



OFFICIAL HANSARD REPORT

COUNTY ASSEMBLY OF BOMET

THIRD COUNTY ASSEMBLY

ASSEMBLY DEBATES

Vol.3 NO. 166

DAILY HANSARD

The Assembly met at the Main Assembly Chamber,

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

Third County Assembly-Third Session

Tuesday Afternoon 6th August, 2024

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

County Assembly Mini Chamber at County Assembly Buildings)

[Hon. Speaker (Hon. C. Korir) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Hon. C. Korir): Hon. Members, at the Gallery are members of the public;

- | | | |
|----------------------------------|----------------------------|-----------------------|
| 1. Daisy Chelangat | 8. Mercy Ngelechei | 15. Shartson Kipkirui |
| 2. Felista Serem | 9. Paul Bett | 16. Joseph Sanga |
| 3. Patricia Ngetich | 10. Amos Katam | 17. Wesly Kirui |
| 4. Kipkemoi Gedion | 11. Isaac Ruto | 18. Dominicus Mutai |
| 5. Kipngetich
Nicholas Langat | 12. Valentine
Cherotich | 19. Kiprotich Mutai |
| 6. Peter Mutai | 13. Mutai Cheruiyot | 20. Japhet Rono |
| 7. Keter Benard | 14. Armstrong Byegon | |

You are welcome to this Assembly. This Assembly has rules and procedures and one of the rules says that while at the Public Gallery, you are expected to maintain silence. You are not supposed to create any disturbance that may take the interest of the Hon. Members.

On behalf of all these Hon. Members, I welcome you to observe these proceedings. Thank you.

NOTICES OF MOTIONS

DISMISSAL OF HON. JOSEPH KIPNGETICH KIRUI AS THE COUNTY EXECUTIVE COMMITTEE
MEMBER FOR ADMINISTRATION, PUBLIC SERVICE AND SPECIAL PROGRAMS

Hon. V. Mutai (Nominated MCA, UDA): Hon. Speaker, I beg to give notice of the following
Special Motion:

DISMISSAL OF HON. JOSEPH KIPNGETICH KIRUI AS THE COUNTY EXECUTIVE COMMITTEE
MEMBER FOR ADMINISTRATION, PUBLIC SERVICE AND SPECIAL PROGRAMS

IN LIGHT OF Section 40 of the County Governments Act, 2012, which specifies the grounds for
the removal of a County Executive Committee Member, including gross violations of the

Constitution or any law, abuse of office, severe misconduct, incapacity to perform duties due to physical or mental reasons, or incompetence;

WHEREAS Hon. Joseph Kipngetich Kirui, the County Executive Committee Member for Administration, Public Service, and Special Programs, has committed actions contrary to the expected conduct of a public officer as defined by our Constitution and other relevant laws;

RECOGNIZING that a State Officer, upon taking the oath of office as required by the Constitution, is obligated to maintain the dignity and respect associated with their position;

UNDERSTANDING the County Assembly's oversight role as specified in the Constitution of Kenya and the County Governments Act, 2012;

ALARMED by the allegations of severe misconduct, abuse of office, and legal violations that compromise the integrity and principles of public service required from such a high office;

THIS COUNTY ASSEMBLY Pursuant to the provisions of Section 40(2) of the County Governments Acts, 2012 and Standing Order 72 of the County Assembly Standing Orders,

RESOLVES that the Governor Dismisses the Hon. Joseph Kipngetich Kirui from the office of the County Executive Committee Member for Administration, Public Service and Special Programs on the following grounds:

(a) Gross Violation of the Constitution or Any Other Law:

1. Failure to Compensate Casual Workers: As the Executive Member in charge of public service, Hon. Joseph Kipngetich Kirui has failed to ensure that his department processes payments for casual workers hired by the county government, in violation of the Employment Act, 2007, despite the availability of budgetary provisions.
2. Non-Payment of Village Managers: In his capacity as head of County Administration, Hon. Joseph Kipngetich Kirui has neglected to ensure the timely processing of payments for village managers, thereby violating financial accountability principles and the Employment Act, 2007.
3. Non-Remittance of Statutory Deductions: Hon. Joseph Kipngetich Kirui, overseeing the relevant department, has not ensured the timely remittance of statutory deductions as required by the National Social Security Fund Act and the National Hospital Insurance Fund Act. This has resulted in significant debt accumulation to NSSF and NHIF and caused distress among county staff.
4. Neglecting to submit Annual Reports on Public Participation: ...

Hon. Speaker (Hon. C. Korir): Hon. Vincent, is that an impeachment Motion for one, Joseph Kipngetich Kirui?

Hon. V. Mutai (Nominated MCA, UDA): Yes, Hon. Speaker. An impeachment Motion for the dismissal of Hon. Joseph Kipngetch Kirui as the County Executive Committee Member for Administration, Public Service and Special Programs.

Hon. Speaker (Hon. C. Korir): I would like to know, since it was here before, in the earlier Committee ...

(Consultation)

Hon. Vincent, I seek your indulgence because we cannot move another one while there is another active Committee. However, I have Communication to make.

I have just received a letter from Hon. Richard Ruttoh titled:

RESIGNATION FROM THE COMMITTEE FORMED PURSUANT TO SECTION 40 (2) OF THE
COUNTY GOVERNMENTS ACT, 2012.

The letter reads:

“I am writing to tender my resignation as a member of the Committee formed pursuant to Section 40 (2) of the County Governments Act, 2012, to investigate the allegations against the County Executive Committee Member for Roads, Public Works, and Transport, Hon. Erick Kipkoech Ngetich.

My decision to resign from this committee is driven by a commitment to ensuring a broad-based approach to the investigation process.

Thank you for your understanding and consideration.

Yours Sincerely,

Hon. Richard Ruttoh.”

A member has resigned.

Hon. Josphat Kipkirui, Member of County Assembly representing Singorwet Ward has also resigned from the Committee formed pursuant to Section 40 (2) of the County Governments Act, 2012. The letter reads:

“I am writing to tender my resignation as a member of the Committee formed pursuant to Section 40 (2) of the County Governments Act, 2012, to investigate the allegations against the County Executive Committee Member for Roads, Public Works, and Transport, Hon. Erick Kipkoech Ngetich.”

A letter from Hon. Nathan Kibet reads:

“I am writing to tender my resignation as a member of the Committee formed pursuant to Section 40 (2) of the County Governments Act, 2012, to investigate the allegations

against the County Executive Committee Member for Administration, Public Service and Special Programs, Hon. Joseph Kipngetich Kirui.

My decision to resign from this committee is driven by a commitment to ensuring a broad-based approach to the investigation process.

Thank you for your understanding and consideration.”

That’s from Hon. Nathan Kibet.

“RESIGNATION FROM THE COMMITTEE FORMED PURSUANT TO SECTION 40 (2) OF THE COUNTY GOVERNMENTS ACT, 2012.

I am writing to tender my resignation as a member of the Committee formed pursuant to Section 40 (2) of the County Governments Act, 2012, to investigate the allegations against the County Executive Committee Member for Finance and Economic Planning, Hon. Andrew Sigei.

My decision to resign from this committee is driven by a commitment to ensuring a broad-based approach to the investigation process.

Thank you for your understanding and consideration.

Yours Sincerely,

Hon. Joseah Samoei.”

Hon. Samoei has resigned from the Committee investigating CECM in charge of Finance and Economic Planning.

Hon. Kibet Ngetich, under the same Section 40 (2) of the County Governments Act, 2012 has resigned from investigating the allegations against the County Executive Committee Member for Finance and Economic Planning, Hon. Andrew Sigei.

Hon. Benard Langat has also resigned under the same Section 40 (2) from investigating the allegations against the County Executive Committee Member for Roads, Public Works and Transport, Hon. Erick Kipkoech Ngetich.

Hon. Dennis Ngeno has also resigned from investigating the allegations against the County Executive Committee Member for Finance and Economic Planning, Hon. Andrew Sigei. His decision to resign is driven by the commitment to ensure a broad-based approach in the investigation process...

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

Hon. Speaker (Hon. C. Korir): What is your point of order?

Hon. W. Kiprotich (Chepchas Ward, UDA): Hon. Speaker, I have a feeling that you should read those letters verbatim because of the weight of the matter.

Hon. Speaker (Hon. C. Korir): If you feel I should do so, then I will proceed to do that.

This letter is addressed to the Speaker and is dated 6th August 2024. It is written:

“RESIGNATION FROM THE COMMITTEE FORMED PURSUANT TO SECTION 40 (2) OF THE
COUNTY GOVERNMENTS ACT, 2012.

I am writing to tender my resignation as a member of the Committee formed pursuant to Section 40 (2) of the County Governments Act, 2012, to investigate the allegations against the County Executive Committee Member for Finance and Economic Planning, Hon. Andrew Sigei.

My decision to resign from this committee is driven by a commitment to ensuring a broad-based approach to the investigation process.

Thank you for your understanding and consideration.

Yours Sincerely,

Hon. Dennis Ngeno.”

Another letter is addressed to me written:

“RESIGNATION FROM THE COMMITTEE FORMED PURSUANT TO SECTION 40 (2) OF THE
COUNTY GOVERNMENTS ACT, 2012.

I am writing to tender my resignation as a member of the Committee formed pursuant to Section 40 (2) of the County Governments Act, 2012, to investigate the allegations against the County Executive Committee Member for Administration, Public Service and Special Programs, Hon. Joseph Kipngetich Kirui.

My decision to resign from this committee is driven by a commitment to ensuring a broad-based approach to the investigation process.

Thank you for your understanding and consideration.

Yours Sincerely,

Hon. Victor Rop.”

Another letter is addressed to me written:

“RESIGNATION FROM THE COMMITTEE FORMED PURSUANT TO SECTION 40
(2) OF THE COUNTY GOVERNMENTS ACT, 2012.

I am writing to tender my resignation as a member of the Committee formed pursuant to Section 40 (2) of the County Governments Act, 2012, to investigate the allegations against the County Executive Committee Member for Administration, Public Service and Special Programs, Hon. Joseph Kipngetich Kirui.

My decision to resign from this committee is driven by a commitment to ensuring a broad-based approach to the investigation process.

Thank you for your understanding and consideration.

Yours Sincerely,

Hon. Ernest Rotich.”

A letter is addressed to me written:

“RESIGNATION FROM THE COMMITTEE FORMED PURSUANT TO SECTION 40 (2) OF THE COUNTY GOVERNMENTS ACT, 2012.

I am writing to tender my resignation as a member of the Committee formed pursuant to Section 40 (2) of the County Governments Act, 2012, to investigate the allegations against the County Executive Committee Member for Roads, Public Works and Transport, Hon. Erick Kipkoech Ngetich.

My decision to resign from this committee is driven by a commitment to ensuring a broad-based approach to the investigation process.

Thank you for your understanding and consideration.

Yours Sincerely,

Hon. Rosaline Cheptoo.”

A letter is addressed to me written:

“RESIGNATION FROM THE COMMITTEE FORMED PURSUANT TO SECTION 40 (2) OF THE COUNTY GOVERNMENTS ACT, 2012.

I am writing to tender my resignation as a member of the Committee formed pursuant to Section 40 (2) of the County Governments Act, 2012, to investigate the allegations against the County Executive Committee Member for Finance and Economic Planning, Hon. Andrew Sigei.

My decision to resign from this committee is driven by a commitment to ensuring a broad-based approach to the investigation process.

Thank you for your understanding and consideration.

Yours Sincerely,

Hon. Anne Chepkemoi.”

A letter is addressed to me written:

“RESIGNATION FROM THE COMMITTEE FORMED PURSUANT TO SECTION 40 (2) OF THE COUNTY GOVERNMENTS ACT, 2012.

I am writing to tender my resignation as a member of the committee formed pursuant to section 40 (2) of the County Government's act 2012 to investigate the allegations against the county executive member for roads, public works and transport honorable Eric Kipkoech Ngetich. My decision to resign from this committee is driven by commitment to ensuring a broad based approach to the investigation process. Thank you for your understanding and consideration. Yours sincerely Honorable Dancel Kirui.

A letter again addressed to me; resignation from the committee formed pursuant to section 40 (2) of the County Government's act 2012. Am writing to tender my resignation as a member of the committee formed pursuant to section 40 (2) of the County Government's act 2012 to investigate the allegations against the county executive member for Administration, public service and special programmes honorable Joseph Kipngetich Kirui. My decision to resign from this committee is driven by commitment to ensuring a broad based approach to the investigation process. Thank you for your understanding and consideration. Yours sincerely Honorable Peter Mutai.

A letter again addressed to me on 6th of August 2024. Resignation from the committee formed pursuant to section 40 (2) of the County Government's act 2012. Am writing to tender my resignation as a member of the committee formed pursuant to section 40 (2) of the County Government's act 2012 to investigate the allegations against the county executive member for Finance and Economic Planning honorable Andrew Sigei. My decision to resign from this committee is driven by commitment to ensuring a broad based approach to the investigation process. Thank you for your understanding and consideration. Yours sincerely Honorable Eric Kirui. Member of the county assembly representing Kimulot ward.

From this, the committee that had been formed by this Assembly all the members of that committee have resigned; that is the committee who was investigating allegations against CEC Finance, Economic Planning Andrew Sigei, so there is Eric Kirui, Ann Chepkemoi, Dennis Ngeno, Kibet Ngetich and Joseah Samoei. They come to a total of five. There was another one here which was remaining; another letter addressed to me; resignation from the committee formed pursuant to section 40 (2) of the County Government's act 2012. Am writing to tender my resignation as a member of the committee formed pursuant to section 40 (2) of the County Government's act 2012 to investigate the allegations against the county executive member for Administration, public service and special programmes honorable Joseph Kipngetich Kirui. My decision to resign from this committee is driven by commitment to ensuring a broad based approach to the investigation process. Thank you for your understanding and consideration.

Yours sincerely Honorable Emily Cheruiyot. So for administration, I want to know if all the members have resigned. Administration had five members, so honorable Emily Cheruiyot, honorable Peter Mutai, honorable Ernest Rotich, honorable Victor Rop and honorable Nathan and also the committee that was formed to investigate allegations against CEC member in charge of road, public works and transport honorable Eric Kipkoech Ngetich; honorable Dancel Kirui, honorable Roseline Cheptoo, honorable Bernard Langat, honorable Josphat Kipkirui and honorable Richard Ruttoh. Those are the communications

Well, honorable members I think we are charting new ways now; unchartered waters here. Now that the members have resigned from the committees which had been formed, it then means that the motions that had been brought on 29th July, those motions are deemed abandoned now that there are no members of those committees, those committees are abandoned and therefore it cannot proceed as of now. Those are the three committees; the one investigating allegations against the county executive member for Finance, the one also that was investigating the allegations against the county executive member for Administration, public service and special programmes honorable Joseph Kipngetich Kirui and also allegations against the county executive member for roads public works and transport honorable Eric Kipkoech Ngetich and since that process has now ended, there was a committee that had been formed and you are aware; they were suppose to proceed with the work that they were doing, once it has reached this stage where members have all resigned, that committee is no longer there so we will proceed from there honorable Vincent, I think you are now in order to bring , what do you want to bring? Is it a notice or what?

Hon. V. Mutai (Nominated MCA, UDA): A notice of motion honorable speaker.

Hon. Speaker (Hon. C. Korir): Okay.

Hon. V. Mutai (Nominated MCA, UDA): Thank you so much honorable speaker for providing a Solomonic wisdom...

Hon. Speaker (Hon. C. Korir): could you start again, now that all these other members have resigned.

Hon. V. Mutai (Nominated MCA, UDA): Honorable speaker before I give a notice of motion, allow me to thank you speaker for giving a Solomonic wisdom and also knowledge to this Assembly Mr. Speaker. This is a respected August Assembly guided by rules and procedures honorable speaker and I must applaud you for that. Thank you honorable speaker.

Honorable speaker, I beg to give notice of the following Special Motion:

DISMISAL OF HON. JOSEPH KIPNGETICH KIRUI AS THE COUNTY EXECUTIVE COMMITTEE MEMBER
FOR ADMINISTRATION, PUBLIC SERVICE AND SPECIAL PROGRAMS

Honorable Speaker in light of Section 40 of the County Governments Act, 2012, which specifies the grounds for the removal of a County Executive Committee Member including gross violation of the Constitution or any other law, abuse of office, severe misconduct, incapacity to perform duties due to physical or mental reasons or incompetence.

WHEREAS Hon. Joseph Kipngetich Kirui, the County Executive Member for Administration, Public Service and Special programs, has committed actions contrary to the expected conduct of a public officer as defined by our Constitution and other relevant laws;

RECOGNIZING THAT a State Officer, upon taking the oath of office as required by the Constitution, is obligated to maintain the dignity, respect associated with their position;

UNDERSTANDING the County Assembly's oversight role specified in the Constitution of Kenya and the County Governments Act, 2012;

ALARMED by the allegations of severe misconduct, abuse of office, and violation that compromise the integrity and principle of public service required from such high office;

THIS COUNTY ASSEMBLY Pursuant to the provisions of Section 40(2) of the County Governments Act, 2012 and Standing Order 72 of the County Assembly Standing Orders,

RESOLVES that the Governor Dismisses the Hon. Joseph Kipngetich Kirui from the office of the County Executive Committee Member for Administration, Public Service and Special Programs on the following grounds:

(a) Gross Violation of the Constitution or Any Other Law:

1) Failure to compensate Casual Workers

As the Executive Member in charge of public service, Hon. Joseph Kipngetich Kirui has failed to ensure that his department processes payment for casual workers hired by the county government in violation of the Employment Act, 2007, despite availability of budgetary provisions.

2) Non-Payment of Village Managers

In his administrative capacity as head of County Administration, Hon. Joseph Kipngetich Kirui, has neglected to ensure timely processing of payments for village managers for thereby violating financial accountability principles and Employment Act, 2007.

3) Non-remittance of Statutory Deductions

Hon. Joseph Kipngetich Kirui overseeing the relevant department has not ensured timely remittance of statutory deduction as required by the National Social Security Fund Act and the

National Hospital Insurance Fund Act. This has resulted in significant debt accumulation to NSSF and NHIF and causing distress among the county staff.

4) Neglecting to submit annual report on Public Participation.

Hon. Joseph Kipngetch Kirui has failed to ensure that the required annual report as mandated by section 28 (1) of Bomet County Public Participation act 2009 is submitted to the county assembly; this omission also contravenes article 10 (2) of the constitution.

(b) Incompetence:

1) Incomplete Infrastructure Projects

Hon. Joseph Kipngetch Kirui has demonstrated Administrative incompetence by not ensuring the completion of critical infrastructure projects, such as the Governor's residence and various ward offices, despite receiving budgetary allocations over five years, leading to ongoing delays.

2) Inadequate Working Conditions for County Staff

Hon. Joseph Kipngetch Kirui has not ensured adequate working condition including Proper furniture, work space, stipends and field allowances for county staff in sub-county and ward offices, indicating a lack of administrative capability.

(c) Abuse of Office:

1) Improper handling of Employment Contracts

Hon. Joseph Kipngetch Kirui attempted to circumvent the decision of the county public service board which had decided to release sub-ward administrators after their contracts elapsed. He invited these individuals to attend meetings related to their previous roles even after they had been formally released from service thereby undermined established public service regulations and authority for public service board.

Honorable Speaker Members who appended their signatures in support of the Notice of Motion pursuant to the provisions of Standing Order 72(4), it is notified that the names of the Members who appended their signatures in support of the Notice of Motion is as attached honorable speaker.

Honorable speaker I will read out the names of the members who appender their signatures;

1. Hon. Kiprotich Wesley
2. Hon. Kirui Paul Kipyegon
3. Hon. Nathan Kibet
4. Hon. Roseline Cheptoo
5. Hon. Ngeno Dennis Kiplangat
6. Hon. Samoei Joseah Kipkoech

7. Hon. Peter Mutai Kipkirui
8. Hon. Bernard Kimutai Rotich
9. Hon. Ngetich Kibet
10. Hon. Langat Peter Kipkorir
11. Hon. Langat Bernard Kipkorir
12. Hon. Ruttoh Richard Cheruiyot
13. Hon. Chepkemoi Ann
14. Hon. Kirui Dancel Kipngeno
15. Hon. Kipkirui Josphat
16. Hon. Rotich Leonard Kipkoech
17. Hon. Kirui Eric Kiprono
18. Hon. Rotich Ernest Kipkemoi
19. Hon. Cheruiyot Japhet Kipkirui
20. Hon. Lily Cherotich
21. Hon. Caroline Chelangat
22. Hon. Evaline Sang
23. Hon. Cherono Caren
24. Hon. Vincent K. Mutai
25. Hon. Victor Rop

Thank you Hon. Speaker; I beg to table.

Hon. Speaker (Hon. C. Korir): Proceed to table. Hon. Josphat Kipkirui.

Hon. J. Kipkirui (Singorwet Ward, INDEPENDENT): Thank you Mr. Speaker for this opportunity. I beg to give notice of the following special motion;

DISMISSAL OF HON. ERIC KIPKOECH NGETICH AS THE COUNTY EXECUTIVE COMMITTEE MEMBER
FOR ROADS, PUBLIC WORKS AND TRANSPORT.

IN CONSIDERATION of the provisions of Section 40(2) of the County Governments Act, 2012, which mandates the removal of a County Executive Committee Member on the grounds of gross violation of the Constitution or any other law, abuse of office; gross misconduct, physical or mental incapacity to perform the functions of the office or incompetence;

WHEREAS Hon. Eric Kipkoech Ngetich, the County Executive Committee Member in charge of Roads, Public Works and Transport, has committed acts that are contrary to the expected conduct of a public officer as enshrined in our Constitution and other relevant laws;

AWARE THAT a State Officer, having taken and subscribed to the oath of office pursuant to the provisions of the Constitution, is duty-bound to uphold the dignity and respect for the office he holds;

MINDFUL of the County Assembly's oversight mandate as stipulated under the Constitution of Kenya and the County Governments Act, 2012;

NOTING THAT H.E the governor Prof. Hillary Barchok has suspended the said County Executive Member from office;

DEEPLY CONCERNED about the allegations of gross misconduct, abuse of office, and violation of laws which undermine the integrity and principle of public service required from such high office.

This county assembly pursuant to provisions of 40,2 of the county governments act 2012 and standing order 72 of the county assembly standing orders resolves that the Governor Dismisses the Hon. Erick Kipkoech Ngetich from the office of the County Executive Committee Member for Roads, Public Works, and Transport on the following grounds.

1) Gross Violation of the Constitution and Other Laws

a) Failure to Implement Projects in the Budget and Adhering to the Public Finance Management Act: THAT, Hon. Erick Kipkoech Ngetich, in his capacity as the County Executive Committee Member responsible for Roads, Public Works, and Transport, has committed gross violation of the Constitution and other laws by;

- i) Gross Misappropriation of Funds. Not implementing projects duly approved in the county budget, contrary to financial management principles enshrined in the Public Finance Management Act, 2012. Hon. Ngetich failed to explain how he utilized Kshs. 195 million for county roads and Kshs. 78 million for cross-cutting roads in the financial year 2023/24. In light of no projects worth the amount, it can only be concluded that the amount has been misappropriated, violating Article 201(d) of the Constitution which mandates the prudent and responsible use of public money.
- ii) Exceeding Budgetary Allocations: Exceeding the amount set out for roads during his tenure, leading to the conclusion that he must be committing funds to projects without ensuring budgetary availability, in violation of the Public Finance Management Act, 2012, Section 196(1)(d) which requires adherence to budgetary allocations.

- iii) Irregular Procurement Practices: Purchasing heavy machinery outside the budget, despite budgetary allocation or approval by the County Assembly for the purchase of heavy machinery in the year 2023/2024, the county lacks ownership documents, meaning the purchase was never finalized as per contract. This contravenes Section 197(1) of the Public Finance Management Act, 2012, which requires proper documentation and finalization of procurement processes.

Abuse of Office: Un-procedural Disposal of County Motor Vehicles: THAT, Hon. Erick Kipkoech Ngetich, in his capacity as the County Executive Committee Member responsible for Roads, Public Works, and Transport, has abused his office by: Violation of Procurement Laws: Disposing of county motor vehicles without adhering to the Public Procurement and Asset Disposal Act, 2015, specifically under Section 53(1) which requires adherence to prescribed procedures for disposal of public assets. This constitutes a blatant disregard for the law and proper governance practices.

Gross Misconduct:

- (a) Issuing Fraudulent Local Purchase Orders (LPO): THAT, Hon. Erick Kipkoech Ngetich, in his capacity as the County Executive Committee Member responsible for Roads, Public Works, and Transport, has engaged in gross misconduct by:
 - i) Financial Impropriety: Overseeing the issuance of Local Purchase Orders (LPOs) in the department for non-existent projects, constituting financial impropriety and mismanagement in violation of the Anti-Corruption and Economic Crimes Act, 2003, Section 45(2)(b) which prohibits the improper use of public resources. For example, the Local Purchase Order for routine maintenance and construction of Kakimulday-Karab Barsukata and the construction of Saoset and Chepkirib roads turned out to be fraudulent.
- b) Failure to Ensure Maintenance of County Vehicles: THAT, Hon. Erick Kipkoech Ngetich, in his capacity as the County Executive Committee Member responsible for Roads, Public Works, and Transport, has engaged in gross misconduct by:
 - i) Negligence in Asset Management: Neglecting the maintenance of county vehicles, leading to deterioration and inefficiency in service delivery, contrary to the principles of public service under the Leadership and Integrity Act, 2012, Section 11(a) which mandates effective management of public resources.

c) Failure to Provide Detailed Expenditure Reports: Mr. Speaker THAT, Hon. Erick Kipkoech Ngetich, in his capacity as the County Executive Committee Member responsible for Roads, Public Works, and Transport, has engaged in gross misconduct by:

- i) Lack of Transparency: Failing to provide detailed expenditure reports when requested on three separate occasions by the County Assembly Committee on Roads, Transport, and Public Works. This lack of transparency and accountability violates the principles of good governance and oversight as enshrined in Article 10 of the Constitution and the Public Finance Management Act, 2012.

Incompetence:

(a) Under-utilization of Heavy Machinery: THAT, Hon. Erick Kipkoech Ngetich, in his capacity as the County Executive Committee Member responsible for Roads, Public Works, and Transport, has demonstrated incompetence by:

- i) Failure in Resource Management: Despite the county spending over Kshs. 300 million on the purchase of heavy machinery, only eight out of the 25 wards have utilized these resources. This is despite arrangements and an adequate fuel provision budget of Kshs. 40 million. This reflects incompetent leadership and a failure to effectively manage and distribute county resources, as the machinery was intended to serve all wards equally and benefit the entire county. Most of the heavy machinery has been grounded for significant periods, demonstrating a lack of proper management and utilization. This is in violation of the principles of public service under Section 10(b) of the Leadership and Integrity Act, 2012.

b) Unexplained Pending Bills: THAT, Hon. Erick Kipkoech Ngetich, in his capacity as the County Executive Committee Member responsible for Roads, Public Works, and Transport, has failed to address the growing number of unexplained pending bills, which continue to increase under his tenure, reflecting gross incompetence and mismanagement of county resources.

Members who appended their signatures in support of the Notice of Motion: Pursuant to the provisions of Standing Order 72(4), it is notified that the names of the Members who appended their signatures in support of the Notice of Motion is as follows;

1. Hon. Korir Philip Kiplangat
2. Hon. Kiprotich Wesley

3. Hon. Kirui Paul Kipyegon
4. Hon. Nathan Kibet
5. Hon. Rosaline Cheptoo
6. Hon. Ngeno Dennis Kiplangat
7. Hon. Samoei Joseah Kipkoech
8. Hon. Peter Mutai Kipkirui
9. Hon. Benard Kimutai Rotich
10. Hon. Ngetich Kibet V.
11. Hon. Langat Peter Kipkorir
12. Hon. Langat Benard Kipkorir
13. Hon. Ruttoh Richard Cheruiyot
14. Hon. Chepkemoi Anne
15. Hon. Kirui Dancel Kipngeno
16. Hon. Kipkirui Josphat
17. Hon. Rotich Leonard Kipkoech
18. Hon. Kirui Eric Kiprono
19. Hon. Rotich Ernest Kipkemoi
20. Hon. Cheruiyot Japhet Kipkirui
21. Hon. Lily Cherotich
22. Hon. Caroline Chelangat
23. Hon. Evaline Sang
24. Hon. Cherono Caren
25. Hon. Vincent K. Mutai
26. Hon. Victor Rop

Mr. Speaker, I beg to table.

Hon. Speaker (Hon. C. Korir): Proceed to table. Hon. Eric.

Hon. E. Kirui (Kimulot ward, UDA): Thank you Hon. Speaker, I beg to give notice of the following special motion dismissal of Hon. Andrew Sigei as the county executive committee member for finance, ICT and economic planning. In light of Section 40(2) of the County Governments Act, 2012, which specifies the grounds for removal of a County Executive Committee Member includes gross violation of the Constitution or any other law, abuse of office; severe misconduct, incapacity to perform duties due to physical or mental reasons or incompetence. Whereas Hon. Andrew Sigei, the County Executive Committee Member for

Finance, ICT and Economic Planning has committed actions contrary to the expected conduct of a public officer as defined by our constitution and other relevant laws.

Recognizing THAT a State Officer, upon taking oath of office as required by the constitution is obligated to maintain the dignity and respect associated with his position. Understanding the county assemblies' oversight role as specified in the constitution of Kenya and the county governments act of 2012. Alarmed by the allegations of gross misconduct, abuse of office, legal violation and that compromise the integrity and principles of public service required from such a high office in the county government.

Further aware that the county governor in his communication dated 4th august 2024 suspended the said county executive committee member for an indefinite period, this county assembly Pursuant to the provisions of Section 40(2) of the County Governments Act, 2012 and Standing Order 72 of the County Assembly Standing Orders, RESOLVES that the Governor Dismisses the Hon. Andrew Sigei from the office of the County Executive Committee Member for Finance and Economic Planning on the following grounds.

(1) Gross violation of the Public Finance Management Act, 2012 and Public Finance Management (County Government) Regulations

(a) Violation of Section 156(2) of the Public Finance Management Act, 2012 THAT, the Hon. Andrew Sigei acting as the County Executive Committee Member for Finance and Economic Planning, appears to have committed gross violation of this statutory provision by failing to implement the County Assembly's resolution contained in the adopted Budget and Appropriations Committee pending bills report of November 2023 recommending in recommendation No. 5 and 6 for disciplinary action to be taken against officers involved in fictitious expenditure and revocation of designation as accounting officers of chief officers who have flouted established laws and regulations. The County Executive Committee Member has neither revoked nor taken any appropriate disciplinary action including referring the matter to be dealt with by the appropriate bodies. The county government, from Hon. Andrew Sigei's acts of omission and commission, had at the beginning of FY 2023/24 a stock of pending bills amounting to Kshs. 897.93million, comprising of Kshs.156.24 million for recurrent expenditure and Kshs.741.69 million for development activities.

(b) Violation of Section 132(2) of the Public Finance Management Act, 2012 THAT, the Hon. Andrew Sigei acting as the County Executive Committee Member for Finance and Economic Planning, appears to have committed gross violation of this statutory

- provision by failing to submit to the county assembly the County Finance Bill and revenue raising measures for the financial years 2021/2022, 2022/2023 and 2023/2024.
- (c) Violation of Regulation 82(1)(b) of the Public Finance Management (County Government) Regulations THAT, the Hon. Andrew Sigei acting as the County Executive Committee Member for Finance and Economic Planning, appears to have committed gross violation of this Regulation by operating the County Executive Bursary Fund and the Car and Mortgage Funds using commercial bank accounts contrary to Regulation 82(1)(b) of the Public Finance Management (County Governments) Regulations, 2015, which requires that County government bank accounts must be opened and maintained at the Central Bank of Kenya. This anomaly was noted and flagged by the Controller of Budget in its April 2024 budget implementation review report of the first nine months of the financial year 2023/2024.
- (d) THAT, the Hon. Andrew Sigei acting as the County Executive Committee Member for Finance and Economic Planning appears to have committed gross violation of the public finance management act 2012 and regulations made there under by requesting money from the national treasury and paying suppliers not listed in form a and b thereby disenfranchising the genuine suppliers.
- (e) Irregular Procurement Practices: Purchasing heavy machinery outside the budget, despite budgetary allocation or approval by the County Assembly for the purchase of heavy machinery in the year 2023/2024, the county lacks ownership documents, meaning the purchase was never finalized as per contract. This contravenes Section 197(1) of the Public Finance Management Act, 2012, which requires proper documentation and finalization of procurement processes.

Number two on incompetence THAT, the Hon. Andrew Sigei acting as the County Executive Committee Member for Finance and Economic Planning, appears to be incompetent by;

- (i) Failing to ensure that the designated accounting officers under section 148(1) of the Public Finance Management Act, 2012 protects the county assets as required under section 149(2) of the Public Finance management Act, 2012 requires designated accounting officers to:
- 1) manage the assets of the entity to ensure that it receives value for money when acquiring, using or disposing of its assets.

- 2) dispose of assets at the most competitive price and at the lowest possible cost ensuring that the proceeds from all asset disposals are deposited in a bank account of the entity.
 - 3) ensure that the respective county government entity has adequate systems and processes in place to plan for, procure, account for, maintain, store and dispose of assets, including an asset register that is current, accurate and available to the relevant County Treasury or the Auditor-General.
- ii) Failing to ensure that the county collects sufficient revenue- As a person who designates persons as collectors and receivers of revenue under section 157 of the Public Finance Management Act, 2012, the County Executive Committee Member has consistently failed to meet the target of collecting own source revenue for a number of financial years. For example, during the first nine months of the financial year 2023/2024, the county collected a total of Ksh. 157,105,283 against a budgeted figure of Ksh. 332,041,830.
 - iii) The County Executive Committee Member has also constantly failed to submit the requisite revenue raising measures and the county finance bill for the financial years 2021/2022, 2022/2023 and 2023/2024 contrary to sections 132(1) and (2) of the Public Finance Management Act, 2012.
 - iv) Failing to submit payroll and other payroll related costs- The County Executive Committee Member has also constantly failed to submit to the county assembly payroll and payroll related costs. He has also failed to ensure that all the personnel emoluments are processed through the Integrated Payroll and Personnel Database (IPPD) system. It is noteworthy that during the first nine months of 2023/2024 financial year, a total of Ksh. 283.37 million was processed through manual payrolls which accounted for 11.6 per cent of the total personnel emoluments cost.
 - v) Failure to put in place an audit committee as required under Regulation 167 of the Public Finance Management (County Government) Regulations.
 - vi) Failure to adhere to fiscal responsibility principles contained in Article 201 of the Constitution and section 107 of the Public Management Act, 2012 and Regulation 25 of the Public Finance Management(County Governments) Regulations in particular:-

(I) Section 107(2) of the Public Finance Management Act, 2012 which provides –

In managing the county government’s public finances, the County Treasury shall enforce the following fiscal responsibility principles—

- a. the county government’s recurrent expenditure shall not exceed the county government’s total revenue;
- b. over the medium term a minimum of thirty percent of the county government’s budget shall be allocated to the development expenditure;

The Hon.Andrew Sigei acting as the County Executive Committee Member for Finance and Economic Planning has failed to ensure that the county government’s development budget over the medium term is at a minimum of thirty percent. For example in the financial year 2024/2025 submitted budget, the development budget was at a paltry twenty percent which blatantly contravenes section 107(2) (b) of the Public Finance Management Act, 2012.

(Ii) Regulation 25(1) of the Public Finance Management (County Governments) Regulations which provides-

In addition to the fiscal responsibility principles set out in section 107 of the Act, the following fiscal responsibility principles shall apply in the management of public finances—

1. The County Executive Committee Member with the approval of the County Assembly shall set a limit on the county government's expenditure on wages and benefits for its public officers pursuant to section 107(2) of the Act.

The Hon.Andrew Sigei acting as the County Executive Committee Member for Finance and Economic Planning has failed to submit to the county assembly for approval a limit on the county government’s expenditure on wages and benefits for its public officers.

- b. The limit set under paragraph (a) above, shall not exceed thirty five (35) percent of the county government's total revenue;

The Hon.Andrew Sigei acting as the County Executive Committee Member for Finance and Economic Planning has failed to ensure that the county government’s expenditure on wages and benefits for its public officers does not exceed thirty five (35) percent of the county government’s total revenue. The April 2024 Office of the Auditor General’s report indicates that the county government’s wage bill is forty-four (44) percent which is nine (9) percent over and above the allowable limit of thirty five (35) percent.

- vii) Failure to publish the County Fiscal Strategy Paper and the County Annual Development Plan contrary to the provisions of Sections 117(6) and 126(4) of the Public Finance Management Act, 2012.

The Hon. Andrew Sigei acting as the County Executive Committee Member for Finance and Economic Planning has constantly failed to ensure that the County Fiscal Strategy Paper and the County Annual Development Plan are published contrary to the provisions of Sections 117(6) and 126(4) of the Public Finance Management Act, 2012.

8. Failure to ensure development of monitoring and evaluation policy to provide framework for monitoring and reviewing of projects implementation.

ABUSE OF OFFICE

1. That Hon Andrew Sigei acting as CEC Finance and Economic Planning was part of a wider team that irregularly employ BOMWASCO personnel which in turn double the wage bill to unsustainable level.
2. That Hon Andrew Sigei acting as CEC Finance and Economic Planning and his cohort used their offices to irregularly and unlawfully dissolves a legitimate Water and Sanitation Board and Directors and formed an interim Board against the work regulation and 2016 Water Act.
3. That Hon Andrew Sigei acting as CEC Finance and Economic Planning in conjunction with other County Executive Committee Members and irregularly brought in water scheme e.g. Ndanai, Mogombet, Serkutiet, Kamureito, Kapkesosio, Gelegele and Kapcheluch. These schemes were on flat water range with a lot of liabilities, these put the company to unfortunate levels of insolvency. That Hon Andrew Sigei acting as CEC Finance and Economic Planning did nothing by not considering the financial resources that should have been included in the handing over.
4. That Hon Andrew Sigei is a shareholder with 1% of BOMWASCO, he intentionally refused to attend AGM on 29th December 2022, despite being invited by hardcopy and soft copy invite, he was even called on the day by CECM for Water and County Attorney.
5. That Andrew Sigei in October 22, alongside others form an interim board while other boards were still in office against Water Act of 2016.
6. That as a board member for BOMWASCO intentionally orchestrated a scenario where every end of three year term for any board, the CECM introduces this opaque interim board so as to their dirty dealings and governance interference which were meant to disrupt smooth running of the company.
7. That WASREP recommendation is that at the end term of the board a third of the members term should renewed so as to keep the institutional memory, he became one of those who removed the entire board.

8. That Hon Andrew Sigei acting as CEC Finance and Economic Planning in conjunction with present Chief Officer has irregularly paid Ksh. 5M from Longisa Referral Hospital disguise as water bill. These money can't be traced since it was not paid to BOMWASCO and were not water bill as allegedly called.
9. That Hon Andrew Sigei acting as CEC Finance and Economic Planning abrogated himself powers on when and how to pay monthly subsidy of Ksh.8.3M to the company against the binding arrangement/agreement between the County Assembly, County Government and BOMWASCO as per the agreement of 2015.
10. That Hon. Andrew Sigei misled the senate Public Accounts Committee on electricity pending bills of Ksh. 43.4M which was part of the subsidy to BOMWASCO in 2020/2021 financial year. This money was paid by BOMWASCO to Kenya Power but Hon. Andrew Sigei didn't pay which then became an audit query.
11. That during this year's appearance before PIC/PAC committee during the inquiry into the operation and performance of the BOMWASCO, Andrew Sigei lied under oath that he has paid all the monthly subsidy.
12. That Hon. Andrew Sigei acting as CEC Finance and Economic Planning totally failed to live by example by failing to honor BOMWASCO water group, he has by act of commission and omission and acquaintance allowed to honor their water bills which is now running into millions, like over Ksh. 10M .

Members who have appended their signatures in support of the notice of motion pursuant to the provision of the standing order 72, (4) , it is notified that the names members who appended their signatures in support of notice of the motion is hereby attached;

Hon. Speaker, I request that I read the names of the members who have appended their signatures.

1. Hon. Philip Korir
2. Hon. Kiprotich Wesily
3. Hon. Dennis Busienei
4. Hon. Paul Kirui
5. Hon. Nathan Kibet
6. Hon. Roseline Cheptoo
7. Hon. Dennis Ngeno
8. Hon. Joseah Samoei
9. Hon. Peter Mutai

10. Hon. Benard Kimutai Rotich
11. Hon. Ngetich Kibet
12. Hon. Langat Peter
13. Hon. Langat Benard
14. Hon. Richard Ruttoh
15. Hon. Chepkemoi Anne
16. Hon. Kirui Dancel
17. Hon. Kirui Josphat
18. Hon. Rotich Leonard
19. Hon. Eric Kirui
20. Hon. Rotich Ernest
21. Hon. Cheruiyot Japhet Kipkirui
22. Hon. Lilly Cherotich
23. Hon. Caroline Chelangat
24. Hon. Evaline Sang
25. Hon. Cheronno Caren
26. Hon. Vincent Mutai
27. Hon. Victor Rop.

Hon. Speaker I beg to table.

Hon. Speaker (Hon. C. Korir): Proceed Hon. Eric. Thank you very all those members who have brought their notices, as you aware, and has been the practice and as per the standing orders of this Assembly, it is good to know that for the impeachment motions, once the notice has been made, we have three days. It is only after three days when the motions can be tabled in the Assembly.

QUESTIONS AND STATEMENTS

Hon. J. Kipkirui, (Embomos ward, UDA) Thank you very much Mr. Speaker, I wish to ask the CECM in charge of medical service whether the County government is aware of the outbreak of hepatitis B in Embomos Ward, Kitalal Location Kipsinjiri Village, which has so far claimed one life with several others feared to have contracted the disease. And if so;

- I. What immediate measures are being taken by the department of medical services to contain the spread of Hepatitis B, in the affected area since it is a contagious disease.
- II. What steps are being implemented to provide medical assistance and vaccinations to those potentially exposed to the virus?

- III. Has an investigation been launched to determine the sources of outbreak and if so what preliminary findings has been made?
- IV. What public health awareness and educational campaigns are being plan to inform residents about the symptoms, transmission and control measures of the Hepatitis B?
- V. Will additional health care resources and personnel be allocated to Embomos ward to manage the situation and prevent further spread of the disease?
- VI. What long term strategy are in place to prevent further outbreak of Hepatitis B and other infectious diseases in rural areas like Kipsinjiri area?

I beg to lay.

Hon. Speaker (Hon. C. Korir): Proceed to lay.

The member proceeded to lay

That statement that has been raised by Hon. Japhet I don't know whether the Chair Health is around. Committee Chair? Committee vice Chair take note of that you have 30 days but though it is urgent I think 7 days should be enough. Kindly get a statement from the CECM in charge of health.

Hon. B. Rotich (Chebunyo ward, INDEPENDENT): Obligated.

Adjournment

Hon. Speaker (Hon. C. Korir): Thank you very much, this sitting is adjourn up to tomorrow morning 9:30 am.

The Assembly rose at 3:55 PM