked for permission, what about the rest? Why did the others disappear?

Hon. Speaker: So I think he has put to rest the matter. I think next time; let us try not to be very cheeky. I really saw the problem that honourable Ngeno was really undergoing. Because when it came to the right moment, everybody was refusing to sign. So that is why I was saying we can discuss this debate without the report. I don't expect you to come to the floor of the House and say we didn't sign and yet for the whole truth you know very well. You know what was happening and I don't like you people to come here and again turn around. I am saying as honourable members, let us be honourable. Let us say the truth. Let us proceed to debate. That is what informed my decision that we need to proceed with the debate whether the report was signed by everybody or not. I understand and really associate with the suffering that honourable Chair really underwent. Let us proceed.

Hon S. Towett: Thank you very much honourable Speaker. Before I was interrupted, I was almost winding up. Now on the issues of certificates and other credentials that were required; those which were not submitted when the nominee appeared before the committee members...

Hon. Speaker: Order Members. Let honourable Samson be heard in silence.

Hon. S. Towett: Honourable Speaker I was saying, the nominee was required to submit some documents during the application for consideration by the County Public Service Board. When the documents were being perused through, we realized that some of the documents were not submitted to the board. It leaves a lot of questions that we are asking ourselves. Is the County Public Service Board doing its work rightly? How did they allow an individual to attend their interviews without all the documents that were asked to be supplied? This leaves me wondering. Hon. Speaker, my colleagues are still making a lot of noise...

Hon. Speaker: Order. Honourable Ngetich, honourable Bor and honourable Metet please let us hear honourable Samson in silence.

Hon. S. Towett: At times we may be crucifying one for having not submitted the documents and yet the people who were supposed to confirm whether this person complied with all the requirements were the County Public Service Board before he or she is invited to appear for an interview. When there is such irregularity, I would want to request that the County Public

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Service Board be investigated again. If at all they are still doing the work they were asked to do or they have just stated to do otherwise. So with those few remarks I would want to request that even though I really regret that the future of this nominee really hangs in the balance but we have no otherwise other than to approve the recommendations of the committee. Thank you very much.

Hon. J. Ngetich: Thank you very much Mr. Speaker for actually giving me this opportunity to contribute to the motion. I stand to support the adoption of this report. I want to support my previous stand that the nominee is not suitable for that position Mr. Speaker. According to the current standard she is not suitable for that position and my future stand is that she would not be suitable for that position. Mr. Speaker according to my argument, it is more than enough that one Rose Kositany produced a certificate showing that she has completed masters at Kenya College of Accountancy and we have proof that she has not completed the course itself and she has not graduated. The issue of Certified Public Accountancy part III we have a proof from KASNEB that actually makes me stand by my previous stand that she is not suitable. I don't want to mention what other honourable members have said but I want to say the minority have their say and the majority have their way. As I conclude, I request His Excellency the Governor of this County and I plead with him to relieve this lady from that position, after this Mr. Speaker. Let the law take its course. I support the report and thank you very much.

Hon. S. Kirui: Honourable Speaker thank you very much for giving me this opportunity to contribute to this very hot debate this afternoon and which is taking us late in the night. There are some issues I wanted to raise. When we were discussing at the committee stage, there were issues we could not agree upon. These issues were still appearing in that report and that is why we did not append our signatures. It was not the last verdict as such but it was what was contained in the report which was bringing contention, Mr. Speaker, especially the issues that deal with integrity. Some members were choreographing to have this lady look like a criminal yet she has not been taken to a court of law. Mr. Speaker, I was the one who raised about the masters certificate and I have seen the two documents, Mr. Speaker and if you read the first document, it is talking of she has not graduated. The other document is talking of she is awaiting graduation. Where is the difference between these two phrases? They are both the same. I was in the university and immediately after I graduation, what happened is before they released the last result I had to request the Dean, Faculty of Sciences to write for me a recommendation so that when I come out of the institution, I could at least show it outside. I believe the same thing was

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happening to this lady that she was given this first letter just to assist her just in case she gets the information. Thank you very much Mr. Speaker.

Hon. B. Ngeno: Thank you very much Hon. Speaker. I gave the description of the said terminologies and I am almost pushing it to where the honourable members are. While we were interrogating the nominee Mr. Speaker, she said she has not completed the second part of masters that is the submission of project. You can never get a document from the Dean of Students that you're awaiting graduation yet you have not done the project; which is the contradiction of the highest class! Honourable members, I am a graduate and I don't know from which university...

Hon. Speaker: Honourable Kirui

Hon. S. Kirui: Honourable Ngeno is a graduate but he is not a master of all knowledge Mr. Speaker. If we were to compete on our areas of specialization, I think he will report on mine and I report on his. What I was saying is whereas some issues are pertinent but the only reason why she could not send the documents was because of the content of the report but not the final verdict which we brought from Kisumu. That is why to date I am saying the recommendations on integrity issues should be looked into. I have looked at the report on Health on Dr Sawek and the same documents which we were using for integrity were stamped also on 17th February for Dr Sawek and yet there is nothing which they have recommended on the issues of the integrity. So it's not to thank him but let us debate it soberly

(Speaker interrupts...)

Hon. Speaker: Hon. Kirui don't you think you are digressing because that is a totally different committee. If they fail to raise that, you know very well the procedure.

Hon. S. Kirui: Mr. Speaker I think you should protect me from the two. I am taking the whole House at risk yet they are the ones who know where the chicken is...

Hon. Speaker: Honourable Kirui, you are totally protected, please proceed.

Hon. S. Kirui: Thank you, Hon. Speaker for the protection. In fact what I recommended, and in fact I was in that committee, when we were trying to adopt we were saying let us make fair judgments and even at the end of the day if she is not qualified, she will not be qualified. Let us give someone a fair judgment. I also raised issues to do with County Public Service Board because on these documents to do with KASNEB, the board wrote it clearly that she has CPA 2 of which I believe the documents showed she had CPA 2 irrespective of whether she had it. They

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were there in the record when they were submitting to the Governor. They indicated that the lady has CPA 2 and not CPA 3. I think I am protected.

Hon. Speaker: Hon. Kirui proceed

Hon. S. Kirui: Ok thank you, even if you want to kill your own dog, first of all I think you give it a bad name that it is egg eater, that she has been taking children's milk; she has been entering people's houses so that your conscience can tell you that you kill that dog. It is not even you who should be killing it. I believe there are some members who are trying to kill the dog yet they are the owners of these dogs. It is wrong that we make judgments based on emotions. I am not supporting her to hold that position but let us give fair judgment. That is what I told the Chair and that is what I even went to the office of the Clerk for that we give fair judgment. To say that there was no meeting to adopt that report is wrong because when we decided to adopt that report, it was already 2.30 p.m and we told the Chairperson 'we meet tomorrow' through the right procedure. It is not for the Chair to come and tell me that we go for the meeting. I think there is a clerk who usually writes the message that there is a meeting...

Hon. Speaker: Honourable Serbai.

Hon. R. Serbai: Hon. Speaker I just want to inform this House that we were with Hon. Kirui when we were vetting the nominee in attendance. I was the one asking the question on the part of CPA. It is exactly in that report that the nominee did say that she doesn't have the part two because she lost the papers. That she has no police abstract to show that she lost that very vital document. Two, I want to inform this House that if we talk of fair judgment and if honourable Kirui is also raising the issues of integrity and he wants to support those people who are violating the integrity issues, I don't think he is also give out a fair judgment. If we have to give fair judgment, be fair and let us be fair in dispensing this issue. Thank you.

Hon. J. Molel: Mr. Speaker, I just want to inform the House that the reason why the committee members decided not to append it was after the chicken was served and not because the secretary was there. Thank you.

Hon. Speaker: Hon. Joyce

Hon. Joyce Korir: Thank you very much, my point of information to this House is that unlike the very learned friend of mine who happens to be my closest relative in this Assembly, and an elected MCA for Sigor ward, on the contribution that he is making in this House, I want to say Hon. Speaker that I am still shocked and I still wonder who is this man who was sent to this

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House in the county? If a learned friend who has seen the documents which have been forged, and not only that but the same learned friend who has received the documents past the date of vetting by the County Public Service Board. The same learned friend has seen the way the nominee is taking this House. He has time. I thought he was on the floor.

Hon. Speaker: What is it your point of order Hon. Kirui?

Hon. S. Kirui: I think Hon. Speaker it is not in order that you're a judge and she is talking of learned friends. I have only heard the use of learned friends in court. Otherwise, here I have only one vote for the people of Sigor and that is what I am doing. Otherwise to say learned friend or not, we are all equal in this Assembly.

Hon. Speaker: You are right honourable Kirui; so honourable Joyce go straight to your point of information.

Hon. Joyce Korir: The reason why I am saying learned friends honourable Speaker is that when he completed his university course he was given some letters by the Dean of Students; not unless I was in not this House. To mean he is a learned friend who is supposed to guide the honourable members of this House. Nothing is new in the House. I wonder if the vetting was done before 17th, who is a nominee who brings the documents later? How? How?

Hon. Speaker: Your point is made. What is the point of order? I had given honourable Ngeno.

Hon. J. Kirui: Thank you very much. I wish to state that we have in this House the learned legal team and the learned Speaker because that terminology is confined to the legal fraternity and we have one able legal speaker who is a learned friend. The learned friend I want to tell you that you are fully protected from honourable Joyce. Don't be intimidated by Hon. Joyce.

Hon. Speaker: I think honourable Josphat you are totally out of order. What is your information honourable Ngeno and the honourable Bett?

Hon. B. Ngeno: Thank you very much Mr. Speaker. Regardless of the praises, lavished to the speaker, Mr. Speaker, we have to say the truth that Mr. Speaker whether you are learned or not, this may not require even knowledge acquired from school to know that she has no documents. Mr. Speaker, it does not require rocket science for one to know that this girl has forged her documents...

Hon. Speaker: Kindly withdraw that.

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Hon. B. Ngeno: I withdraw the statement. Mr. Speaker, it does not require rocket science to know that when KASNEB confirmed that she has not done section 5 and 6 somebody else is telling us she has done it. Mr. Speaker whom are we to believe in? Somebody is telling us regardless of whether honourable Joyce is a learned friend or not, the fact remains that forgery has been done.

Hon. Speaker: Honourable Bett.

Hon. R. Bett: I rise on a point of information honourable Speaker to further inform the House that the vetting of the nominee was based on what was there on the advert. Mr. Speaker other things are just but added advantages. Thank you, Mr. Speaker.

Hon. Speaker: Honourable Kirui proceed. No more clarifications. Honourable Joyce this is my last warning. Kindly, and I am using the word kindly for the last time. Please let us not engage ourselves in a very disorderly manner. I know your character and it is the one that easily boils when issues are being raised. I have been very kind to you and I understand every member here. Kindly let this be the last time. Honourable Kirui?

Hon. S. Kirui: Mr. Speaker you should at least treat us equally so that they don't shout over us when we have issues. This is because it is like intimidating other people. We respect your Chair and in fact I respect the honourable Joyce Korir. When she is contributing, I listen very carefully so that at least I can counteract or support based on evidence. So what I am saying is; we refused to sign this document because of the issues which were there. In fact, in Kisumu Hon. Speaker, we reached a time...They are talking when I am talking honourable Speaker. I think they are very unfair.

Hon. Speaker: Honourable Ngetich! Proceed Honourable Kirui.

Hon. S. Kirui: When we were in Kisumu, the issue of contractors came in and was being talked of nicely by honourable Ngeno. I told them if you cannot substantiate this issue, that it was linked to Rose Kositany, then it will backfire on us, and in fact I had to call the legal officer to come and interpret but on his fair opinion which was not being marred by anything, he said will not use that one as a basis to judge this lady because we don't have any evidence. Unless we go to the Registrar of Companies to ascertain that these companies are linked to this lady. So honourable Speaker, based on that and based on so many issues which are contained in this report, I said I might not mind about the last statement which was the recommendation of the committee which of course was voted and for which we don't know how it was even voted because we were not voting for issue after issue. We voted at the end, and at the end of the day

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the majority said she was not suitable. The following day when the report came out, I had to challenge some of the things which I wanted expunged from the report so that at least we could remain with at least those that were passed by the majority but not with issues like somebody was being witch hunted, Mr. Speaker because we don't want somebody to suffer for something which she has not done. Fair judgment should be applied for everybody, and in fact there was the benefit of doubt in other issues like the master's degree; there was benefit of doubt on her side. Like the contract and issues of KASNEB there was benefit of doubt on their side. In fact the County Public Service Board is saying she has CPA 2 and it is there in records. The KASNEB is not disputing that. It is disputing CPA 3 which is not a matter of discussion today...

Hon. Speaker: Honourable Kirui you are totally misleading this House and you need to read the document. So proceed.

Hon. S. Kirui: I have one, Mr. Speaker and it is talking of CPA... I think Honourable Joyce is missing chicken, and I should ask her on the earlier decision, and if she is missing she can go back there. Here I am talking my mind. Whether there is chicken or no chicken, I speak my mind. I think where the problem is with the County Public Service Board. As I stated the other time that we should deal with the County Public Service Board because they are giving us the wrong direction because we are not supposed to...

Hon. Speaker: What is your point of order Hon. Joyce?

Hon. Joyce Korir: Thank you very much honourable Speaker. It sounds funny to me and to the committee members. The member who is just in front of the House was the same first to say the nominee is not suitable and he was called by the Leader of Majority to go outside in Kisumu. On coming back, he said he objected the report.

Hon. Speaker: Honourable Joyce...

Hon. S. Kirui: That is why I said I am not disputing what we voted for in Kisumu. I am disputing on the content of the report. If we were to expunge some part of this report then I support the part of 'not suitable' but to put a person like a package, it is just like to destroy that life. We are packaging; that is packaging. I am not worried of the content and in fact the recommendation. That is why I gave up when they said she was not suitable I expected at least a fair report even if I read, I feel I should take it. But even if were for any of you members that this report was written on; about you, then by now you would have gone crazy because of that. Honourable members let me not continue because of some of the members who are jittery because they have been eating and may be they think some of us have eaten. We have not eaten

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and we have good record on that. If there is anybody who has seen me eating, and in fact nobody has eaten. It is allowed to consult and if I consult and somebody prepared for me chicken, I think I will take. As honourable Serbai was consulting with the Governor and we had chicken and he found himself receiving a punch.

Laughter.

Hon. R. Serbai: Honourable Speaker it is quite funny and the honourable member should withdraw because I have never been in good terms with the Governor at any time. I have been always a rebel to the county government because of the sinister things that I have seen been done. I was only punched by the Governor for defending this County, nothing else, honourable Kirui. Mr. Speaker, the only issue that we are hearing, including honourable Mosonik are the frequent visitors of the Governor's office.

I want to say this that when we were debating about the Budget and Appropriation Bill we were talking about the one billion which was actually in the Appropriation Bill and to an extent even where the Governor went ahead...

Hon. Speaker: Your point is made; honourable Kirui kindly withdraw and apologize

Hon. R. Serbai: Allow me to finish Mr. Speaker. I am one member who cannot say and I will never say at one time I am repenting. I am always consistent in my stand.

I am always saying the truth and I have always. Hon. Speaker there was a hunter and sometimes when some of us went for hunting, we use to say (*whistling sound*) and the dogs are running at him and I have never heeded those sounds to run there.

Hon. Speaker: I think honourable Serbai, if I remember very well on the proceedings of this House, at one time you totally confirmed to this House that you were given something in Brevan Hotel and that is something in record. Honourable Kirui kindly withdraw and apologize.

Hon. S. Kirui: I withdraw...

Hon. Speaker: Hon. Serbai if I remember very well. You may clarify.

Hon. R. Serbai: Mr. Speaker I want to clarify this. You are a lawyer and I went there and people were given KES 10 000 but I was given a punch at the back; how then can I refuse.

Hon. Speaker: Your point is made. I thought you got the KES 10,000. Yes honourable Ngeno?

Hon. B. Ngeno: Mr. Speaker we are almost digressing from the actual point and this could be a strategy to delay the passage of the report.

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The Speaker interjected at him

Hon. Speaker: Honourable Kirui, what is your point of order? Honourable Kirui you have 30 seconds so that we move forward.

Hon. L. Kirui: Thank you very much. My point of order is that I think this is an honourable House and you are part and parcel of this. It will not be in order if you allow other things that we don't have any substantive evidence honourable Speaker because we are going on dignifying this House. When we talk of the "chicken" it can come from anywhere. It doesn't come from only one point. I respect this House and I respect every honourable member in this House and I wish that for those things that we don't have evidence, it is good we leave it under the table so that we allow ourselves not to digress as what Hon. Ngeno has said. Let us go direct to the point.

Hon. Speaker: Honourable Kirui the issue of "chicken" arose when you were not there. I think I was asking the members that even in my home I have chicken and I did not understand why people were talking about chicken. So let us not go to that debate. I think that issue has been determined. Honourable Kirui please, I want to allow honourable Kirui Kipsiele to proceed. Let us not even touch on that. Just leave at that.

Hon. S. Kirui: Thank you honourable Kirui (Leonard) for almost coming to rescue me but I think nowadays they don't talk of chicken but they talk of turkey. So I don't worry about that. Hon. Speaker, irrespective of how we judge people let us judge with the perception that we don't want to kill this person, with perception that we don't want to subject the person eternally to... like wanting to kill this person completely. Honourable Speaker, I said I don't have any issue with the recommendation. It can be either way depending on the votes of this House but the content is what I am questioning. In fact it is only we refused to table the Health report where it was done the same day on 17th February and that is the only way they are basing their argument on the integrity issue. So honourable members, let us make fair judgment. I am not saying that she is qualified but if we adopt this report then we are condemning the young and energetic. In fact it will be like we are condemning the youth of this county. It is like we are condemning the women of this county because they were the only weak in the group and Dr. Sawek. We are condemning the County youth. All of them are youth by the way. Dr. Sawek is a youth, Rose Kositany is a youth. So it is like we are condemning the youth of the County, it is like we are condemning the women of this County. With those few remarks Mr. Speaker I urge the honourable members that we reject this report by a big NO!

Hon. Speaker: What is your final question because your final question will never end?

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Hon. Joyce Korir: Honourable Speaker. My final question is this, is forgery a legal way of assisting the youth of this County?

Hon. S. Kirui: I think Honourable Speaker I had said the integrity issue is based on the issue of the stamps for the clearance either of the documents.

Hon. Speaker: So you are not basing it on the forged documents?

Hon. S. Kirui: I said the County Public Service Board is recommending that she has a CPA 2 and I was bringing that issue. She is not any 5 or six.

Hon. Speaker: The very simple question is; can you be able to answer that on the forgery?

Hon. S. Kirui: Honourable Speaker, I think always let us give fair judgment and be consistent for all the nominees. I have never seen any document being tabled in this House on any other nominee but only this one. Why? Is it that there were some faces? I am not protecting this lady.

Hon. Speaker: Order honourable Kirui. Honourable Mosonik.

Hon. W. Mosonik: Honourable Speaker first and foremost, let me declare my stand. I have eaten several chickens including a bottle of soda tonight and I do not know the type of chicken that are being referred to here. The motion that is before us should be rejected in totality. The reason is Hon. Speaker, that standing order 186 (5) has not been adhered to.

Hon. Speaker: Honourable Mosonik you are totally out of order to go into that matter again. I have stated clearly that the debate can go on without a report. You are a member of the Speaker's Panel. I wonder why you are saying that yet I have declared that. We should proceed because I have made a ruling.

Hon. W. Mosonik: Honourable Speaker, I am saying this motion should be rejected simply because the membership of this committee did not sign on this report. We have vetted several nominees and the motion has been here and the members of the committee who signed were an issue. Right now it is not an issue here. The membership did not sign for this committee and regardless of whether chicken was eaten or not, if I eaten your chicken you must be eating another one. We eat chicken. Mr. Speaker this is a motion that should not have come to this House so I urge members to reject this motion in totality. Thank you very much.

Hon. Speaker: Thank you honourable Mosonik, do you doubt the competency of the House Business Committee because the House Business Committee sat down and allocated time? In my

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opinion you are totally out of order. Kindly proceed. Honourable Ngetich what is your point of information?

Hon. J. Ngetich: Thank you very much Mr. Speaker. Before you, Honourable Chair, the right of reply, I have to say something Mr. Speaker. That I want to thank the administration of the County Assembly, especially the ICT department of this Assembly. I say this because they have made our website operational. The document itself Mr. Speaker is in public domain.

Hon. Speaker: Honourable member you are totally out of order. Honourable Christopher Ngeno.

Hon. C. Ngeno: Thank you Hon. Speaker. The members are too loud.

Hon. Speaker: Order members!

Hon. C. Ngeno: I must thank the members for the sober debate and more so; to make this observation. We have had several reports being tabled here but unlike this one here where the public gallery is full plus others outside who are more than these. Why such a big attendance? What could be the question? What could be the reason? This is a motion I had given it a name but I don't want to mention the name anyway but I have to tell members that...

Hon. Speaker: May be you can tell us. I can give you permission using standing order number one. You can tell us the name of the motion.

Hon. C. Ngeno: Let me not dwell on that but I must thank members for the sober contribution and also thank the members of the public on the gallery there for just staying for that long; right from 3 p.m up to now. Those one who are outside, I also thank you for your attendance. Then most of the members have been dwelling on integrity. Integrity is just about honesty; being morally upright, and then on the document that I have seen this morning to do with forgery the fate of Rose hangs in the balance because of the penalty in chapter six.

I don't want to take too much time and what I have said is that honourable members your judgment today for Rose Kositany may have either positive implications or negative, you have to decide.

Finally, this docket is to do with finances and the members of the public at the gallery are very concerned on how the four billion shillings are going to be managed. I have told you members that what you are going to do with this motion today will decide otherwise, thank you.

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Hon. Speaker: Thank you honourable members, I know it has been a very heated debate and I know I have tried my level best to give every member the opportunity. I might have failed but that should end here because managing such a debate sometime is not easy. At the beginning tempers were almost flaring up but I want to thank you for conducting yourselves in lot of decorum despite a few hitches here and there. I want to thank you on how you conducted this debate, I thought before the end of this session some people will be forced to go out but I want to thank you for being objective and being able to debate on these issues without many issues that could have led me to make orders for some members for being disorderly.

It is now my time to put the question on motion 9; that pursuant to Standing Order 193 (5) (1) (f) and 190(3) (a), this County Assembly adopts the report of the joint Committees, committee on Finance, ICT and Economic Planning and Budget and Appropriation on the vetting of Rose Chepkirui Kositany, nominee for appointment as the Chief Officer for Finance.

Question put and the AYES have but there were members who stood for a division.

Hon. Speaker: We will go for the division, and in a division there will be two clerks, one for YES and the other for NO; and when I call your name you need to say which side you are voting for.

Loud consultations

Hon. Speaker: Honourable members, Order! Order! Honourable Serbai, I am standing and you either freeze or you sit down. Honourable members, our Standing Orders are very clear. Standing Orders number 72 is saying roll call is made if division is claimed. Subsection one says ‘The Speaker shall direct a roll call vote to be taken if a member claims a division and; the Speaker considers that there is a reasonable doubt as to the outcome of the vote in question; or if, on a question other than a question of procedure, five or more members rise in their places to support the member claiming the roll call division. There were almost three people who were claiming division and there were almost eight people who had stood up. Under the circumstances we need to go on this roll division and it is saying ‘when the Speaker directs a roll call to be taken the division bell shall be rang for ten minutes’ which I am going to do and then the names of one teller for the “Ayes” and one teller for the “Nays” shall be submitted to the Speaker and the Speaker shall direct the tellers to take seats at a designated place. I am going to take the two tellers, one teller will be here and the other teller will be there and what it is saying after the ten minutes is that ‘the Speaker shall direct the doors to be closed at the end of ten minutes, the

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Speaker shall direct the doors to be locked and the Bar drawn and no member shall thereafter enter or leave the County Assembly until after the roll call vote has been taken’.

Loud consultation.

Hon. Speaker: Wait, (3) When the doors have been locked and the Bar drawn and the names of the tellers have been announced, the Speaker shall put the question again and direct the Clerk to call out the names of Members in alphabetical order in the presence of the tellers.

(2) When called out, each member shall, thereupon rise in his or her place and declare assent or dissent to the question in the following manner “ **I vote Yes**” or “**I vote No**” or “**I Abstain**” or use appropriate Kenyan sign language after the Clerk has read the last name in the Division list, the tellers shall present the result of the roll call vote to the Speaker who shall thereupon announce the result of the vote to the County Assembly. Yes honourable Majority.

Hon. J. Kirui: Honourable Speaker, I am surprised which Standing Orders you are reading because we have always been voting and whenever there is an issue of voting...

Hon. Speaker: Honourable members you see the only problem is that you read our Standing Orders selectively. What has happened here is that the members have read that section and it is about calling for a division. The other section is 71 where we go but if members will have moved a motion before but here is a situation where all of you have stood up and you have called for a division. In others we always vote but in this one you were supposed to declare “YES” or “NO”. Where we always vote directly is where we want majority vote like in the issues on impeachment, how will you determine that for you to remove the Speaker you need to have 27 votes and it is clearly stated. This what is going to happen, I am going to put the question and when I put the question the clerk is going to call the names and if you are seated there you either say “YES”, “NO” or “I ABSTAIN” and then it is recorded. You need to pick two tellers. For “YES” whom are you going to pick?

Loud consultation.

Hon. Speaker: Order! Honourable Chang’morik?

Hon. S. Chang’morik: We agree with your ruling, the only thing is that we put it clearly so that the “YES” can know if they are of the report and “NO” is for what. You put proper direction so that...

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Hon. Speaker: I will rule on that but before I do that who is a teller for “YES”? “YES” is supporting the adoption of the report. Honourable Joyce. Who is for “NO”? Honourable Chang’morik. What is your question honourable member?

Hon. B. Ngeno: What we are asking Mr. Speaker...

Loud consultation.

Hon. B. Ngeno: For myself.

Hon. Speaker: Order! Order! Honourable Majority Leader you are not the Speaker. At this point and time you are not the Speaker and you should respect the Chair. Standing Order number one, I give honourable Ngeno to say what he wants to say; what he wanted to say.

Hon. B. Ngeno: I heard honourable Bor and other members asking if we adopt the report it means we are confirming that Rose Kositany is not eligible for the position and if we reject the report we are saying she becomes the Chief Officer; that one has to be very clear, from there it is opening war fronts. Let us take it any way.

Hon. Speaker: Order honourable members. Honourable Ngeno you are totally out of order. Honourable members I want to read to you the last recommendations and Clerk you can sit in the middle and the other two clerks you can sit elsewhere. Honourable Joyce you can sit here, Clerk in the middle and honourable Chang’morik you can sit in this side. Sergeant-At-Arms you can ring the bell.

How many members do we have?

The Clerk counted and reported to the Speaker.

Hon. Speaker: Since all of us are here... Who is not in. we are 34. Can someone confirm where honourable Siele is?

Honourable members no one is supposed to move out. Honourable Aurelia kindly be seated.

I wish to remind you of the committee’s recommendation and it is saying, ‘Mr. Speaker sir, in view of the above findings and observation, the committee by a majority decision found that the nominee was not suitable for the Chief Officer Finance. The committee therefore recommends that the Governor re-submits another nominee for vetting’.

That is the committee’s recommendation and I now go to the motion. When I put the question you are saying you are either abiding by the committee’s recommendation or you are rejecting the recommendation or you abstain...

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Hon. S. Bor: What if I didn't sign the report and I am among them and I was not there?

Hon. Speaker: Whether you signed or not it is now irrelevant because you can sign saying I accept but coming here you reject. Whether you were supporting the report, the Majority Leader always says a wise man always changes his mind. May be you signed something but here you want to change your mind. This is now in the final document and you can make the decision either way; or you choose to abstain. What is it honourable Kirui.

Hon. S. Kirui: Are we voting on the recommendations or on the whole report because I was supporting the recommendations but I am against some issues inside. Are we voting on the recommendations or the report?

Hon. Speaker: What is in the report is the recommendations of the committee. Honourable Kirui I know you very well and you are one of the very smart minds in this County Assembly. You are voting for the report and in the report it is recommending the Governor to re-submit another name and if there are other contents before the report, you either choose now because of those contents in the report you vote 'YES' or you vote "NO". if you feel that there are some contents you did not agree with you vote "NO" and if you feel in the report there are some things that you agree with then you vote "YES" or if you feel you are not decided you abstain. Let us vote on the motion which is saying it is adopting the report of the committee. What is the recommendation of the committee? I fail to understand where we are not getting. We are voting on the adoption of the report and the final important part of the report is the recommendation. Let's proceed. Honourable members, this is where we are voting on. We are voting on. We are voting on the question that I want to put. Honourable Bor what is it again?

Let me break it down simply. The Governor gave some names for nomination...honourable Bor you are going again and I am trying to explain to you. You are not allowed to move out, can you kindly come back to your position. Doors have been closed, kindly come back to your seat.

Honourable Bor let me explain for the last time and if you will not be able to understand then it will be very hard for me to explain further than that.

What happened is that the honourable Governor gave us names for the various nominees and one of those nominees was Rose Kositany, Order! Honourable members. Order! Honourable Ngetich, honourable Chebomui. What is it honourable Korir. Honourable Majority what is it? No more consultation and no more talking and I should be heard in silence. Honourable Bor, the Governor gave her name and for the committees, I recommended that vetting both the nominee

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for Economic Planning and the one for Finance should be undertaken by the two committees; committee on Budget and Appropriation and Committee on Finance and Economic Planning.

When they were tasked with the matter they went ahead to prepare their work plan, they sat and called the nominee and vetted her and after that they made some recommendations; and they are the recommendations which are in the report which I have said they submitted to this House. After that now it has been debated in this House and it is upon you now to make a decision whether you are going to agree with the report or you reject the report. If you reject, well and good, if you agree, it is well and good. As an individual you have three options, the first option is to say ‘I agree with the report’ and it is recorded. The second option is, ‘I don’t agree with the report’ and you reject and yet it is recorded. The third option is to say ‘I abstain; I neither vote for it or I reject it’.

I will put the question and your name is called and you stand up and say ‘YES’ or “NO” or “I ABSTAIN”.

I now again put the question that pursuant to the Standing Order, honourable Bor it is up to you and your God to guide you, pursuant to Standing Order 193 (5)(i (f) and 190 (3)(a), this County Assembly adopts the report of the joint committees on Finance, ICT and Economic Planning and Budget and Appropriation on the vetting of Rose Chepkirui Kositany nominee for appointment as the Chief Officer for Finance. We have 34 members.

Clerk kindly call the names as per the Alphabetical order

Honourable Chepkemai Evaline – YES

Honourable Chepkoech Leah - ABSTAIN

Hon. Speaker: For “ABSTAIN” I appoint Mr. Kenneth Langat

Honourable Chepkwony John Kiprono - NO

Honourable Kipkorir Ngeno Benard – YES

Honourable Kipkorir Sammy Chelule - YES.

Honourable Kipng’etich Samwel Bor – ABSTAIN

Honourable Kipsiele Kirui Sammy – NO

Honourable Kirui Josphat Kiplang’at – NO

Honourable Kirui Leonard – NO

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Honourable Kipkoech Stephen Chang'morik – NO

Honourable Korir Joyce Chepkoech – YES

Honourable Korir Julius Kiprono - YES

Honourable Korir Philip Kiplang'at – NO

Honourable Langat Reuben Kiprotich – YES

Honourable Metet Robert Kipkirui - NO

Honourable Molel John Cheruiyot – YES

Honourable Mosonik William Cheruiyot – NO

Honourable Ngeno Christopher Kibet - YES

Honourable Ngetich John Kipkirui - YES

Honourable David Rotich Big Five – NO

Honourable Serbai Robert Kiplangat – YES

Honourable Siele Philip - ABSENT

Honourable Towett Cecilia Chemutai – ABSTAIN

Laughter

Honourable Towett Samson Kipkirui – YES

Honourable Bett Robert Kipng'eno - NO

Honourable Aurelia Chepkirui – ABSTAIN

Laughter.

Honourable Beatrice Chebomui – YES

Applause

Honourable Bency Chepkorir Too – ABSTAIN

Honourable Hellen Chepkirui – ABSTAIN

Honourable Josephine Rotich – ABSTAIN

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Honourable Nancy Chepkirui: I respect the party; URP which nominated me but I am not ready to adopt a report like this.

Hon. Speaker: What is your answer? It is either YES or NO

Hon. Nancy Chepkirui: I have given out my answer

Hon. Speaker: It is either “YES” or “NO” or “ABSTAIN”.

Honourable Nancy Chepkirui – NO

Honourable Patrick Chepkwony – NO

Honourable Rose Cheron Boiyon – ABSTAIN

Honourable Taplelei Rotich – ABSTAIN

Honourable Wilson Keter – I am totally confused and I ABSTAIN.

Laughter.

Hon. Speaker: Let me get the results.

The agents; honourable Joyce Korir for ‘YES’, honourable Stephen Chang’morik for ‘NO’ and Mr. Kenneth Langat for ‘ABSTAIN’ reported the results to the Speaker.

Hon. S. Chang’morik: No is 12.

Honourable Stephen Chang’morik reported the results to the Speaker.

Hon. Speaker: NO is 12. Where are the results for ABSTAIN?

Mr. Kenneth Langat reported the results for ABSTAIN to the Speaker.

Hon. Speaker: WE have 10 for ABSTAIN and in total we have 24

Hon. Joyce Korir: I can confirm the ones, who voted YES, honourable Evaline,

Hon. Speaker: Honourable Joyce you are totally out of order. Honourable members we are going to vote again because under the circumstances it is the same way. Honourable members we are going to vote again for the second round until it is decided, yes honourable member.

Hon. S. Kirui: Honourable Speaker there was an issue which was not addressed and these people fear and the Majority should clear the position whether there was a party position because the majority of us are URP members.

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Hon. Speaker: Honourable members this is division and there is nothing to say...Honourable Joyce kindly come and sit there. Honourable Joyce you are saying you are contented, do you know the legal implication which will arise after that? Let's us repeat. For you, you are okay but there is a tie. Order! Order, honourable members! Order! Order! Clerk kindly call the names again. Order honourable Kirui.

Honourable Chepkemai Evaline – YES

Honourable Chepkoech Leah - ABSTAIN

Honourable Chepkwony John Kiprono - NO

Honourable Kipkorir Ngeno Benard – YES

Honourable Kipkorir Sammy Chelule - YES.

Honourable Kipng'etich Samwel Bor – NO

Honourable Kipsiele Kirui Sammy – NO

Honourable Kirui Josphat Kiplang'at – NO

Honourable Kirui Leonard – NO

Honourable Kipkoech Stephen Chang'morik – NO

Honourable Korir Joyce Chepkoech – YES

Honourable Korir Julius Kiprono - YES

Honourable Korir Philip Kiplang'at – NO

Honourable Langat Reuben Kiprotich – YES

Honourable Metet Robert Kipkurui - NO

Honourable Molel John Cheruiyot – YES

Honourable Mosonik William Cheruiyot – NO

Honourable Ngeno Christopher Kibet - YES

Honourable Ngetich John Kipkirui - YES

Honourable David Rotich Big Five – NO

Honourable Serbai Robert Kiplangat – YES

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Honourable Siele Philip - ABSENT

Honourable Towett Cecilia Chemutai – NO

Honourable Towett Samson Kipkirui – YES

Honourable Bett Robert Kipng'eno - NO

Honourable Aurelia Chepkirui – ABSTAIN

Honourable Beatrice Chebomui – YES

Honourable Bency Chepkorir Too – ABSTAIN

Honourable Hellen Chepkirui – ABSTAIN

Honourable Josephine Rotich – ABSTAIN

Honourable Nancy Chepkirui- NO

Honourable Patrick Chepkwony – NO

Honourable Rose Cheron Boiyon – ABSTAIN

Honourable Taplelei Rotich – ABSTAIN

Honourable Wilson Keter – ABSTAIN

Hon. Speaker: Results for “YES”

Hon. Joyce Korir: 12

Hon. Speaker: Results for “NO”

Hon. S. Chang'morik: 14

Hon. Speaker: Results for “ABSTAIN”

Mr. Kenneth Langat reported to the Speaker that they were 8

Hon. Speaker: Honourable members, I want to announce the results of the voting. Those for “YES” in the first round were 12, those for “NO” were 12, and those for “ABSTAIN” were 10 totalling to 34 votes.

In the second round of voting those for “YES” were still 12, those for “NO” were 14 and those for “ABSTAIN” were 8. The “NO” carries the day.

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Order! Honourable members! Honourable members it has been an interesting day, it has been a debate of its kind and I hope it will be a debate of the year but I still want to thank you for your maximum cooperation. There being no other business to be transacted, Order! Order! Honourable members! This House stands adjourned until Tuesday 2.30 pm.

(The House adjourned at 9.11 p.m.)