



**OFFICIAL HANSARD REPORT**

**COUNTY ASSEMBLY OF BOMET**

**THIRD COUNTY ASSEMBLY**

**ASSEMBLY DEBATES**

**Vol. 3 NO. 158**

## DAILY HANSARD

### *Special Sitting vide Gazette notice no. 9067*

*The Assembly met at the Main Assembly Chamber,*

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

Third County Assembly-Third Session

Tuesday Afternoon 23<sup>rd</sup> July, 2024

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

*County Assembly Mini Chamber at County Assembly Buildings)*

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

## PRAYER

### COMMUNICATION FROM THE CHAIR

**Hon. Speaker(Hon. C.Korir):** Hon. Members, thank you for making time to attend to this Special Sitting today. We have a lot of business to dispense today. I know you were called out of your recess; nonetheless our county comes first before our interests. With us is a long list of people who are present in the public gallery. I will read their names to you.

1. Ferdinand Cheruiyot
2. Kevin Korir
3. General Katam
4. Bildad Cheruiyot
5. Rotich K. General
6. Ronald Rop
7. Kirui Kipngeno
8. Paul Bett
9. Philip Chepkwony
10. Kirui Reuben
11. Mercy Ngelechei
12. Edward Torgotin
13. Jane Kirui
14. Philemon Kirui
15. Jimmy Hussein
16. Thomas Langat

17. Benson Kirui
18. Kiprono Siele
19. Divina Koech
20. Zephania Kirui
21. Dr. Brian Koech
22. Robert Ngeno
23. Wesly Langat
24. Gilbert Korir
25. Gilbert Kimutai
26. Isaiah Kiplangat
27. Korir Weldon
28. Daniel Korir
29. Raymond Kiget
30. Joel K. Bii

I know there are others who are still outside. Other citizen can watch our proceedings live from our Facebook page. I urge the members of the public watching from the public gallery that they are welcomed and expected to maintain silence. You are not allowed to take photos, make comments or create any disturbance at the gallery.

On behalf of all these Hon. Members, you are welcome to this Assembly.

### **NOTICES OF MOTIONS**

DISMISSAL OF HON. ANDREW SIGEI AS THE COUNTY EXECUTIVE COMMITTEE  
MEMBER FOR FINANCE AND ECONOMIC PLANNING

**Hon. N. Kibet (Kapletundo Ward, UDA):** Hon. Speaker(Hon. C.Korir):I beg to give notice of the following Special Motion;

DISMISSAL OF HON. ANDREW SIGEI AS THE COUNTY EXECUTIVE COMMITTEE  
MEMBER FOR FINANCE AND ECONOMIC PLANNING

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 gross violation of the Constitution or any other law, incompetence, abuse of office; gross misconduct; or if convicted of an offence punishable by imprisonment for at least six months.

Whereas Hon. Andrew Sigei, the County Executive Committee Member in charge of Finance and Economic Planning 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 deliver on the mandate of the office which the officer holds and uphold the dignity and respect for the office;

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

Deeply concerned about the allegations of gross violation of the Constitution or the public Finance Management Act, 2012 and any other law and incompetence which undermine the integrity and principles 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. 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

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.

2. 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.

3. 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.

4. 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:

- (a) manage the assets of the entity to ensure that it receives value for money when acquiring, using or disposing of its assets;
- (b) 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;
- (c) 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 KES 157,105,283 against a budgeted figure of KES 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 Kenya shillings 283.37 million was processed through manual pay-rolls 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: -
  - (a) 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—*
      - i. *the county government’s recurrent expenditure shall not exceed the county government’s total revenue;*

- ii. *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.

- (b) 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—*

- i. *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.

- ii. *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.

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.

Hon. Speaker(Hon. C.Korir):I confirm to you that 33 Hon. Members appended their signatures to this Notice of Motion. I beg to table.

*(Hon. K. Ngetich rose on a point of order)*

**Hon. Speaker(Hon. C.Korir):**(Hon. C. Korir): What point of order do you have, Hon. Kibet? Unless you have a request

**Hon. K. Ngetich (Siongiroi Ward, CCM):** Hon. Speaker(Hon. C.Korir):I think it is prudent for the Hon. Member to read out the names of the Hon. Members who appended their signatures.

**Hon. Speaker(Hon. C.Korir):**(Hon. C. Korir): Hon. Nathan, read out the names of the Members who appended their signatures.

**Hon. N. Kibet (Kapletundo Ward, UDA):** Hon. Speaker(Hon. C.Korir):as I said 33 Hon. Members appended their signatures:

1. Hon. Paul Kirui
2. Hon. Peter Langat
3. Hon. Leonard Rotich
4. Hon. Dennis Ngeno
5. Hon. Benard Langat
6. Hon. Ernest Rotich
7. Hon. Japhet Cheruiyot
8. Hon. Josphat Kipkirui
9. Hon. Vincent Mutai
10. Hon. Victor Rop
11. Hon. Caroline Chelangat
12. Hon. Peter Rono
13. Hon. Dancel Kirui Kipngeno
14. Hon. Stephen Changmorik



15. Hon. Kibet Ngetich
16. Hon. Mutai Peter
17. Hon. Cheptoo Rosaline
18. Hon. Joseah Samoei
19. Hon. Emily Cheruiyot
20. Hon. Richard Ruttoh
21. Hon. Ann Mutai
22. Hon. Lily Cherotich
23. Hon. Dennis Busienei
24. Hon. Eric Kirui
25. Hon. Wesley Kiprotich
26. Hon. Chemutai Naomi
27. Hon. Evaline Sang
28. Hon. Cheronno Caren
29. Hon. Philip Korir
30. Hon. Catherine Chepngetich
31. Hon. Benard Kimutai Rotich
32. Hon. Robert Langat
33. Hon. Nathan Kibet

I beg to table.

**Hon. V. Rop (Nominated Member, UDA):** Hon. Speaker(Hon. C.Korir):I have a request.

**Hon. Speaker(Hon. C.Korir):**(Hon. C. Korir): What is your request, Hon. Victor?

**Hon. V. Rop (Nominated Member, UDA):** Hon. Speaker(Hon. C.Korir):can the Hon. Member also mention the names of those who did not append their signatures?

**Hon. Speaker(Hon. C.Korir):**(Hon. C. Korir): You can fill that for yourselves, Hon. Members.

*(Hon. N. Kibet proceeded to table)*

**END OF TAKE**

**HANSARD SPECIAL SITTING JULY 23 AFTERNOON TAKE 2 ALDRIN 2024**

**START TAKE 2...**

...honorable Bernard Kimutai Rotich, honorable Robert Langat and of course honorable Nathan Kibet Honorable Speaker. I beg to table.

**Hon. Speaker(Hon. C.Korir):**(C. Korir): Proceed to table honorable Nathan.

**Hon. V. Rop (Nominated Member, UDA):** Request honorable speaker.

**Hon. Speaker(Hon. C.Korir):(C. Korir):** What is your request honorable Victor?

**Hon. V. Rop (Nominated Member, UDA):** I would also like the honorable member to mention to us the names that did not append their signatures to it. Thank you.

*(Applause)*

**Hon. Speaker(Hon. C.Korir):(C. Korir):** I think you can feel for yourself after the reading. Proceed honorable Nathan.

Any other member with a notice of motion?

**Hon. P. Langat (Merigi Ward, Independent):** Okay thank your honorable speaker for according me this time to give this notice of motion.

**Hon. Speaker(Hon. C.Korir):(C. Korir):** Proceed honorable Langat.

**Hon. P. Langat (Merage Ward, Independent):** Honorable speaker, I beg to give notice of the following special motion; dismissal of honorable Joseph Kipngetich Kirui as the County Executive Committee Member for Administration, Public Service and Special Programs. Mr. Speaker, in consideration of the provision of section 40 of the county government 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** honorable Joseph Kipngetich Kirui, the County Executive Committee Member in charge of administration, Public Service and Special Programs.

**Hon. Speaker(Hon. C.Korir):(C. Korir):** Honorable Langat, Kindly move near your Mic.

**Hon. P. Langat (Merigi Ward, Independent):** Maybe because of the height, I will have to bend a bit.

**Hon. Speaker(Hon. C.Korir):(C. Korir):** Proceed.

**Hon. P. Langat (Merigi Ward, Independent):**

**WHEREAS** honorable Joseph Kipngetich Kirui, the County Executive Committee Member in charge of administration, Public Service and Special Programs 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 provision of the constitution in duty bound to uphold the dignity and respect for the office he holds;

**MINDFUL** of the county assembly oversight mandate as stipulated under the constitution of Kenya and the county government act 2012;

**DEEPLY CONCERNED** about the allegations of gross misconduct, abuse of office and violation of laws which undermine the integrity and principles of the public service required from such high officer;

**THAT** this county Assembly pursuant to the provision of section 40 (2) of the county governments act 2012 and standing order 72 of the county assembly standing orders resolves that governor dismisses honorable 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 violations of the constitution or any other law.**

- i.** Failure to ensure payment of casual workers. THAT honorable Joseph Kipngetich Kirui as the executive member in charge of Public Service grossly violated the employment act 2007 by failing to ensure his department process payment for casual workers engaged by the county government despite clear budgetary provisions.
- ii.** Non-Payment of Village Managers. THAT honorable Joseph Kipngetich Kirui in his administrative capacity as head of county administration violated the principles of financial accountability and employment act 2007 by neglecting to process payments for village managers for several months.
- iii.** Failure to remit statutory deduction. THAT honorable Joseph Kirui grossly violated the National Social Security Fund Act and National Hospital Insurance Fund Act by failing to ensure timely remittance of statutory deduction causing the county government to accrue a significant debt to NSSF and NHIF and thus exposing county staff to distress.

**b) Incompetence**

- i.** Stalled infrastructure Projects. THAT honorable Joseph Kipngetich Kirui demonstrated incompetence in Public Administration by failing to oversee the completion of critical infrastructure projects including the governor's residence and various ward offices despite repeated budgetary allocation over 5 years resulting in continued delays.
- ii.** Poor working conditions for county staff. THAT honorable Joseph Kipngetich Kirui has failed to ensure adequate working condition including proper furniture, working space, stipends and field allowances for county staff in Sub County and ward offices displaying a lack of administrative competence.

**c) Abuse of office.**

- i. Unprocedural renewal of contracts. THAT honorable Joseph Kipngetich Kirui abused his office by attempting to renew contracts for sub ward administrators in a manner that usurped the role of County Public Service Board and undermined established Public Service regulations.

**d) Gross Misconduct**

- i. Physical assault within county premises. THAT honorable Joseph Kipngetich Kirui engaged in a gross misconduct and violated the penal code cap 63 and the leadership and integrity act 2012 by attempting to cause physical harm to one Bernard Langat within the precincts of County offices.
- ii. Failure to respond to assembly inquiries. THAT honorable Joseph Kipngetich Kirui by repeatedly failing to respond to questions posed by the county assembly committee contravening section 39 (2) (a) and (b) of the county government act 2012 showing a blatant disregard for legislative oversight.

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 and I am going to read their names as requested by some honorable members;

1. Hon. Peter Langat
2. Hon. Paul Kirui
3. Hon. Richard Ruttoh
4. Hon. Joseah Samoei
5. Hon. Dennis Ngeno
6. Hon. Kibet Ngetich
7. Hon. Mutai Peter
8. Hon. Josphat Kirui
9. Hon. Dancel Kipngeno Kirui
10. Hon. Japhet Cheruiyot
11. Hon. Cheptoo Roseline
12. Hon. Nathan Kibet
13. Hon. Bernard Langat
14. Hon. Leonard Rotich
15. Hon. Lily Cherotich

16. Hon. Caroline Chelangat
17. Hon. Stephen Changmorik
18. Hon. Eric Kirui
19. Hon. Victor Rop
20. Hon. Mutai Vincent
21. Hon. Emily Cheruiyot
22. Hon. Wesley Kiprotich
23. Hon. Chemutai Naomi
24. Hon. Evaline Sang
25. Hon. Cheronno Caren
26. Hon. Anne Mutai
27. Hon. Philip Korir
28. Hon. Catherine Chepngetich
29. Hon. Bernard Kimutai Rotich
30. Hon. Dennis Busienei
31. Hon. Peter Ronoh
32. Hon. Felody Chepkirui

Honorable Speaker, I beg to table.

**Hon. Speaker(Hon. C.Korir):(C. Korir):** Proceed honorable Langat.

*(Applause)*

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

**Hon. Speaker(Hon. C.Korir):(C. Korir):** What is your request honorable Dennis?

**Hon. D. Ngeno (Kongasis Ward, CCM):** Thank you very much Mr. Speaker. It is my request Mr. Speaker that some honorable members who appended their signatures in the said motion, their names have been read out and their opinions have been heard. The honorable members whose signatures did not appear in the motion are also feeling that their opinion is not heard. Mr. Speaker, it is also honorable that their names are read so that their opinion counts. Thank you very much.

*(Applause)*

**Hon. Speaker(Hon. C.Korir):(C. Korir):** Honorable Dennis you wanted to inform the chair or who?

**Hon. D. Ngeno (Kongasis Ward, CCM):** Yes Mr. Speaker the chair.

**Hon. Speaker(Hon. C.Korir):(C. Korir):** Okay. I believe all members here know that they are

38. The remaining of course have not appended their signatures. Now that will be something else. I think for the motion to be here, we need a number of them and the names have been read. We will proceed with the other list. Honorable Dennis People can deduce from what we have.

**Hon. D. Ngeno (Kongasis Ward, CCM):** Mr. Speaker, what I was implying is that now that the honorable members who appended their signatures their opinion is already heard that they are part of the motion, Mr. Speaker it is also honorable that the opinion of the other members is also heard that they are descending to the motion so Mr. Speaker it is honorable that you also give a direction as you did earlier on Mr. Speaker that their names and their opinion also counts in the said motion Thank you very much Mr. Speaker.

**Hon. Speaker(Hon. C.Korir):(C. Korir):** Honorable Dennis I think you are jumping the gun here. This is not a debate. It is a notice of motion. Those who have approved are 33. It shows it is a clear majority however, during the debate is when we will have the opinion of those who are dissenting. With all due respect I will ask you to wait until the day when we will be having the debate and if it will be your wish then we will make it known during that period if you want the members of the public to know who and who supported and who are dissenting.

**Hon. D. Ngeno (Kongasis Ward, CCM):** Yeah that was my intention Mr. Speaker.

**Hon. Speaker(Hon. C.Korir):(C. Korir):** Thank you. I will ask you just to be patient a little bit. The point of debate is when we will get to know who are those. Thank you very much. Any other notice? Honorable Kibet.

**Hon. K. Ngetich; Minority Leader (Siongiroi Ward, CCM):** Thank you Mr. Speaker for giving me this opportunity. I beg to give notice of the following motion; Dismissal of Engineer Alexander Ngeno as the chairperson of Bomet County Public Service Board.

Mr. Speaker cognizant with the fact that article 251 (1) of the constitution of Kenya 2010.

**Hon. Speaker(Hon. C.Korir):(C. Korir):** I would urge you to get closer to the mic.

**Hon. K. Ngetich; Minority Leader (Siongiroi Ward, CCM):** ...2010 read intended with section 58 alongside section 5 of the county government act 2012, provide for the removal of the chairperson of County Public Service Board on grounds of serious violation of the constitution or any other law including contravention of chapter six; gross misconduct, physical or mental incapacity to perform the functions of the office; incompetence or bankruptcy;

**NOTING** that article 10 as read together with article 73, 74, 75 and 232 of the constitution of Kenya 2010, underscores the accountability of state and public officers for decisions and actions as the key guiding principle of leadership and integrity;

**AND WHEREAS** section 8, 9, 10,11, 24,32 and 34 of the leadership and integrity act

establishes the general leadership and integrity code including the bridge of public trust, failure to carry out the duties of respective offices and impartiality and objectivity as per article 10, 27, 73 read alongside 2 (b) and 75 of the constitution, obligating the state officer to behave in a manner that avoids compromising public or official interests in favor of personal interest;

**RECOGNISING** that section 59 (a) of the county government act stipulates that; the county public service Board shall be independent and subject to direction from any institution;

**NEVERTHELESS**, does not immunities the board from accountability to the public and performance of the constitutional functions with integrity, oversight by this county assembly pursuant to article 73, 74,75, 185 and 232 of the constitution of Kenya 2010;

**FURTHER RECOGNISING** that article 10, 232, 235, 236 of the constitution along with section 59 (a), 60, 62, 63,64 and 65 of the county governments act 2012 provide the values and principles of public service and regulatory framework for the establishment of county public offices and the recruitment, employment, deployment, transfer and dismissal of county public officers which the county public service board is expected to operate within;

**NOTING WITH CONCERN** that there have been numerous complaints centering on the violation of article 73 (2) (d) of the constitution by the public service board for the decisions and actions;

**NOTING** that in giving effects of the article 10 and 232 of the constitution section 59 (1) (d) and (f) of the county governments act 2012 requires the county public service board to prepare regular reports for submission to the county assembly on the execution of its functions and to report annually on the extend of compliance with values and principles referred to in article 10 and 232;

**CONCERNED** that the analysis of recent activities of Bomet county public service board and complaints raised by the public indicate actions contrary to the provision of the constitution of Kenya 2010 and county governments act 2012, the leadership and integrity act 2012 and anti-corruption and economic crimes act 2016 and public officer's ethics act 2009;

**NOW THEREFORE**, this county assembly **Resolves** to remove engineer Alexander Ngeno as the chairperson of the Bomet county public service board on the following grounds;

- 1) Serious violation of the constitution and other laws. Neglect of statutory duties and contempt of the county assembly.** THAT Engineer Alexander Ngeno in his capacity as the chairperson of the Bomet County Public Service Board has grossly violated article 73 and 195 of the constitution of Kenya and section 51 (1) (d), (e) and (f) of the county government act 2012 by;

- a) Failing to furnish the county assembly with reports on the execution of board functions and the extent to which the values and principles referred to in article 10 and 232 of the constitution are upheld within the county public service. This failure has hindered the county assembly for exercising its oversight and legislative mandate specifically he and other members of the board deliberately refused to submit details of the selection criteria, method used for the chief officers' interviews pursuant to a request from the county assembly on 25<sup>th</sup> October 2023.
  - b) Retention of staff beyond mandatory retirement age. THAT Engineer Alexander Ngeno as the chairperson of Bomet County Public Service Board has grossly violated the regulation number 70 (1) of public service commission regulation 2020 an section (d) 2021 of human resource policies and procedures manual 2016 by allowing the retention of approximately 19 employees within the county's payroll system for over a year despite these employees having attained mandatory age of 60 contrary to the provision mandating public officers to retire at the age of 60 or 65 for Persons With Disabilities.
- 2) Gross Misconduct, Nepotism and Conflict of interest;**
- a) THAT Engineer Alexander Ngeno in his capacity as chairperson of Bomet County Public Service Board, has engaged in misconduct by short listing the vice chairperson of the board for the position of chief officer thereby violating the principle of fair recruitment, public trust and presenting a clear conflict of interest as mandated by article 10 and 73 (1) (a) (iii) and (iv) of the constitution of Kenya; hiring relatives including brother in-law to a position of director within the county public service board which has significantly eroded public trust in the public service board contrary to article 75 and 232 of the constitution and failing to uphold the integrity, impartiality required of state officers as outlined in section 8, 9,10,11, 24, 32 and 34 of leadership and integrity act 2012 and section 9 and 11 (1), (2) (a) , (c) of the public and officers ethics act.
  - b) Violation of appointment laws and regulation. Engineer Alexander Ngeno as the chairperson of Bomet County public Service Board has violated the laws and regulation governing the appointments by; approving the employment of unnecessary and redundant positions in the county public service board such as program officers while neglecting other key areas in utter disregard of section 65



(1) of the county government act 2012 which mandate consideration of standard values and principles set out in article 10...

...END TAKE 2.

### **HANSARD SPECIAL SITTING 23 JULY AFTERNOON TAKE 3 TERER**

**Hon. V. Ngetich, Minority Leader,(Siongiroi-CCM):** 27(4), 56(c), and 232(1) of the Constitution.

(iii) Allowing officers to act in positions beyond the stipulated period, significantly affecting performance in various departments, contrary to prescribed legal frameworks.

### **INCOMPETENCE**

THAT, Eng. Alexander Ngeno, in his capacity as the Chairperson of the Bomet County Public Service Board, has demonstrated gross incompetence by—

(i) Failing to fulfill or cause the fulfillment of the provisions of Section 59(4) of the County Governments Act, 2012, including the failure to formulate the County Annual Recruitment Plan, contrary to Section B (2)(1) of the Human Resource Policies and Procedures Manual for the Public Service.

(ii) Employing persons to various positions without reasonable advertisement to the public regarding the vacancy of such positions, such as COVID-19 interns, contrary to Article 232(1)(h) of the Constitution of Kenya, which demands transparency and the provision of timely, accurate information to the public in the provision of public service.

(iii) Causing a ballooning wage bill and wastage of public resources by failing to formulate the annual recruitment plan and advise the county executive accordingly, thereby exceeding the stipulated 35% wage bill threshold.

### **4. NON-COMPLIANCE WITH COURT ORDERS**

THAT, Eng. Alexander Ngeno, in his capacity as the Chairperson of the Bomet County Public Service Board, has shown blatant disregard for the rule of law by— openly disobeying court

orders by failing to reinstate employees who were unjustly removed and by continuing to remove individuals from the payroll despite court directives to the contrary. 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 for the removal of Engineer Alexander Ngeno are as follows;

1. Hon. Nathan Kibet
2. Hon. Kibet Ngetich
3. Hon. Eric Kirui
4. Hon. Josphat Kirui
5. Hon. Kipkirui Mutai Peter
6. Hon. Philip Korir
7. Hon. Japhet Cheruiyot
8. Hon. Ernest Rotich
9. Hon. Dennis Ngeno
10. Hon. Joseah Samoei
11. Hon. Victor Rop
12. Hon. Catherine Chepngetich
13. Hon. Vincent Mutai
14. Hon. Leonard Rotich
15. Hon. Caroline Chelangat
16. Hon. Cheron Caren
17. Hon. Robert Langat
18. Hon. Emily Cheruiyot
19. Hon. Stephene Changmorik
20. Hon. Peter Langat
21. Hon. Richard Ruttoh
22. Hon. Evaline Sang
23. Hon. Lilly Cherotich
24. Hon. Benard Kimutai Rotich
25. Hon. Chemutai Naomy
26. Hon. Paul Kirui
27. Hon. Chepkirui Felody

28. Hon. Dancel Kirui

29. Hon Ann Chepkemoi

So Mr. Speaker I beg to lay.

**Hon. Speaker (Hon. C.Korir):** Proceed. Are you done?

**Hon. V. Ngetich, Minority Leader (Siongiroi Ward, CCM):** I am not done. Thank you Mr. Speaker for giving me this opportunity again to lay the same charges for the interest of the public, the charges are the same. It is only for Millicent who is coming up shortly, the one who shortlisted herself and she is going to interview herself again.

### **DISMISSAL OF MILCEN SOI AS A MEMBER OF THE BOMET COUNTY PUBLIC SERVICE BOARD**

**COGNIZANT** of the fact that Article 251(1) of the Constitution of Kenya, 2010, read in tandem with Section 58(5) of the County Governments Act, 2012, provides for the removal of the Members of the County Public Service Board. **NOTING** that Article 10, as read together with Articles 73, 74, 75, and 232 of the Constitution of Kenya, 2010, underscores accountability of state and public officers to the public for decisions and actions as a key guiding principle of leadership and integrity;

**AND WHEREAS** Sections 8, 9, of the Leadership and Integrity Act establish the general leadership and integrity code, including the breach of public trust, failure to carry out the duties of respective offices in a transparent and professional manner, and failure to conduct duties with impartiality and objectivity as per Articles 10, 27, 73(2)(b), and 75 of the Constitution, obligating a state officer to behave in a manner that avoids compromising public. I will be a little faster.

Section 59A of the County Governments Act stipulates that the County Public Service Board shall be independent and not subject to direction from any institution, it nevertheless does not immunize the Board from accountability to the public, the performance of constitutional functions with integrity, and oversight by this County Assembly pursuant to Articles 73, 74, 75, 185, and 232 of the Constitution of Kenya, 2010;

In concerned that the analysis of recent activities of the Bomet County Public Service Board and complaints raised by the public indicate actions contrary to the provisions of the Constitution of Kenya, 2010, the County Governments Act, 2012, the Leadership and Integrity Act, 2012, the Anticorruption and Economic Crimes Act, 2016, and the Public Officers Ethics Act, 2009;

**NOW THEREFORE**, this County Assembly resolves to remove Ms. Milcen Soi as a member of the Bomet County Public Service Board on the following grounds;

**SERIOUS VIOLATION OF THE CONSTITUTION AND OTHER LAWS**

a) Neglect of Statutory Duties and Contempt of the County Assembly. THAT, Ms.Milcen Soi, in her capacity as a member of the Bomet County Public Service Board,

**1. GROSS MISCONDUCT**

THAT, Ms. Milcen Soi, in her capacity as a member of the Bomet County Public Service Board, Shortlisting herself for positions of Chief Officer.

**2. VIOLATION OF APPOINTMENT LAWS AND REGULATIONS**

THAT, Ms.Milcen Soi, as a member of the Bomet County Public Service Board, has violated the laws and regulations governing appointments by— approving the employment of unnecessary and redundant positions.

**3. INCOMPETENCE**

THAT, Ms.Milcen Soi, in her capacity as a member of the Bomet County Public Service Board, has demonstrated gross incompetence by— failing to fulfill or cause the fulfillment of the provisions of Section 59(4) of the County Governments Act, 2012, including the failure to formulate the County Annual Recruitment Plan.

**4. NON-COMPLIANCE WITH COURT ORDERS**

THAT, Ms.Milcen Soi, in her capacity as a member of the Bomet County Public Service Board, has shown blatant disregard for the rule of law by openly disobeying court orders by failing to reinstate employees and on that I think it is the same, and members who appended the signatures for Milcen Soi are:

1. Hon. Victor Rop
2. Hon Kibet Nathan
3. Hon. Eric Kirui
4. Hon. Japhet Cheruiyot
5. Hon. Philip Korir
6. Hon. Peter Mutai
7. Hon. Kibet Ngetich
8. Hon. Joseah Samoei
9. Hon. Josphat Kipkirui
10. Hon. Ernest Rotich
11. Hon. Caren Cheron
12. Hon. Catherine Chepngetich
13. Hon. Stephine Changmorik
14. Hon. Emily Cheruiyot
15. Hon. Caroline Chelangat
16. Hon. Benard Langat
17. Hon. Richard Ruttoh
18. Hon Dennis Ngeno
19. Hon. Peter Kipchirchir
20. Hon. Cheptoo Roseline
21. Hon. Evaline Sang
22. Hon. Lilly Cherotich
23. Hon. Robert Langat
24. Hon. Benard Kimutai Rotich
25. Hon. Wesily Kiprotich
26. Hon. Vincent Mutai
27. Hon. Leonard Rotich
28. Hon. Chemutai Naomy

29. Hon. Paul Kirui

30. Hon Felody Chepkirui

31. Hon. Denies Busienei

32. Hon. Anne Chepkemoi

I beg to lay.

**Hon. Speaker(Hon. C.Korir):** Proceed. You still have another one?

**Hon. V. Ngetich, Minority Leader (Siongiroi ward, CCM):** Just two, but of course you know when you're dismissing someone from office, you have to be very careful they will say I didn't heard the reason why I was haunted out of office.

The third member is Mr. Isaiah Byegon member of the Bomet County Public Service Board. The same charges again.

Noting that article 10 as read with the article 73, 74, 75 and 232 of the Constitution of Kenya 2010, underscores the accountability and section 8, 9, 10, 11, 24, 32 and 34 of the Leadership and Integrity Act 2012, established the general leadership and integrity code.

**RECOGNIZING THAT** Section 59A of the County Governments Act, 2012 stipulates that the County Public Service Board shall be independent and not subject to direction from any institution so noting with concern that there have been numerous complaints from the public that is violations of Article 73(2)(d).

**NOTING** that in giving effect to Articles 10 and 232 of the Constitution, Section 59(1)(d) and (f) of the County Governments Act, 2012, requires the County Public Service Board to prepare regular reports for submission to the County Assembly.

Now therefore, this County Assembly resolves to remove Isaiah Byegon as a member of the Bomet County Public Service Board on the following grounds;

(i) **SERIOUS VIOLATION OF THE CONSTITUTION AND OTHER LAWS**

Neglect of Statutory Duties and Contempt of the County Assembly by; Failing to furnish the County Assembly with reports on the execution of the Board's functions and the extent to which the values and principles referred to in Articles 10 and 232.

That, Isaiah Byegon, as a member of the Bomet County Public Service Board, has grossly violated Regulation No. 70(1) of the Public Service Commission Regulations, 2020, and Section D.21 of the Human Resource Policies and Procedures Manual, 2016 by allowing again the retention of approximately 19 employees within the County's Payroll. Gross misconduct, Conflict of Interest.

That Isaiah Byegon, in his capacity as a member of the Bomet County Public Service Board, has engaged in gross misconduct by violation of appointment laws and regulations. That, Isaiah Byegon, as a member of the Bomet County Public Service Board, has violated the laws and regulations governing appointments by approving the employment of unnecessary and redundant positions in the County Public Service, such as Programs Officers.

**Incompetence;** Isaiah Byegon, in his capacity as a member of the Bomet County Public Service Board, has demonstrated gross incompetence by failing to fulfill or cause the fulfillment of the provisions of Section 59(4) of the County Governments Act, 2012, including the failure to formulate the County Annual Recruitment Plan.

Employing persons to various positions without reasonable advertisement to the public regarding the vacancy of such positions, such as COVID-19 interns, contrary to Article 232(1)(h) of the Constitution of Kenya, which demands transparency.

Noncompliance with court orders. Isaiah Byegon, in his capacity as a member of the Bomet County Public Service Board, has shown blatant disregard for the rule of law by openly disobeying court orders.

Members who appended their signatures for the removal of Byegon are:

1. Hon. Kibet Ngetich
2. Hon. Evaline Sang
3. Hon. Nathan Kibet
4. Hon. Eric Kirui
5. Hon. Mutai Peter
6. Hon. Josphat Kipkirui
7. Hon. Piliph Korir
8. Hon. Stephene Changmorik
9. Hon. Ernest Rotich
10. Hon. Joseah Samoei
11. Hon. Victor Rop
12. Hon. Catherine Chepngetich
13. Hon. Chelangat Caroline
14. Hon. Richard Ruttoh
15. Hon. Vincent Mutai

16. Hon. Benard Rotich
17. Hon. Dennis Ngeno
18. Hon. Benard Langat
19. Hon. Robert Langat
20. Hon. Peter Langat
21. Hon. Cheronno Caren
22. Hon. Emily Cheruiyot
23. Hon. Lilly Cherotich
24. Hon. Benard Kimutai Rotich
25. Hon. Wesily Kiprotich
26. Hon Naomy Chemutai
27. Hon. Paul Kirui
28. Hon. Chepkirui Fellody
29. Hon. Dancel Kipngeno
30. Hon. Dennis Busienei
31. Hon. Ann Chepkemoui
- 32.

I beg to lay.

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

**Hon. V. Ngetich, Minority Leader (Siongiroi Ward, CCM):** I still have one more Mr. Speaker. This is our very own Mr. Tuei, the champion on its own.

**DISMISSAL OF MR.DAVID TUEI AS A MEMBER OF THE BOMET COUNTY PUBLIC SERVICE BOARD**

The Article 251(1) of the Constitution of Kenya, 2010, read in tandem with Section 58(5) of the County Governments Act, 2012, provides for the removal of the Members of the County Public Service Board on grounds of serious violation of the Constitution or any other law, including contraventions of Chapter Six, gross misconduct, physical or mental incapacity.

Whereas Sections 8, 9, 10, 11, 24, 32, and 34 of the Leadership and Integrity Act establish the general leadership and integrity code, including the breach of public trust, failure to carry out the duties of respective offices in a transparent and professional manner, and failure to conduct duties with impartiality and objectivity as per Articles 10, 27, 73(2)(b), and 75 of the Constitution.

Further recognizing that Articles 10, 232, 235, and 236 of the Constitution, along with Sections



59, 59A, 60, 62, 63, 64, and 65 of the County Governments Act, 2012.

Noting with concern that there have been numerous complaints centering on alleged violations of Article 73(2)(d) of the Constitution by the Public Service Board. Noting that in giving effect to Articles 10 and 232 of the Constitution, Section 59(1)(d) and (f) of the County Governments Act, 2012, requires the County Public Service Board to prepare regular reports for submission to the County Assembly on the execution of its functions and to report annually on the extent of compliance with values and principles referred to in Articles 10 and 232;

**CONCERNED THAT** the analysis of recent activities of the Bomet County Public Service Board and complaints raised by the public indicate actions contrary to the provisions of the Constitution of Kenya, 2010, the County Governments Act, 2012, the Leadership and Integrity Act, 2012.

**THEREFORE**, this County Assembly resolves to remove David Tuei as a member of the Bomet County Public Service Board on the following grounds;

**SERIOUS VIOLATION OF THE CONSTITUTION AND OTHER LAWS**

a) **Neglect of Statutory Duties and Contempt of the County Assembly;**

**THAT**, David Tuei, in his capacity as a member of the Bomet County Public Service Board, has grossly violated Articles 73 and 195 of the Constitution of Kenya and Section 51(1)(d), (e), and (f) of the County Governments Act, 2012 by— Failing to furnish the County Assembly with reports on the execution of the Board's functions and the extent to which the values and principles referred to in Articles 10 and 232 of the Constitution are upheld within the County Public Service.

**THAT**, David Tuei, as a member of the Bomet County Public Service Board, has grossly violated Regulation No. 70(1) of the Public Service Commission Regulations, 2020, and Section D.21 of the Human Resource Policies and Procedures Manual, and allowing the retention of approximately 19 employees within the County's Payroll System for over a year despite these employees having attained the mandatory retirement age.

**GROSS MISCONDUCT**

a) **Conflict of Interest**

**THAT**, David Tuei, in his capacity as a member of the Bomet County Public Service Board, has engaged in gross misconduct by; Allowing his colleagues to hire relatives which has significantly eroded public trust in the County Public Service Board, contrary to Articles 75 and 232 of the Constitution, and failing to uphold the integrity and impartiality required of state officers as outlined in Sections 8, 9, 10, 11, 24, 32, and 34 of the Leadership and Integrity Act.

**THAT**, David Tuei, as a member of the Bomet County Public Service Board, has violated the laws and regulations governing appointments by; approving the employment of unnecessary and redundant positions.

Allowing officers to act in positions beyond the stipulated period, significantly affecting performance in various, contrary to prescribed legal frameworks.

**INCOMPETENCE**

**THAT**, David Tuei, in his capacity as a member of the Bomet County Public Service Board, has demonstrated gross incompetence by failing to fulfill or cause the fulfillment of the provisions of Section 59(4) of the County Governments Act, 2012, including the failure to formulate the County Annual Recruitment Plan.

Employing persons to various positions without reasonable advertisement to the public regarding the vacancy of such positions, such as COVID-19 interns, contrary to Article 232(1)(h) of the Constitution of Kenya.

Causing a ballooning wage bill and wastage of public resources by failing to formulate the annual recruitment plan and advise the county executive accordingly.

**THAT**, David Tuei, in his capacity as a member of the Bomet County Public Service Board, has shown blatant disregard for the rule of law by:

Openly disobeying court orders by failing to reinstate employees who were unjustly removed and by continuing to remove individuals from the payroll despite court directives to the contrary.

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 are as follows:

1. Hon. Ernest Rotich
2. Hon. Nathan Kibet
3. Hon. Eric Kirui
4. Hon. Kibet Ngetich
5. Hon. Mutai Peter
6. Hon. Richard Ruttoh

7. Hon. Josphat Kipkirui
8. Hon. Japhet Kipkirui
9. Hon. Joseah Samoei
10. Hon. Vincent Mutai
11. Hon. Victor Rop
12. Hon. Cheronno Caren
13. Hon. Catherine Chepngetich
14. Hon. Leonard Rotich
15. Hon. Wesilly Kiprotich
16. Hon. Dennis Ngeno
17. Hon. Caroline Chelangat
18. Hon. Bernard Langat
19. Hon. Peter Langat
20. Hon. Stephene Changmorik
21. Hon. Evaline Sang
22. Hon. Emily Cheruiyot
23. Hon. Lilly Cherotich
24. Hon. Robert Langat
25. Hon. Benard Kimutai
26. Hon. Paul Kirui
27. Hon. Chepkirui Fellody
28. Hon. Naomi Chemutai
29. Hon. Dennis Busienei
30. Hon. Chepkemoi Ann

So thank you Mr. Speaker, may I beg to lay, for those who I didn't call out their names they know the reason why, so Mr. Speaker I beg to lay.

**Hon. Speaker(Hon. C. Korir):** Proceed Hon. Kibet, Minority Leader. I hope you are done.

**Hon. V. Ngetich, Minority Leader (Siongiroi Ward, CCM):** Yeah.

**Hon. Speaker(Hon. C. Korir):** Hon. Mutai

**Hon. P. Mutai, (Sigor Ward, UDA):** Thank you Mr. Speaker, I beg to give notice of the following special motion;

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

**Hon. Speaker(Hon. C. Korir):** Proceed.

**Hon. P. Mutai (Sigor Ward, UDA):** In consideration Mr. Speaker, of the provisions of Section 40 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;

Mr. Speaker, whereas, Hon. Erick 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, Mr. Speaker, 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. Mr. Speaker mindful of the county assembly’s mandate as stipulated under the Constitution of Kenya and the County Governments Act, 2012; deeply concerned about the allegations of gross misconduct, abuse of office, and violation of laws which undermine the integrity and principles of public service required from such high office Mr. Speaker.

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. Erick Kipkoech Ngetich from the office of the County Executive Committee Member for Roads, Public Works, and Transport on the following grounds:

Gross Violation of the Constitution and Other Laws. 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: 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.

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.

Mr. Speaker number three, 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.

Mr. Speaker, Abuses 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.

Mr. Speaker there is also Gross Misconduct, Issuance of Fraudulent LPOs. 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 LPO for routine maintenance and construction of Kakimulday-Karab Barsukata and the construction of Saoset and Chepkirib roads turned out to be fraudulent.

Failure to Ensure Maintenance of County Vehicles. 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: 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.

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: 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: Underutilization 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: 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.

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

Attached and I would like Mr. Speaker to read out their names;

1. Hon. Langat Peter
2. Hon. Mutai Peter
3. Hon. Paul Kirui
4. Hon. Joseah Samoei
5. Hon. Kibet Ngetich
6. Hon. Richard Ruttoh
7. Hon. Japhet Cheruiyot
8. Hon. Ernest Rotich

9. Hon. Benard Langat
10. Hon. Dennis Ngeno
11. Hon. Josphat Kipkirui
12. Hon. Victor Rop
13. Hon. Mutai Vincent
14. Hon. Caroline Chelangat
15. Hon. Peter Rono
16. Hon. Dancel Kirui Kipngeno
17. Hon. Nathan Kibet
18. Hon. Leonard Rotich
19. Hon. Stephen Changmorik
20. Hon. Cheptoo Rosaline
21. Hon. Emily Cheruiyot
22. Hon. Felody Chepkirui
23. Hon. Anne Mutai
24. Hon. Lily Cherotich

Mr. Speaker, I beg to table.

**Hon. Speaker(Hon. C. Korir):** Proceed to table. Thank you very much Hon. Mutai and also the chair for roads and public works. Any other notice? Thank you very much, clerk.

#### **PROCEDURAL MOTION**

**Hon. P. Kirui, Leader of Majority (Ndanai/Abosi ward, UDA):** Hon. Speaker(Hon. C.Korir):I beg to move the following procedural motion THAT, pursuant to Standing Orders 28(4) of the County Assembly Standing Orders...

*(Hon. W. Kiprotich (Chepchas ward, UDA) rose on a point of order)*

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

**Hon. W. Kiprotich (Chepchas Ward, UDA):** I think Hon. Speaker(Hon. C.Korir):in order of procedures I noticed unless I dozed off you did not commit the notices of motions.

**Hon. Speaker(Hon. C. Korir):** Thank you very much I intended that at the end of the session I will give my direction, proceed majority leader.

**Hon. P. Kirui, Leader of Majority (Ndanai/Abosi ward, UDA):** Thank you Mr. Speaker I beg to move the following procedural motion THAT, pursuant to Standing Orders 28(4) of the County Assembly Standing Order this County Assembly resolves to alter its calendar so as to resume its normal sitting days on Monday 29<sup>th</sup> July, 2024 at 2.30 P.m. instead of Tuesday 30<sup>th</sup>

July, 2024.

**Hon. Speaker (Hon. C. Korir):** This special sitting today we've had a lot of notices that have been laid on the table that need to be urgently dispensed. Also, as we proceeded for recess there were other pending businesses that were not concluded and it is high time that we alter the calendar so that we address these issues. I therefore urge the honorable members to support this motion to alter the calendar so that we resume on Monday 29<sup>th</sup> July 2024 2:30 p.m. instead of Tuesday 30<sup>th</sup> July 2024. I therefore request Hon. Kibet to second.

**Hon. Speaker(Hon. C. Korir):** Before Hon. Kibet, Hon. Mutai kindly resume your seat. Hon. Mutai as you were reading your list some members are concerned that you did not read their names. Move with speed.

**Hon. P. Mutai (Sigor Ward, UDA):** Thank you Hon. Speaker(Hon. C.Korir):it is actually in order for all the members who append their signatures be known in the public; Hon. Dennis Busienei, Hon. Eric Kirui, Hon. Wesley Kiprotich, Hon. Chemutai Naomi, Hon. Evaline Sang, Hon. Cheron Caren, Hon. Philip Korir, Hon. Benard Kimutai Rotich, Hon. Catherine Chepngetich, Hon. Robert Langat.

I apologize for the members in this, Mr. Speaker because of age, thank you.

**Hon. Speaker(Hon. C.Korir):** Next time kindly be very careful when you are doing that. Hon. Majority leader you've moved a motion, who is seconding you?

**Hon. P. Kirui, Leader of Majority (Ndanai/Abosi ward, UDA):** Hon. Kibet to second.

**Hon. V. Ngetich, Minority Leader (Siongiroi ward, CCM):** Thank you Mr. Speaker as I second the motion which brings us to the fact that we alter the calendar not because we do not want to resume on Tuesday normally but...

**Hon. Speaker (Hon. C.Korir):** Hon. Member second and then you give your comments.

**Hon. V. Ngetich, Minority Leader (Siongiroi Ward, CCM):** I second, I've seconded Mr. Speaker, thank you.

**Hon. Speaker(Hon. C.Korir):** I want you to read...

**Hon. V. Ngetich, Minority Leader (Siongiroi Ward, CCM):** I've seconded

**Hon. Speaker(Hon. C.Korir):(C. Korir):** Okay, proceed to give your comments then.

**Hon. V. Ngetich, Minority Leader (Siongiroi Ward, CCM):** I wanted to give my comments that we alter the calendar that was supposed to be on Tuesday but because we are now going as per the rules that some of the tabled motions of impeachment need the timeline as per the constitution so as I support Monday, I urge the members to support to alter the calendar so that we be here at 2:30 on Monday, thank you.



**Hon. Speaker(Hon. C.Korir):** Thank you very much minority leader Hon. Kibet. Thank you, very much majority leader and minority leader, for that procedural motion, I therefore propose that pursuant to Standing Orders 28(4) of the County Assembly Standing Order this County Assembly resolves to alter its calendar so as to resume its normal sitting days on Monday 29<sup>th</sup> July, 2024 at 2.30 P.m. instead of Tuesday 30<sup>th</sup> July, 2024, honorable members the floor is open for debate.

**Hon. E. Rotich (Mogogosiek Ward, UDA):** Thank you very much Mr. Speaker for the opportunity to also support the motion that has been brought by the majority leader. Mr. Speaker it is important that we reschedule and alter the calendar so that we can transact the house business on Monday, there were special motions that were tabled this afternoon Mr. Speaker as we even follow the law on how to dispense with about these notices I want to request the members that we support so that we at least have program running from today until such a time when we will be able to dispense with what has been brought before us, thank you very much Mr. Speaker.

**Hon. Speaker(Hon. C. Korir):** Thank you very much Hon. Ernest, Hon. Benard Langat.

**Hon. B. Langat (Kembu Ward, UDA):** Thank you Hon. Speaker(Hon. C.Korir):for giving me this opportunity, allow me to welcome members of the public who have joined us today in this serious special motion we had today. Mr. Speaker I would like to support the motion which the majority leader has raised about altering of the calendar, this serious issue needs to be done as early as yesterday Mr. Speaker so I support the altering of the calendar to be done as the majority has given, thank you.

**Hon. Speaker (Hon. C.Korir):** Thank you very much, Hon. Eric.

**Hon. E. Kirui (Kimulot Ward, UDA):** Thank you Hon. Speaker(Hon. C.Korir):for this opportunity, I rise to support the motion moved by Hon. Majority leader because of the urgency and the public interest that the motions that have been tabled this afternoon will create. I know we will be in order to create to be able to resume sitting on Monday so that we are able to dispense with the issues at hand and I want to urge honorable members that we support the motion so that we are able to keep up with the provisions of the law and I urge all the members to support the motion, thank you.

**Hon. Speaker(Hon. C. Korir):** Thank you very much, Hon. Peter Rono.

**Hon. P. Ronoh (Kipsonoi Ward, UDA):** Thank you Mr. Speaker I also rise in support of the motion moved by the majority leader. Mr. Speaker it is now evident that what has just been concluded is the beginning of a rigorous cleaning mission. Mr. Speaker, we need to alter the calendar to report earlier and of course leave late. Mr. Speaker, we have a five-year contract with

the public and there is no luxury staying out there when things are at a mess in here so I support that we alter the calendar, report to work earlier and of course take time to scrutinize the allegations given by the movers, if the members are found culpable then that is the beginning of a cleanup exercise Mr. Speaker because I think the mess lies at the chief officers, I am also agitating for that. I support the motion that we come back and do it right away, thank you Mr. Speaker.

**Hon. Speaker(Hon. C. Korir):** Thank you Hon. Peter Rono, Hon. Wesley Kiprotich.

**Hon. W. Kiprotich (Chepchas Ward, UDA):** Thank you very much Hon. Speaker I am rising to assist you to read the mood that there is a lot of concurrence, can you put the question.

**Hon. Speaker (Hon. C. Korir):** Alright, reading by the mood and what has been suggested by Hon. Kiprotich, I thought you wanted to contribute, I therefore put the question that pursuant to Standing Orders 28(4) of the County Assembly Standing Order this County Assembly resolves to alter its calendar so as to resume its normal sitting days on Monday 29<sup>th</sup> July, 2024 at 2.30 P.m. instead of Tuesday 30<sup>th</sup> July, 2024.

*(Question put and agreed to)*

I warn the members at the gallery that they are not supposed to make any sound otherwise you might be forced to leave the chamber; it is good that it is coming at the end of the session otherwise it would have necessitated all of you to be out. And now the ayes have it.

Again, honorable members I want to thank you because this afternoon we've dispensed the business of the day and as one of the members had requested is that the notices of motions that have been given both for the three CECs and the four members of the county public service board, I will ask the house business committee to meet immediately after this sitting to slot the days of debate that will take place now on Monday.

Hon. Members if you've consulted your standing orders, you will realize that after the notice of motion normally there is another three days before debate of these motions that we've had today especially the special motions and therefore three days from today is tomorrow, Thursday and Friday and therefore on Monday is when the debates will proceed again so I'll urge all of you to be at the precincts of the assembly on Monday afternoon 2:30 p.m. house business to meet immediately after this to schedule the business that is at hand.

Last but not least is to thank members of the public who are at the public gallery, thank you for maintaining silence apart from one who wanted to participate in the proceedings of the chamber, I want to thank you and I'll urge you whenever you have time you can follow us in our Facebook handle. On behalf of this assembly, we want to thank all of you most sincerely and the members

who are here with us I think this is the only time that I've seen people who are following our Facebook page going up to 200 viewers. It has always been 30, 40, 50 viewers but today it has gone past 200 and I think it is because of the interest that is there. Members of the fourth estate who were with is thank you for gracing this time. Members I wish you the very best, make use of the remaining days of the recess and be ready for serious work as from next week onwards, thank you very much.

### **ADJOURNMENT**

**Hon. Speaker(Hon. C. Korir):** There being no other business honorable members this sitting is therefore adjourned up to 29<sup>th</sup> July 2024 at 2:30 p.m.

*The Assembly rose at 4:25 PM*