



OFFICIAL HANSARD REPORT

COUNTY ASSEMBLY OF BOMET

THIRD COUNTY ASSEMBLY

ASSEMBLY DEBATES

DAILY HANSARD

The Assembly met at the Main Assembly Chamber,

Dr. Joyce Laboso Centre at 9:30 a. m

Third County Assembly- Second Session

Wednesday, Afternoon 6th June, 2023

(The Assembly met at 9:30 a. m in the

County Assembly Mini Chamber at County Assembly Buildings)

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

PRAYER

COMMUNICATION FROM THE CHAIR

Hon. Deputy Speaker (Hon. L. Rotich): Good morning, Hon. Members. Today, we are privileged to have pupils from Keneni Stars Academy from Bomet Central, Silibwet Township ward. There are 43 pupils accompanied by 5 teachers. Let me take this opportunity to welcome all of you. You will be required to observe what is going on in the Chamber and maintain silence. Otherwise, welcome and feel free. We are grateful and privileged to have the kids today in our Chamber. Welcome.

MOTION

REPORT OF THE COMMITTEE ON APPOINTMENTS ON THE VETTING OF REUBEN KIPROTICH
CHIRCHIR FOR THE POSITION OF MEMBER OF THE SELECTION PANEL FOR RECRUITMENT OF THE
COUNTY PUBLIC SERVICE BOARD MEMBER

Hon. P. Kirui, Leader of Majority (Ndanai/Abosi Ward, U.D.A): Hon. Deputy Speaker, pursuant to Standing Order 197(4) of the County Assembly Standing Orders, this County Assembly adopts the Report of the Committee on Appointments on the vetting of the nominee for the position of Member of the Selection Panel for recruitment of the County Public Service Board Member and pursuant to section 58 (a) (1) of the County Governments Act approves the nomination and subsequent appointment of Reuben Kiprotich Chirchir for the position of Member of the Selection Panel for recruitment of the Member of County Public Service Board.

Hon. Deputy Speaker, the Committee on Appointments sat and carried out a vetting process. The Committee is established pursuant to Standing Order 197 (1).

The committee on appointments was constituted on 13th October 2022 and comprises the following members;

- i) Hon. Cosmas Korir - Chairperson
- ii) Hon. Leonard Rotich
- iii) Hon. Paul Kirui

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- iv) Hon. Stephen Changmorik
 - v) Hon. Kibet Ngetich
 - vi) Hon. Rosaline Cheptoo
 - vii) Hon. Erick Kirui

Pursuant to section 58 (a) of the County Government Act and section 6 (1) of the Public Appointments (County Assembly's Approval) Act, 2017, the County Secretary vide a letter dated 26th April 2023 submitted to the County Assembly the names of the following nominees for vetting and approval to the County Assembly for appointments as members of the panel for the recruitment of member of the County Public Service Board. They were five in number. I will start with Reuben Kiprotich Chirchir.

The notification contained in the curriculum vitae and testimonial of the nominee, notification to the assembly to be referred to the committee of appointments during the assembly sitting on 9th May 2023 at 2:30 p.m. the Hon. Leader of Majority laid to the Table of the County Assembly the names of the five nominees for the vetting as member of Selection Panel of the recruitment of the member of the County Public Service Board.

Pursuant to section 7 (1) of the Public Appointments (County Assemblies Approval) Act, 2017, the names and curriculum vitae of the nominees were referred to the Committee on Appointments for approval hearings and reporting to the Assembly which we are doing now. Notification to the public was also done. Notification to the nominees in the same advert 26th May 2023 the Clerk of the County Assembly invited the nominees for the approval hearings in accordance with Section 7 (4) of the Public Appointments (County Assemblies Approvals) Act, 2017. The nominees were required to appear before the Committee on Appointments as per the dates and time that they were given.

The Committee held a sitting on Friday, 2nd June, 2023 to deliberate on the approval hearings and noted the following;

- i. That none of the nominees had notified the Clerk of the County Assembly of his or her withdrawal from the approval process as outlined under section 7 (12) of the Public Appointments (County Assemblies Approval) Act, 2017.
- ii. That one of the nominees, Alice Chepkemai Kirui had notified the Clerk of the County Assembly on 31st May, 2023 through e-mail that she was outside the Country and therefore could not attend the public hearing physically. She had therefore requested the Committee to permit her to be vetted virtually.
- iii. That Section 58 (a) (1) of the County Governments Act provides that the Selection Panel shall consist of the following persons;
 - (a) Chairperson, not being a public officer;
 - (b) One person from the private sector;

- (c) An advocate of the High Court of Kenya, who is a member of the Law Society of Kenya;
- (d) An accountant who is a member of the Institute of Certified Public Accountants of Kenya; and
- (e) One person from an association representing workers.

It was therefore noted that the nomination of the persons submitted to the Assembly complied with the provision of section 58 (a) (2).

During the public hearing, the Committee noted the following;

The nominee is a male Kenyan born in 1974 in Bomet, Konoin. The nominee confirmed that he is a holder of I.D. No. 13xxx706

Academic and professional qualifications; holds a master's in business administration from USIU Africa and a Bachelor of Arts in economics from the University of Nairobi. He is also a certified public accountant. The nominee is a member of the Institute of Certified Public Accountants of Kenya.

(Hon. W. Kiprotich rose on a point of order)

Hon W. Kiprotich (Chepchas Ward, U.D.A): Hon. Deputy Speaker, the Kenyan laws passed an Act which is referred to as the Data Protection Act. This one protects an individual's data including personal information from being made public. Is the Leader of Majority in order to name the national identification card number of the individual when we have the Act in place?

Hon. P. Kirui, Majority Leader (Ndanai/Abosi Ward, U.D.A): I withdraw, Hon. Deputy Speaker.

The Committee observed the following in regard to key areas of vetting of the nominee;

On his Academic qualification, the nominee holds an MBA from USIU University. On professional qualification and membership, the nominee is a member of the Institute of Certified Public Accountants of Kenya. On communication and presentation promptness appearance and neatness, he exhibited good communication skills and was prompt and neat. On relevance of experience, he had sufficient experience in public affairs having worked in both the public and private sector for over 20 years.

On Knowledge of the process of recruitment and qualification for the member of the county public service board, the nominee demonstrated sufficient knowledge of the procedure of recruitment as well as qualification of member of County Public Service Board.

Regarding the legal framework guiding recruitment of the member of the County Public Service Board, the nominee was conversant with the relevant legal framework guiding the recruitment process of the member of the County Public Service Board as well as the requirement of leadership

and integrity. On decision-making and problem-solving skills, the nominee sufficiently demonstrated decision-making skills.

The recommendation of the committee having considered the suitability, capacity and integrity of the nominee, the panel, therefore, approved the appointment of Reuben Kiprotich Chirchir to serve in the Selection Panel for recruitment of the member of the County Public Service Board with the approval of the members of the County Assembly.

I, therefore, ask this Assembly to approve the said person who had applied for this job and was vetted by the Committee on Appointments because he has displayed qualities to serve in the said Selection Panel. I request Hon. Cheptoo to Second.

Hon. R. Cheptoo (Rongena/Manaret Ward, U.D.A): Hon. Deputy Speaker, I second the approval of one Reuben Kiprotich Chirchir for the position of member of the Selection Panel for recruitment of the member of the County Public Service Board.

I second.

(Question proposed)

Hon. W. Kiprotich (Chepchas Ward, U.D.A): Hon. Deputy Speaker, Sir, I rise to make my input in support of the Committee's recommendation of approval for the appointment of one Reuben Kiprotich Chirchir. Before I delve into this issue of the personality of Mr. Chirchir, I want to be on record that the Selection Panel that is being constituted is supposed to fill the vacancy that was left vacant at the Public Service Board by one Caroline Sosion who happens to represent Konoin in the County Public Service Board where I come from and having a glance at the Motions that we have here, Motion No. 9, 10, 11 and 12 and although I am not pre-empting anything, it is an indication that the Selection Panel is not going to be constituted by now because the rest of the panelists have been rejected.

Nevertheless, I congratulate the Committee on Appointments for work well done. There must be a reason why they are doing whatever they are doing and we do not want to come against them. Therefore, the nomination of this Reuben Kiprotich Chirchir having been the only one that has been approved in that particular panel, I laud the Committee and support the Motion that the Assembly does approve this particular Motion so that as we go back to the drawing board I urge that at the end of the day if we are going to expedite this so that at least Konoin is represented at the Board then I will be much grateful.

Otherwise, I support the approval Motion of Reuben Kiprotich Chirchir to serve in the Selection Panel of the Service Board. Thank you.

(Question put and agreed to)

Hon. P. Kirui, Majority Leader (Ndanai/Abosi Ward): Thank you Mr. Speaker, I beg to move the motion that pursuant to Standing Order 197 (4) of the County Assembly Standing Orders, this county Assembly adopts the report of the nominee on appointments on the vetting of the nominee for the position of member of the selection panel for the recruitment of the County Public Service Board member and pursuant to section 58 (a) of the county government act rejects the subsequent appointment of Alice Chepkemoi Kirui for the position of the chairperson of the selection Panel for the recruitment of the member of the county Public Service Board. Honorable speaker the vetting process was done for the selection panel to the public service board and this was one of the applicants that we had by name Alice Chepkemoi. The constitution of the panel is the same as I had read and the appointment committee sat on the same date that I had mentioned and I will only go direct to the report or the submission of the applicant. That the committee posed several questions to Alice Chepkemoi during that vetting process and this is the candidate who was interviewed virtually because she was outside the country and she was able to answer a number of questions during that interview so the committee posed several questions and she was able to communicate though at that distant place where she was and relevance to her experience, the nominee submitted that her experience in the selection panel contributed as the county secretary was relevant, understanding of the relevant law under which the county public service board is that the nominee was not aware of the law that guides the county public service board. Role and qualification of the member of the county public service board, the nominee submitted that a member of the county public service board is involved in recruitment and knowledge of the relationship between the offices of the county secretary and the public service board, the nominee submitted that the county secretary is the head of the public service board while county Public Service board is in charge of recruitment, training staff. On leadership and integrity, the nominee submitted that on suitability, accountability and transparency should be key.

Committee observation on integrity

Committee observed the following with regards to the key areas of vetting the nominee:

Academic qualification

The nominee holds Bachelor of Education in ECD from Kampala University.

Membership of Association

The Nominee has been Kenya National Union of Teachers Women Representative.

Communication and Presentation

The nominee did not exhibit fair communication skills.

Relevance of Experience

The nominee is a career educationist having served as Primary School teacher.

Knowledge on the Process of Recruitment and Qualification of the member for county public service board

The nominee did not demonstrate a proper understanding of the procedure of recruitment as well as qualification as the member of the county public service board.

Appreciation of the legal framework guiding the recruitment of member of the county Public Service Board

The nominee did not exhibit a proper understanding of the laws that guide the recruitment process of the member of the public service board as well as requirements of leadership and integrity

Decision Making and Problem Solving Skills

The nominee fairly demonstrated decision making skills.

The committee on appointment therefore rejected the appointment of Alice Chepkemoi Kirui on the grounds that she could not understand well the role that she will play as a member in that selection panel. I, therefore, call upon honorable Roseline Cheptoo to second.

Hon. R. Cheptoo (MCA Rongena/Manaret Ward, UDA): Thank you very much. I want to second the rejection of nomination and subsequent appointment of Alice Chepkemoi Kirui for the position of chairperson of the select panel for recruitment of member of County Public Service Board and one of the observation we made during our vetting exercise is that though Alice was not around, we were vetting virtually and she was not able to answer the questions correctly and remember this selection committee composes of the same people who were vetting the County Secretary and I want to request the Governor to give us new people who are able to do the right think. Remember these people whom we are giving the position to the select committee are going to vet the new members for Public Service Board; one representing Sotik and the one representing Konoin so I now the second the rejection of Alice Chepkemoi. Thank you.

Hon. Deputy Speaker (Hon. L. Rotich): I now propose the question that Pursuant to standing order 197 (4) of the county assembly standing orders, this county assembly adopts the report of the committee on appointment on the vetting of the nominees for the position of member of the selection panel for the recruitment of the county public service board member and pursuant to section 58 (a) (1) of the county government's act rejects the nomination and subsequent appointment of Alice Chepkemoi Kirui for the position of chairperson of the selection panel for recruitment of the member of the county public service board. The floor is now open for debate. Honorable Victor.

Hon. V. Rop (Nominated MCA, UDA): Thank you honorable Deputy Speaker, I also rise to support what has been said by the committee on appointments Mr. Speaker. As we all know Mr. Speaker, the committee on appointments have been bestowed the authority on behalf of the whole Assembly Mr. Speaker so with no hinge of doubt Mr. Speaker, I know their findings are correct.

They sat, they did the interview, they went, they did the report writing, the outcome that came out from them Mr. Speaker is a true projection and a true reflection of what transpired during the whole process. It is sad also Mr. Speaker to see that it is only two members from the committee on appointments that are present in the Assembly. I also request you Mr. Speaker to avail the other members. What are they hiding Mr. Speaker? It seems there is something they are hiding for their views not to be diverse Mr. Speaker. So I support the rejection of the nomination and subsequent appointment of one Alice Chepkemoi Kirui because of the findings of the committee on appointments. Thank you Mr. Speaker.

Hon. Deputy Speaker (Hon. L. Rotich): Honorable Dennis.

Hon. D. Ngeno (Kongasis Ward, CCM): Thank you Hon. Deputy Speaker for giving me this opportunity to give my views on the committee on selection and what they did during their interviews. I wish to commend the selection committee on what they did during their selection. Committees are the primary level or rather the initial stage of any communication to this Assembly, I want to see the committees being more empowered and their reports being taken seriously. I remember when the report on CECs were given to this Assembly, the same committee had rejected two nominees and we finally rejected their report and as at now. We are crying on the same two nominees who the committee had rejected earlier. I want the committees to be more empowered and the Assembly to really look at the reports clearly and know that the committees are the primary level of any vetting of any report. Today, when you go to the public opinion, this Assembly is now rated as the last.

point of order

Hon. V. Rop (Nominated MCA, UDA): Hon. Deputy Speaker, as we know this is a Assembly of records. I would like to know the two people whom this Assembly is tired of. .

Hon. Deputy Speaker (L. Rotich): Hon. Wesley.

point of order

Hon. W. Kiprotich (Chepchas Ward, UDA): Preferably, you need to order honorable Dennis to sit when you give an opportunity to honorable Victor to speak. There are two members standing at the same time.

point of order

Hon. D. Busienei (Chemagel Ward, UDA): I would like honorable Dennis to tell us where this ranking is coming from because he says this Assembly is being ranked the last. When did this ranking begun and where was it. If there was no ranking, please apologize immediately.

Hon. Deputy Speaker (Hon. L. Rotich): Honorable member, stick to the motion at hand kindly and withdraw the ranking remark.

Hon. D. Ngeno (Kongasis Ward, CCM): Mr. Speaker I apologize to one Chemagel ward MCA honorable Busienei. I wish to inform this Assembly, I said Public Opinion, I did not say there was anywhere that the Assembly was being ranked but when you look at public opinion we are ranked the last. The last three Assemblies that Bomet County has had.

point of order

Hon. C. Langat (Boito Ward, UDA): You have already directed to withdraw and apologize because actually he is demeaning the Assembly Hon. Deputy Speaker.

Hon. D. Ngeno (Kongasis Ward, CCM): The reason I will not apologize Hon. Deputy Speaker, is because it is the true public opinion.

(Murmurs)

Hon. Deputy Speaker (Hon. L. Rotich): Kindly honorable member honorable Dennis, stick to the motion. We are talking in reference to motion number 9 which was moved by honorable Majority Leader. Kindly withdraw the statement.

Hon. D. Ngeno (Kongasis Ward, CCM): Thank you Hon. Deputy Speaker for also guiding me with the same but the public opinion still remains. Hon. Deputy Speaker, as I was saying, this Assembly ...

point of order

Hon. E. Kipkemoi (Mogogosiek Ward, UDA): Hon. Deputy Speaker do not allow that to go to the record for the sake of this Assembly Hon. Deputy Speaker.

Hon. D. Ngeno (Kongasis Ward, CCM): Thank you Hon. Deputy Speaker. From the look of the members, they are not contented with the public opinion issue but that is it. I withdraw. Thank you Hon. Deputy Speaker. As I was saying, the committee on selection did a good job and I really wish this Assembly to at least give them something that they will also feel that they really did a good job. Thank you Mr. Speaker. I support the rejection of one Alice Chepkemoi Kirui. Thank you.

Hon. Deputy Speaker (Hon. L. Rotich): I now put the question that pursuant to standing Order 197 (4) of the county assembly standing orders, this county assembly adopts the report of the committee on appointments on the vetting of the nominees for the position of member of the selection panel for recruitment of the County Public Service Board member and pursuant to section 58 (a) (i) of the county government's act, rejects the nomination and subsequent appointment of Alice Chepkemoi Kirui for the position of Chairperson of the selection panel for recruitment of the member of county public service board.

Question put and agreed to

MOTION

point of order

Hon. C. Langat (Boito Ward, UDA): Hon. Deputy Speaker, I am rising to seek your direction on this motion because if you see all the motion is the same honorable speaker. It is heading for rejection and I would request that you direct that in your own wisdom and with the kind of the standing orders that the motion mover only goes to the findings of the committees, observation and recommendation at once.

Hon. Deputy Speaker (Hon. L. Rotich): Majority Leader, kindly go to recommendations and finding of the appointments committee for all the remaining nominees. Proceed honorable member.

Hon. P. Kirui, Majority Leader (Ndanai/Abosi Ward, UDA): Hon. Deputy Speaker, I wish to move the motion that pursuant to standing order 197(4) of the County Assembly Standing Orders, this County Assembly adopts the Report of the Committee on Appointments on the vetting of the nominee for the position of Member of the Selection Panel for recruitment of the County Public Service Board Member and pursuant to section 58 (a) (i) of the County Governments Act, rejects the nomination and subsequent appointment of Sally Chepwogen Kirui for the position of the member of the selection panel for the recruitment of the member of the CPSB.

Hon. Deputy Speaker, I will directly read the observations by the Committee on Appointments. The Committee observed the following concerning the key areas of the vetting of the nominee; The nominee holds a Diploma in general nursing of the KMTC, a Diploma in midwifery, and a Certificate in Maternal Child Health and Family Planning.

The nominee was nominated to represent the private sector. The committee noted that the category to which the nominee was nominated to represent was not relevant.

The nominee displayed fair communication skills and was prompt and neat.

The nominee is a retired health professional who has served in civil service. The committee observed that her experience was not relevant.

The nominee did not fully exhibit a proper understanding of the procedure of recruitment as well as the qualification of the members of the CPSB.

The nominee fairly demonstrated decision-making skills.

Having carried out the observations and cross-examined the candidate, the committee concluded that the candidate did not properly qualify for the position and therefore rejected the nomination of this candidate namely Sally Chepwogen Kirui.

I request Hon. Eric Kirui to Second.

Hon. E. Kirui (Kimulot Ward, UDA): Hon. Deputy Speaker, I rise to second the motion. As the Leader of Majority has said, the nominee did not display the standard we set as a Committee and we felt like she did not meet the qualification. I therefore support and Second this Motion.

Thank you.

(Question proposed)

(Question put and agreed to)

REPORT OF THE COMMITTEE ON APPOINTMENTS ON THE VETTING OF SIGEI CORNELIUS KIPLANGAT
FOR THE POSITION OF MEMBER OF THE SELECTION PANEL FOR RECRUITMENT OF THE COUNTY
PUBLIC SERVICE BOARD MEMBER

Hon. P. Kirui, Leader of Majority (Ndanai/Abosi Ward, UDA): Hon. Deputy Speaker, pursuant to the Standing Order 197 (4) of the County Assembly Standing Orders, this County Assembly adopts the report of the Committee on Appointments on the vetting of the nominee for the position of the Selection Panel for recruitment of the County Public Service Board members and pursuant to the section 58 (a) (i) of the County Governments Act, rejects the nomination and subsequent appointment of Sigei Cornelius Kiplangat for the position of the member of the selection panel for the recruitment of the member of the CPSB.

The Committee observed the following in regard to the key areas of the vetting of the nominee;

The nominee holds a Bachelor of Education degree from Moi University.

The nominee is a member of the Rift Valley Heads of Schools Association. However, the committee noted that the association was not a union representing the workers.

The nominee displayed fair communication skills and was prompt and neat.

Relevance of experience

The nominee has sufficient experience in public service having worked as a secondary school teacher for 28 years and has risen to the position of a school principal.

The nominee demonstrated a sufficient understanding of the procedure of recruitment as well as the function of the members of the CPSB.

The nominee fairly demonstrated decision-making skills.

The nominee was appointed under the category of representing workers which in the committee's view was supposed to be a workers' union.

Hon. Deputy Speaker, this candidate did not fit the position. The committee therefore rejects the appointment of one Sigei Cornelius Kiplangat for the position appointed to.

I therefore request Hon. Eric Kirui to Second.

Hon. E. Kirui (Kimulot Ward, UDA): Hon. Deputy Speaker, I rise to second the Motion. Having considered all the perimeters that laid before us, as a committee the only technical hitch that the candidate was the fact that the union he belongs to is not part of the organization that is listed by the Central Organization of Trade Unions (COTU). We were not convinced that he represented the workers.

Therefore, I second the Motion.

(Motion proposed)

Hon. F. Chepkirui (Nominated MCA, UDA): Hon. Deputy Speaker, I support the Motion. I believe the committee is competent. I know that all the parameters were put in place and a right decision was made by the Committee. I therefore support the Motion.

Hon. D. Kiplangat (Kongasis Ward, CCM): Hon. Deputy Speaker, by reading the mood of the Hon. Members, I request the Chair to put the question.

(Question put and agreed to)

REPORT OF THE COMMITTEE ON APPOINTMENTS ON THE VETTING OF JOHN MARK KIMUTAI LANGAT FOR THE POSITION OF MEMBER OF THE SELECTION PANEL FOR RECRUITMENT OF THE COUNTY PUBLIC SERVICE BOARD MEMBER

Hon. P. Kirui, Leader of Majority (Ndanai/Abosi Ward, UDA): Hon. Deputy Speaker, pursuant to the Standing Order 197 (4) of the County Assembly Standing Orders, this County Assembly adopts the report of the Committee on Appointments on the vetting of the nominee for the position of member of the Selection Panel for recruitment of the County Public Service Board members and pursuant to the section 58 (a) (i) of the County Governments Act, rejects the nomination and subsequent appointment of John Mark Kimutai Langat for the position of the member of the selection panel for the recruitment of the members of the CPSB.

Hon. Deputy Speaker, the following are the observations;

The nominee holds a Bachelor of Laws from the University of Nairobi and a Post Graduate Diploma in Laws from the Kenya School of Law.

The nominee is a member of the Law Society of Kenya having been admitted to the bar on 23rd July, 1997. However, the committee noted that he was a public officer at the time his appointment as the current County Attorney which might create a conflict of interest.

Secondly, there was no proof that the Law Society of Kenya nominated him to represent the Society.

The nominee exhibited excellent communication skills and was prompt and neat.

The nominee has an experience in public service of over 23 years. The nominee is currently the Bomet County Attorney a position he has held since 2022. Previously, he has worked as a County Ombudsman, the County Assembly Speaker and a Clerk of the defunct Kipsigis County Council. The nominee demonstrated sufficient understanding of the procedure of recruitment as well as the function of the member of the CPSB.

The nominee demonstrated excellent decision making skills.

Hon. Deputy Speaker, having cross-examined the nominee, the only issue that disqualified him is the issue of vested interest. The Committee therefore rejected the appointment of John Mark Kimutai Langat for the position of the member of the selection panel.

I therefore request Hon. Rosaline Cheptoo.

Hon. R. Cheptoo (Rongena/Manaret Ward, UDA): Hon. Deputy Speaker, I rise to second the Motion. The nominee is a public officer in County Government of Bomet and the legal requirement disallows public officers to the selection panel. Secondly, being the county legal adviser he is allowed to join the select committee as an ex-officio member to the select committee and not necessarily through vetting. I request the Governor to give us another person from LSK.

I therefore second the Motion.

(Motion proposed)

Hon. V. Mutai (Nominated MCA, UDA): Hon. Deputy Speaker, I rise to oppose the rejection of the appointment of John Mark Kimutai Langat as one of the panelists. We are appointing people to recruit people who will serve on the public service board. John Mark is a preferable candidate because he will advocate and raise issues with knowledge in the public service. He also studied law making him a suitable candidate. He has served as a Speaker in this Assembly, as a Clerk, and as a member of the Ombudsman. He is well experienced.

Hon. Deputy Speaker, I challenge the Committee on Appointments because the observation they gave is not valid. The executive and public service board are two different bodies hence John Mark will not have any influence. Hon. Deputy Speaker, I beseech this Assembly to oppose the Motion.

Hon. D. Busienei (Chemagel Ward, UDA): Hon. Deputy Speaker, I rise to oppose the rejection of one John Mark. According to the report from the Committee, John Mark has a lot of experience before the constitution 2010 till date. He has served as a Speaker in this Assembly. He is one of the most respected people in this county. Out of the five applicants, one was approved by the Committee. It is good that we approve two then they will look for the rest.

I have worked with John Mark and I urge the Assembly to oppose the rejection and approve Mr. John Mark to serve in this board. We are all beneficiary of his legal advice, some of our members had cases in the court and he helped us make decisions. Let us reject the rejection of John Mark and approve him. We also want gender balance. Thank you, Hon. Deputy Speaker.

Hon. V. Rop (Nominated MCA, UDA): Hon. Deputy Speaker, I rise to join my colleagues in opposing the rejection of John Mark. The Committee has given contradictory findings. In their findings Mr. John Mark performed well in the interview and the only reason for rejection is conflict of interest and the nomination from the Law Society of Kenya. His help has been important to all of us as a county. Hon. Deputy Speaker, I beseech the Members to reject the rejection of John Mark. John Mark has sat in the seat you are sitting on. As an honor, let us salvage the image of one of our own, who has been a member of this Assembly.

As has been said by Hon. Busienei, I have seen that the Members here are appointed by the Governor. I urge the Governor to send the names of ladies and not mothers to this Honourable Assembly.

Hon. P. Ronoh (Kipsonoi Ward, UDA): Thank you, Hon. Deputy Speaker. The debate has ignited an aura contribution in it. I join hands with my fellow colleagues in poking more holes in the report. The process is guided by law. Hon. Deputy Speaker, I have tried peruse through the report and the only sin attached to one John Mark is that he is serving. The Hon. Member who supported the rejection Motion said that it is against the law to nominate a person serving. She failed to highlight the specific section of the law that makes it criminal for the Governor to appoint someone serving.

Hon. Deputy Speaker, this is not a Assembly of guesswork. She is supposed to come out clearly and tell us that it is in violation of a specific section so that we will not join the rendition and chorus of condemning someone on unfolded grounds. The human resource principles of recruitment and employment dictate that every association given the duty to do it should be fare, objective and devoid of malice. Hon. Deputy Speaker, John Mark is a legal mind...

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

Hon. E. Kirui (Kimulot Ward, UDA): I am trying to quote the word used by Hon. Kipchirchir is insinuating that we are willful of malice as a Committee. He said we are supposed to be devoid of malice. Is he insinuating that the Committee on Appointments has malice? Hon. Deputy Speaker, can he substantiate that?

Hon. P. Ronoh (Kipsonoi Ward, UDA): Hon. Deputy Speaker, thank you. Next time when a Member rises on a point of order you need to kindly ask him to quote the specific Standing Order he is rising on because the two of us are contributing. Hon. Deputy Speaker, these are the principles of human resource. I was trying to read them conclusively.

Nonetheless, the report, signed by the members of the Committee on Appointments, is persecuting John Mark without founded reasons. If the Committee is asking us to join them in condemning John Mark without reason then, if the meaning of malice remains the one I read in High School, I can confirm that they were malicious. Without any point of contradiction, yes, in this case, they were malicious. Otherwise, I reject the rejection of one John Mark Kimutai to the Selection Panel.

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

Hon. E. Kirui (Kimulot Ward, UDA): Hon. Deputy Speaker, I am following up on his Statement. When you refer to a Committee of this Assembly as being malicious, Hon. Deputy Speaker, I am not going to sit here and listen to him maligning the Committee. If he has a point to make the Hon.

Member should just look for his dictionary and use a proper word because this is a Committee of this Assembly chaired by the Hon. Deputy Speaker of this Assembly.

I would want to request you, Hon. Deputy Speaker, to ask the Member to apologize and withdraw the statement because he is not only maligning a Committee that is chaired by the Speaker but also pouring water on a Committee that has been vested with a lot of opportunity to do their work diligently and carry out their duty without prejudice and without malice.

I request that the Hon. Member apologizes and withdraws the statement. Thank you, Hon. Deputy Speaker.

(Hon. P. Kirui rose on a point of order)

Hon. P. Kirui, Leader of Majority (Ndanai/Abosi Ward, UDA): Hon. Deputy Speaker, thank you. I would like to address this issue. The Committee on Appointments actually deliberated on all the candidates and had an opportunity to listen to them. There was no malice at all that is why it is brought here for discussion. Whatever recommendations made in this Assembly will be accepted.

I appreciate Hon. Denis for the comments that he made for the Committee referring that we did in the first time and we agree with that. We are working together and are going to produce the best personnel that will serve in this county. It was deliberated and we had a good time to work on this and thank you for the support that you have given us and to the others that we have decided to pass.

With this one, we found that since he is serving in another capacity, there might be a conflict of interest. Otherwise, there was no malice during our work.....

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Leader of Majority, you rose on a point of order yet you are now contributing. You will be given the right to reply.

(Hon. V. Rop rose on a point of order)

Hon. V. Rop (Nominated MCA, UDA): I would like to ask you to direct Hon. Kipchirchir to withdraw his earlier utterances.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. P. Ronoh, in your deliberation you stated that the Committee was malicious, which I don't think was the right term. Kindly withdraw and apologize.

Hon. P. Ronoh (Kipsonoi Ward, UDA): Hon. Deputy Speaker, before I withdraw and apologize, I want to repeat how the word 'malice' came to be. I was quoting the principles of human resources that in any appointment, the person given authority to do it should be fair, objective and devoid of malice. In this case, I never said the Committee was malicious. Nonetheless, allow me to tell you the dictionary meaning of the word 'malice' because if this is also a school, we can continue learning while serving, Hon. Deputy Speaker.

The word malice in my Oxford English dictionary means with wrongful intention. Hon. Deputy Speaker, English is foreign. It is imported. I wish I had used Kiswahili but I started my contribution in English. I therefore withdraw and apologize, Hon. Deputy Speaker.

Hon. R. Ruttoh (Chemamer Ward, UDA): Thank you, Hon. Deputy Speaker, for this opportunity to contribute to the Motion. Before that Hon. Deputy Speaker, allow me to welcome our pupils who are with us. Thank you for coming to this County Assembly and I believe you have learned a lot. Hon. Deputy Speaker, when I perused through the report by the Committee on Appointments, I realized, from the recommendation, that the merits overcome the demerits.

If you were to use the current education system to rate Mr. Langat, Mr. Langat would be exceeding expectations. Therefore, there is no reason for me to reject somebody who is exceeding expectations. I oppose the rejection of Mr. Langat.

Furthermore, it would be unfortunate for me to reject somebody who comes from my sub-county and is a well-performing person.

(Hon. P. Ronoh rose on a point of order)

Hon. P. Ronoh (Kipsonoi Ward, UDA): Hon. Deputy Speaker, when we took the oath of office, the oath itself read that we will serve without favour and affection. When the Hon. Member says that he is supporting because he comes from his ward, is he not going against the oath of office?

Hon. R. Ruttoh (Chemamer Ward, UDA): Thank you, Hon. Deputy Speaker. Hon. Deputy Speaker, from the way he quotes me for supporting whoever comes from where I come, I am out of order but let me repeat what I intended to say. I am saying that Mr. Langat comes from Bomet East and I know his history more than Hon. Peter Ronoh from Kipsonoi. Therefore, I have no reason to apologize for that.

There is no reason for me to reject it. Thank you, Hon. Deputy Speaker.

Hon. D. Ngeno (Kongasis Ward, UDA): Hon. Deputy Speaker, I rise to commend the Committee on their reports from the first report where we had a Motion on Reuben Chirchir to the last Motion of John Mark.

Hon. Deputy Speaker, Sir, I have read through the reports, and from the findings John Mark is a qualified candidate but John Mark serves as the attorney of this County. In Bomet County, there are over 200 voters. John Mark already has an opportunity to serve as the attorney to this great county of Bomet. Why do we repeat giving more jobs to the person with the job? Why do we give responsibility to a person with other responsibilities? Hon. Deputy Speaker, I wish any other Bomet resident could also be given this responsibility so that John Mark can focus on legal matters. Secondly, Hon. Deputy Speaker, John Mark is a legal advisor. In case there arises something on their appointment that will represent the county on the same yet he is part of the panel? Let us give a chance to another resident.

(Hon. V. Rop rose on a point of information)

Hon. V. Rop (Nominated MCA, UDA): Hon. Deputy Speaker, I rise to inform the Assembly that, according to my understanding, this is not a salaried job. These are officers who will facilitate the process of recruiting the members of the Board.

Hon. D. Ngeno (Kongasis Ward, UDA): Hon. Deputy Speaker, what I was saying is that John Mark has a lot of responsibilities and this is an opportunity to allow another resident to grow.

I support the rejection of John Mark. Thank you, Hon. Deputy Speaker.

Hon. E. Kirui (Kimulot Ward, UDA): Hon. Deputy Speaker, thank you. I rise to support the Motion that this Assembly adopts the report of the Committee on Appointment that we reject the appointment of John Mark to the position of member of the Selection Panel for appointment of County Public Service Board Member.

I start by saying that I hope the resurgence of support by some of the Hon. Members in this Assembly is not an indicator of us sliding down the slippery path that we have been before. Hon. Deputy Speaker, a committee sits through the interview and reviews the submissions of a candidate representative then this Assembly comes and makes another decision. We have been through that process, Hon. Deputy Speaker and we have seen the results today. I urge this Assembly that even as we deliver, we not only focus on the current matter, but we throw our mind into the history and see where we have been before in this Assembly.

I request with all humility, Hon. Deputy Speaker, that John Mark is a personal friend. John Mark, who resigned from the County Executive, gave me the legal advice on whether to resign or not. I would not reject John Mark on any basis of any affiliation. It is an independent thing that we seek to achieve in this Assembly and I urge the Hon. Members of this Assembly that we are not rejecting John Mark as a person. We are rejecting him as per the position that he is currently holding - John Mark, as the chief legal advisor to the county government.

We would want to give the Selection Panel an opportunity to act independently. We have been through a difficult season, Hon. Deputy Speaker, especially dealing with the members of the County Public Service Board. We wanted a person who can individually and independently vet the members of the Public Service Board so that when we have that person seated there, he will not have taken instructions from his boss and therefore, whoever comes will discharge their duties independently.

I urge this Hon. Assembly that as much as we give credit to John Mark, I would say the same things to him over and over again. John Mark has a bold demeanor. Everyone would love to be his friend but for the sake of the independence of the Panel that will be vetting the members of the County Public Service Board, I request and urge the Hon. Members of this Assembly that we support this Motion and reject this nomination.

As one of our colleagues, Hon. Dennis said we still have an opportunity to have a member of LSK come into this Selection Panel and be able to discharge their duty. I urge the Assembly to support this Motion that we reject the nomination. Thank you.

(Question put and agreed to)

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Members, I commend the pupils who sat through the session. Let me give this chance to the Hon. Member from Silibwet Township to welcome the pupils from Keneni Academy.

Hon A. Chepkemoi (Silibwet Township Ward, INDEPENDENT): Hon. Deputy Speaker, thank you. I thank the pupils from Keneni Star Academy. I am pleased to have you here. Feel welcomed. I hope you have enjoyed the session.

Hon. Deputy Speaker (Hon. L. Rotich): I will ask the pupils to remain in the public gallery for a few minutes. I will request Hon. Ann to take the pupils through the Assembly operations.

ADJOURNMENT

Hon. Deputy Speaker (Hon. L. Rotich): There being no other business, this Assembly stands adjourned to today, Wednesday, 7th June 2023 at 2:30 p.m.

(The Assembly rose at 4:00 p.m.)