



**Third Assembly  
(N0.068)**

**Third Session  
(Afternoon Sitting)  
(068)**

**THE COUNTY ASSEMBLY OF BOMET  
THIRD ASSEMBLY – (THIRD SESSION)  
VOTES AND PROCEEDINGS  
FRIDAY, 30<sup>TH</sup> AUGUST, 2024 AT 3.00 P.M**

- 1) The Assembly was assembled at Three O'clock.
- 2) The proceedings were opened with prayer.
- 3) **PRESIDING:** - Speaker
- 4) **MEMBERS PRESENT**
  1. Hon. Cosmas Korir- Speaker
  2. Hon. Leonard Rotich- Deputy Speaker
  3. Hon. Joseah Samoei
  4. Hon. Wesley Kiprotich
  5. Hon. Stephen Changmorik
  6. Hon. Richard Rutoh
  7. Hon. Caren Cheronon
  8. Hon. Paul Kirui
  9. Hon. Benard Langat
  10. Hon. Japhet Cheruiyot
  11. Hon. Philip Korir
  12. Hon. Peter Langat
  13. Hon. Dennis Busienei
  14. Hon. Peter Ronoh
  15. Hon. Dennis Kiplangat
  16. Hon. Lily Cherotich
  17. Hon. Evaline Sang
  18. Hon. Caroline Chelangat
  19. Hon. Vincent Mutai
  20. Hon. Ernest Rotich
  21. Hon. Rosaline Cheptoo
  22. Hon. Eric Kirui
  23. Hon. Kibet Ngetich
  24. Hon. Kipkirui Josphat

25. Hon. Peter Mutai
26. Hon. Emily Cheruiyot
27. Hon. Anne Chepkemoi
28. Hon. Nathan Kibet
29. Hon. Dancel Kirui
30. Hon. Naomi Chemutai
31. Hon. Victor Rop (*Virtually*)

**MEMBERS ABSENT**

1. Hon. Charles Langat
2. Hon. Evaline Mibei
3. Hon. Olivia Koskei
4. Hon. Monica Manyei
5. Hon. Catherine Chepngetich
6. Hon. Robert Langat
7. Hon. Felody Chepkirui
8. Hon. Benard Rotich

**5) COMMUNICATION FROM THE CHAIR**

**(i) *Participation of County Executive Committee Members in impeachment proceedings***

The Hon. Speaker communicated to the County Assembly that vide a letter dated 30<sup>th</sup> August, 2024, Mr. Desmond Leteipa, the advocate representing the County Executive Committee Member for Finance, ICT and Economic Planning, Hon. Andrew Sigei, the County Executive Committee Member for Roads, Public Works and Transport, Hon. Eric Kipkoech Ngetich, and the County Executive Committee Member for Administration, Public Service and Special Programmes, Hon. Joseph Kipngetich Kirui had informed the Assembly that his clients do not wish to participate in the remaining part of the impeachment proceedings. He further noted that the County Assembly as a public institution had endeavoured to afford the three County Executive Committee Members a fair hearing as prescribed by the law and the County Assembly Standing Orders. Consequently, the impeachment process would proceed, their absence notwithstanding.

**(i) *Recognition of the media personnel in the Gallery***

Hon speaker recognized the presence of the following media personnel present in the Gallery:

1. Gloria Ngugi- TV 47
2. Emmanuel Rono- People Daily
3. Kiplangat Kirui- The Star
4. Weldon Kirui- Taach FM
5. Isaiah Cheruiyot- Kitwek Fm
6. Festus Rono- Kass Media
7. Isaiah Kiplangat- Waldai Fm

**6) QUESTIONS & STATEMENT**

Hon. Josphat Kipkirui sought the following statement:

Comprehensive statement from the Committee on Administration, Peace, and Justice regarding the concerning delay in the submission of nominees for the County Public Service Board.

As this Assembly is aware, the process for the nomination and appointment of members to the County Public Service Board is governed by Section 58A of the County Governments Act, 2012, as amended by Act No. 11 of 2020. The law is explicit in its requirements and timelines as follows:

1. **Subsection (1)** requires the Governor to nominate and, with the approval of this Assembly, appoint members to a selection panel whenever a vacancy arises in the County Public Service Board.
2. **Subsection (5)** mandates that the selection panel must invite applications from qualified persons within seven days of convening its first meeting.
3. **Subsection (6)** requires the selection panel to consider applications, shortlist, interview candidates, and submit the names of qualified applicants to the Governor within seven days of receiving the applications.
4. **Subsection (7)** stipulates that the Governor shall, within seven days of receiving the names from the selection panel, nominate individuals for the positions and forward their names to this Assembly for approval.
5. **Subsection (8)** provides this Assembly with twenty-one days to consider and either approve or reject the nominees submitted by the Governor.
6. **Subsection (16)** allows the Governor to extend any of the periods specified in the section by a period not exceeding fourteen days.

Hon. Speaker, despite these clear legal provisions, it has been nearly two months since this Assembly approved the members of the selection panel, and yet no nominees have been forwarded to us for consideration. This delay exceeds the statutory timelines, even considering the possibility of a fourteen-day extension as allowed under the law.

In light of this situation, I request that the Committee on Administration, Peace, and Justice investigate the matter and provide a detailed statement to this Assembly addressing the following concerns:

1. **The reasons for the delay** in submitting the names of the nominees for the County Public Service Board to the County Assembly, as per the requirements of Section 58A of the County Governments Act.
2. **Whether the selection panel has fulfilled its mandate** within the timelines stipulated by law, including inviting applications, shortlisting, and submitting names to the Governor as required by subsections (5) and (6) of Section 58A.
3. **The actions taken by the executive branch** to expedite this process, particularly in ensuring adherence to the statutory timelines outlined in subsection (7) of Section 58A.
4. **Any challenges or obstacles identified by the Committee** that have contributed to this delay, and the measures being taken to address them in accordance with the law.
5. **The expected timeline** for the submission of the names of the nominees to this Assembly, and whether any further delays are anticipated.

The Committee on Administration, Legal Affairs and Citizen engagement to deal and report within 14 days.

**7) SPECIAL MOTION – DISMISSAL OF HON. ANDREW SIGEI AS THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE, ICT AND ECONOMIC PLANNING**

**(HON.NATHAN KIBET-CHAIRPERSON SELECT COMMITTEE INVESTIGATING THE PROPOSED DISMISSAL OF HON.ANDREW SIGEI AS THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE, ICT AND ECONOMIC PLANNING)**

**THAT** Pursuant to Section 40(2) and 40(5)(b) of the County Governments Act, 2012 and Standing Order 72(9) of the County Assembly Standing Orders; this County Assembly adopts the Report of the of Select Committee investigating the proposed Dismissal of Hon. Andrew Sigei as the County Executive Committee Member for Finance, ICT and Economic Planning on grounds of:

- (i) Gross violation of the Constitution or any other law; and
- (ii) Incompetence;

**Procedural motion (Hon. Paul Kirui, the Leader of Majority)**

That, pursuant to Standing Order 30(30(a) of the County Assembly Standing Orders, this County Assembly resolves to extend its until the business appearing in the order of business is dispensed with.

The motion was seconded by Hon. Dennis Ngeno

The question was proposed and no debate arose

The question was put and agreed to.

The motion was seconded by Hon. Dennis Ngeno

The question was proposed and debate arose

The following rose to support;

1. Hon. Josphat Kipkirui

The question was put on;

**Ground one: Gross violation of the Constitution or any other law**

- (i) *Allegation of Gross Violation of Public Finance Management Act, 2012.*

Violation of 156(2) of Public Finance Management Act, 2012 and Public Finance Management (County Government) Regulations, 2015

Ayes – 29

Noes- 0

Abstention- 0

The question was agreed to

- (ii) *Allegation of Gross Violation of Public Finance Management Act, 2012.*

Violation of 132(2) of Public Finance Management Act, 2012

Ayes – 29

Noes- 0

Abstention- 0

The question was agreed to

(iii) *Allegation of Irregular procurement processes*

Violation of 132(2) of Public Finance Management Act, 2012

Ayes – 29

Nays- 0

Abstention- 0

The question was agreed to

**Ground Two: Incompetence**

Allegation of incompetence Part (ii)

Ayes – 29

Nays- 0

Abstention- 0

The question was agreed to

Allegation of incompetence Part (iii)

Ayes – 29

Nays- 0

Abstention- 0

The question was agreed to.

Allegation of incompetence Part (iv)

Ayes – 29

Nays- 0

Abstention- 0

The question was agreed to.

Allegation of incompetence Part (v)

Ayes – 29

Nays- 0

Abstention- 0

The question was put and agreed to.

**8) SPECIAL MOTION - DISMISSAL OF HON.JOSEPH KIPNGETICH KIRUI**

**AS THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR ADMINISTRATION, PUBLIC SERVICE AND SPECIAL PROGRAMS**

**(HON. ERNEST ROTICH - CHAIRPERSON SELECT COMMITTEE INVESTIGATING THE PROPOSED DISMISSAL OF HON.JOSEPH KIPNGETICH KIRUI AS THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR ADMINISTRATION, PUBLIC SERVICE AND SPECIAL PROGRAMS)**

**THAT** Pursuant to section 40(2) and 40(5) (b) of the County Governments Act, 2012 and Standing Order 72(9) of the County Assembly Standing Orders; this County Assembly adopts the Report of the Select Committee investigating the proposed Dismissal of Hon. Joseph Kipngetich Kirui as the County Executive Committee Member for Administration, Public Service and Special Programs on grounds of:

- (i) Gross violation of the Constitution or any other law; and
- (ii) Incompetence;

The motion was seconded by Hon. Rosaline Cheptoo

The question was proposed and debate arose

The following rose to support;

1. Hon. Vincent Mutai

The question was put on;

**Ground one: Gross violation of the Constitution or any other law**

Ayes – 28

Noes- 0

Abstention- 0

The question was agreed to

**Ground Two: Incompetence**

Ayes – 29

Noes- 0

Abstention- 0

The question was agreed to.

**9) SPECIAL MOTION -DISMISSAL OF HON.ERICK KIPKOECH NGETICH**

**AS THE COUNTY EXECUTIVE COMMITTEE  
MEMBER FOR ROADS, PUBLIC WORKS AND  
TRANSPORT**

**(HON. PETER RONO- CHAIRPERSON SELECT COMMITTEE INVESTIGATING  
THE PROPOSED DISMISSAL OF HON.ERICK KIPKOECH NGETICH AS THE  
COUNTY EXECUTIVE COMMITTEE MEMBER FOR ROADS, PUBLIC WORKS AND  
TRANSPORT)**

**THAT** Pursuant to section 40(2) and 40(5) (b) of the County Governments Act, 2012 and Standing Order 72(9) of the County Assembly Standing Orders; this County Assembly adopts the Report of the Select Committee investigating the proposed Dismissal of Hon. Erick Kipkoech Ngetich as the County Executive Committee Member for Roads, Public Works and Transport on grounds of:

- (i) Gross violation of the Constitution or any other law; and
- (ii) Abuse of Office;

The motion was seconded by Hon. Peter Mutai

The question was proposed and debate arose

The following rose to support;

1. Hon. Kipkirui Josphat
2. Hon. Ernest Rotich
3. Hon. Dancel Kirui
4. Hon. Richard Ruto
5. Hon. Eric Kirui
6. Hon. Stephen Changmorik

The question was put on;

**Ground one: Gross violation of the Constitution or any other law**

Ayes – 29

Noes- 0

Abstention- 0

The question was agreed to

**Ground Two: Incompetence**

Ayes – 29

Noes- 0

Abstention- 0

The question was agreed to

10) **ADJOURNMENT**

The Assembly was adjourned to Tuesday 10<sup>th</sup> September, 2024 at 2.30 p.m.

11) **ASSEMBLY ROSE** - at 2203 Hrs.