

**KERICHO COUNTY ASSEMBLY**

**THE HANSARD**

**SPECIAL SITTING**

*(Convened Vide Kenya Gazette*

*Notice No. 13217 of 28<sup>th</sup> October 2022)*

**Third Assembly**

**First Session**

**Wednesday 2<sup>nd</sup> November 2022**

*(The House met at 10.35 am)*

*[The Speaker (Hon. Dr. Patrick Mutai) in the Chair]*

**PRAYER**

**The Speaker (Hon. Dr. Patrick Mutai):** Order honorable members! Chief Whip Order! Take your seat Chief Whip! Serjeant-at-Arms stand by. Honorable members good morning and let me request you to please familiarize yourselves with the Standing Orders and the code of conduct. Honorable members it will be sad that before even a sitting there are chaos in this Assembly. Read your Standing Orders and code of conduct and acquaint yourself so that you know the consequences when you are expelled from the House.

Honorable Members let me take this opportunity to say good morning. This is a Special Sitting which was duly constituted and as per the request of the Majority Leader of course it was

circulated to all the honorable members. Welcome, Clerk take us through the order of the business of the today.

**NOTICES OF MOTION BY HON. PAUL CHIRCHIR**

**The Speaker (Hon. Dr. Patrick Mutai):** Hon. Paul Chirchir please table your motion!

**Hon. Paul Chirchir (Member for Kapsoit Ward):** Thank you very much Mr. Speaker for giving me this opportunity to give the following notice of motion on the report on vetting of nominees for appointment to the offices of County Executive Committee Members(CECMs) and County Secretary/Head of County Public Service. Submitted pursuant to Article 179 (2) (b) of the Constitution of Kenya, Section 35,44and 58(a) of the County Government Acts No.17 of 2012, Section 4 of the Public Appointments, County Assemblies Approval Act no. 5 of 2017 and Standing Order no. 199 at the Clerk's Chambers Kericho County Assembly Building, Kericho.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you very much Hon. Paul Chirchir. This morning the office of the Clerk received a communication from the Leader of Majority requesting for some amendments and therefore the Leader of Majority please table the amendment to the motion.

**Hon. Albert Kipkoech (Member for Soliat Ward):** Point of order!

**The Speaker (Hon. Dr. Patrick Mutai):** Honorable Albert Kipkoech!

**Hon. Albert Kipkoech (Member for Soliat Ward):** Mr. Speaker I want to bring to your attention that any report that comes from select committee should be tabled and as we speak as per the procedure of today business, the report of the selection committee Appointment has not been tabled. So we should not break the law. Thank you.

**The Speaker (Hon. Dr. Patrick Mutai):** Order Hon. Albert please take your seat!

**Hon. Albert Kipkoech (Member for Soliat Ward):** Before I take my seat I want to take you to Standing Order 184 (6) so that you confirm for yourself!

**The Speaker (Hon. Dr. Patrick Mutai):** Please take your seat. Honorable Member you are out of order member! I refer you to Standing Order no. 1 on the discretion of the Speaker! Majority Leader please table the amendment.

**Hon. Albert Kipkoech (Member for Soliat Ward):** Mr. Speaker am obliged that ....

**The Speaker (Hon. Dr. Patrick Mutai):** Order Hon. Albert!

**Hon. Vincent Korir (Majority Leader, Member for Londiani Ward):** Mr. Speaker the request I made to this House is that I gave a notice as required by the Standing Orders, that if a report of appointment is tabled in this House we should give two hours' notice of the intentions of amendment of the report. Mr. Speaker I would like to request that we do amendment once the report has been read and discussed in the House. Thank you.

**The Speaker (Hon. Dr. Patrick Mutai):** Hon. Paul Chirchir proceed with your motion.

**Hon. Paul Chirchir (Member for Kapsoit Ward):** Thank you very much Hon. Speaker...

**The Speaker (Hon. Dr. Patrick Mutai):** Order! Please Hon. Paul Chirchir take your seat. Next order!

#### **MOTION BY HON. PAUL CHIRCHIR.**

**The Speaker (Hon. Dr. Patrick Mutai):** Hon. Paul Chirchir!

**Hon. Paul Chirchir (Member for Kapsoit Ward):** Thank you very much Mr. Speaker. Sorry for the hitch. I wish to move the following motion on

The committee on appointments

Report on vetting of nominees for appointment to the offices of County Executive Committee Members and County Secretary/Head of County Public Service

(Submitted pursuant to Article 179 (2) (b) of the Constitution of Kenya , Section 35,44 and 58(a) of the County Government Act No.17 of 2012, Section 4 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 and Standing Order 199)

Clerk's Chambers

Kericho County Assembly Building

Kericho.

Mr. Speaker I stand guided, where do I begin?

**The Speaker (Hon. Dr. Patrick Mutai):** Read the whole report.

**Hon. Paul Chirchir (Member for Kapsoit Ward):** Thanks. I will begin from committee observations on the suitability of the nominees page 44.

Lawrence Bii Kipkoech- Nominee for the County Executive Committee Member for Education, Culture, Libraries and Social Services page 45,

General And Sector Specific Questions To Mr. Lawrence Bii Kipkoech page 45

Committee Observations On The Suitability Of The Nominee page 47

Mrs Judith Chepkorir- Nominee For The County Executive Committee Member For Information, Communication And E-Government, Youth Affairs, Gender &Sports page 48

General And Sector Specific Questions To Mrs Judith Chirchir page 50

Committee Observations On The Suitability Of The Nominee page 52

Brian Langat- Nominee For The County Executive Committee Member For Lands, Housing And Physical Planning page 53

General And Sector Specific Questions To Brian Cheruiyot Langat page 55

Committee Observations On The Suitability Of The Nominee page 57

Eng. Eric Koech- Nominee For The County Executive Committee Member For Public Works, Roads And Transport page 57

General And Sector Specific Questions To Eng. Eric Kipngetich Koech page 59

Committee Observations On The Suitability Of The Nominee page 62

Brenda Bill-Bii- Nominee For The County Executive Committee Member For Public Service Management63

General And Sector Specific Questions To Brenda Bill-Bii page 65

Committee Observations On The Suitability Of The Nominee page 66

Mr. Benard Bii- Nominee For The County Executive Committee Member For Trade, Industrialization, Innovation, Tourism And Wildlife page 66

General And Sector Specific Questions To Mr. Bernard Bii page 68

Committee Observations On The Suitability Of The Nominee page 71

Dr. Wesley K Bor (Phd) - Nominee For The Position Of County Secretary And Head Of County Public Service page 72

General And Sector Specific Questions To Dr. Wesley K.Bor (Phd) page 74

Committee Observations On The Suitability Of The Nominee page 75

Committee observation page 80

Committee recommendation page 81.

### Establishment and Mandate of the Committee

1. Section 4 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 provides that an appointment under the Constitution or any other law for which the approval of a County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly.

2. The Committee on Appointments is established under Standing Order 199. Standing Order 199 provides that *the Committee on Appointments shall consider for approval by the Assembly, appointments under Article 179 (2) of the Constitution of Kenya (County Executive Committee Members).*

### 1.1 MEMBERSHIP OF THE COMMITTEE

3. The Committee on Appointments was established and approved by the Kericho County Assembly on 5<sup>th</sup> October 2022 by following the laid down procedures provided by the Kericho County Assembly Standing Orders. The committee members are as follows:

- |    |                                 |   |
|----|---------------------------------|---|
| 1. | Hon. Dr. Patrick C. Mutai (PhD) | Speaker of the County Assembly of Kericho/Chairperson |
| 2. | Hon. Vincent Korir              | Leader of the Majority Party                          |
| 3. | Hon. Cheruiyot Bett             | Member  |
| 4. | Hon. Paul Chirchir              | Member  |
| 5. | Hon. Rogony Kiprotich           | Member  |
| 6. | Hon. Anthony Rutto              | Member  |
| 7. | Hon. David Maritim              | Member  |
| 8. | Hon. Anita Mibey                | Member  |
| 9. | Hon. Dominic Mutai              | Member  |

## 2.0 BACKGROUND OF THE VETTING PROCESS

### 2.1 Notification of the Nominations

4. Pursuant to Article 179 (2) (b) of the Constitution of Kenya as read together with Section 35 of the County Governments Act, Section 4 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 and Standing Order 199, His Excellency the Governor forwarded to the Speaker the following letters:

- a) Letter dated 6<sup>th</sup> October 2022, reference number KEC/GVN/CA/VOL1(2) (*Annexure 1a*) forwarding the names of the following ten (10) persons nominated for appointment as County Executive Committee Members:
  - 1) Ngetich Leonard Kipkoech, nominee, Finance and Economic Planning;
  - 2) Daniel Kipkorir Rop, nominee, Agriculture Livestock and Cooperatives Management;
  - 3) Rosemary Chepkurui Rop, nominee, Water, Environment, Energy, Forestry & Natural Resources;
  - 4) Edina Chepkirui Tonui, nominee, Health Services;
  - 5) Lawrence Bii Kipkoech, nominee, Education, Culture , Libraries & Social Services;
  - 6) Judith Chepkorir, nominee, Information, Communication and E-Government, Youth Affairs, Gender and Sports;
  - 7) Cheruiyot Langat Brain, nominee, Lands, Housing & Physical Planning;
  - 8) Eng. Erick Kipngetich Koech, nominee, Public Works, Roads & Transport;
  - 9) Brenda Bill Bii, nominee, Public Service Management; and
  - 10) Benard Bii, nominee, Trade, Industrialization, Innovation, Tourism & Wildlife.
- b) Letter dated 6<sup>th</sup> October 2022, reference number KEC/GVN/CA/VOL1 (1) (*Annexure 1b*) forwarding the name of Dr. Wesley K. Bor (PhD) for the position of County Secretary and Head of County Public Service.

5. The notifications contained the nominee's curriculum vitae.

**2.2 Notification to the Assembly and Referral to the Committee on Appointments.**

6. Pursuant to the provisions of Standing Order 45(1) the Speaker, vide a communication dated 18<sup>th</sup> October 2022 informed the House of the Governor's message to the House on nomination of the County Executive Committee Members and the County Secretary /Head of County Public Service.

7. Pursuant to Section 7 (1) of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 and Standing Order 199 the names and curriculum Vitae were referred to the Committee on Appointments.

**2.3 Notification to the Public and Nominees**

8. Section 7 (4) of the Public Appointments (County Assemblies Approval) Act provides that the Clerk shall notify a candidate of the time and place for the holding of an approval hearing by notice in at least two newspapers of national circulation and by writing and by such other form of communication as the Clerk may consider appropriate.

9. Section 7 (5) of the Public Appointments (County Assemblies Approval) Act the committee shall by notice in at least one newspaper of national circulation notify the public of the time and place for holding an approval hearing at least 7 days prior to the hearing.

10. Pursuant to Section 7 (4) and 5 of the Public Appointments (County Assemblies Approval) Act, the Clerk of the County Assembly placed an advertisement in the print media on 19<sup>th</sup> October 2022 (*Annexure 2*) inviting the members of the public to submit memoranda by way of written statement on oath (affidavit on the suitability or otherwise of the nominees). The advertisement indicated that the submissions were to be received by Wednesday 26<sup>th</sup> October, 2022 at 4 pm.

11. The same advertisement invited the nominees to appear before the Committee on Appointments at the Assembly Chambers. The Nominees were required to bring their original



copies of their national identity cards, academic and professional certificates and other relevant testimonials and clearance certificates from the following institutions:

- a) Ethics and Anti-Corruption Commission;
- b) Kenya Revenue Authority;
- c) Higher Education Loans Board;
- d) Criminal Investigation Department; and
- e) Credit Reference Bureau.

#### **2.4 Clearance from the Ethics and Anti-Corruption Commission**

12. The Clerk through a resolution of the Committee on Appointments sought for clearance from the Chief Executive Officer, EACC via a letter dated 24<sup>th</sup> October 2022(*Annexure 3a*). The same has never been responded to. However, the committee relied on a letter to H.E The Governor from the Secretary EACC, dated 26<sup>th</sup> October 2022 stipulating that the nominees have not been investigated on any issue by the said Institution (*Annexure 3 b*).

#### **2.5 Issues for consideration during the Approval Hearings/Constitutional and Statutory Requirements**

13. Section 8 of the Public Appointments (County Assemblies Approval) Act outlines issues that need to be considered by the committee in relations to nominations. They are as follows:

- a) The procedure used to arrive at the nominee including the criteria for the short listing of the nominees;
- b) Any constitutional or statutory requirements relating to the office in question; and
- c) The suitability of the nominee for the appointment proposed having regard to whether the nominee's credentials, abilities, experience and qualities meet the needs of the body to which the nomination is being made.

##### **(a) Procedure for nomination**

14. Pursuant to Article 179 (2) His Excellency the Governor is mandated to appoint County Executive Committee members. The said Article provides that where the Assembly has more than thirty members the Governor ought to appoint not more than ten members of the County Executive Committee Members.
15. Pursuant to Section 6 (1) of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 further requires the appointing authority upon nominating a person for appointment, to notify the relevant County Assembly accordingly.
16. In this regard, pursuant to Article 179 (2) (b) of the Constitution of Kenya as read together with Section 35 of the County Governments Act, Section 4 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 and Standing Order 199, His Excellency the Governor notified the County Assembly of the nomination of the ten (10) persons for appointment to the offices of County Executive Committee Members and County Secretary/Head of County Public Service hence complying with the Law.
- (b) The Procedure used to arrive at the nominee including the criteria for the shortlisting
  17. The committee being guided by Section 8 (a) of the Public Appointments (County Assemblies Approval) Act, have a right to enquire from the appointing authority on the procedure used to arrive at the nominee including the criteria for the shortlisting. The committee noted that via a print media the Secretary of the Selection Panel from the Executive Office of the Governor, advertised for the position of County Executive Committee Members and County Secretary. (Annexure 4)
  18. Through a resolution of the Committee, the Speaker sought to enquire from H.E The Governor on the report by the Selection Panel noting that the said Selection Panel had not been approved by the Assembly as is required by Section 44(2C) read together with Section 58A of the County Government Act, 2012 (See Annexure 5). The said letter has since not been responded to.
  19. The committee further noted the law expressly stated that the Selection Panel only competitively recruits the County Secretary hence the anomaly on the procedure for

recruitment in relations to the legality of the selection panel only applies to recruitment of the County Secretary.

**(c) Constitutional and Statutory Requirements**

20. The Constitution of Kenya 2010 read together with the County Government Act in addition gives guidelines on how to appoint persons to Public Office which include:

*i. Two-third Gender Rule*

21. Article 27 (8) of the Constitution provides that the state shall take legislative and other measure to implement the principle that not more than two thirds of elective or appointive bodies shall be of the same gender. Further Section 35 2 (a) provides that the County Assembly shall not approve nominations for appointment to the Executive Committee that do not take into account that not more than two thirds of either gender serve in the said committee. In this regard, the Governor appointed four ladies as county executive committee members and therefore complied with this **law**.

*ii. Representation of minorities, marginalized groups and communities*

22. Section 35 2 (b) provides that the County Assembly shall not approve nominations that do not take into account representation of minorities, marginalized groups and communities. The governor failed to comply with this provision as he did not appoint a representative of minorities and marginalized groups. He however appointed two nominees who are youth.

*iii. Community and cultural diversity within the County*

23. Section 35 2 (c) provides that the County Assembly shall not approve nominations that did not take into account community and cultural diversity within the County. The committee noted that the nomination list did not reflect the community and cultural diversity of the county.

*iv. Leadership and Integrity*

24. The committee, in determining the suitability of the nominees was also guided by the provisions on Leadership and Integrity as outlined under Chapter 6 of the

Constitution. In Particular, Article 73 (2) of the Constitution provides that the guiding principle of Leadership and Integrity include:

- a) Selection on the basis of personal integrity, competence and suitability, or election in a free and fair election;
- b) Objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;
- c) Selfless service based solely on the public interest, demonstrated by –
  - i. Honesty in the execution of public duties and
  - ii. The declaration of any personal interest that may conflict with public duties;
- d) Accountability to the public for decisions and action and
- e) Discipline and commitment in service to the people.

25. Article 75 of the Constitution requires a state officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties. This Article further prohibits a state officer who has been removed from office under it from holding any other state office.

26. Article 77 (1) of the Constitution prohibits a full state officer from participating in any other gainful employment.

27. Article 77(2) of the Constitution, prohibits an appointed state officer from holding office in a political party. Article 78 of the Constitution, disqualifies persons who are not Kenyan Citizens from appointment as state officers. Further, a state officer is barred from holding dual citizenship.

28. In addition, the committee considered section 10 of the Leadership and Integrity Act 2012 in particular which provides that –

A state officer shall to the best of their ability-

- a) Carry out the duties of the office efficiently and honestly;
- b) Carry out the duties in a transparent and accountable manner;
- c) Keep accurate records and documents relating to the functions of the office; and

- d) Report truthfully on all matters of the organization which they represent.

The committee noted that all the nominees complied with the provision of chapter 6 of the constitution of Kenya 2010 on leadership and integrity and that the nominees submitted clearances from EACC, HELB and Police.

29. The Committee while conducting the vetting hearings was guided on the **qualifications of County Executive Committee Members** as outlined in Section 35 (3) of the County Government Act No.17 of 2012 which include the following:

- a) **Is a Kenyan Citizen;**
- b) **Is a holder of at least a first degree from a university recognized in Kenya;**
- c) **Satisfies the requirements of Chapter Six of the Constitution; and**
- d) **Has knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.**

30. While considering the nomination of **the County Secretary and Head of County Public Service** the committee was guided by Section 44 and 58 A (1) of the County Government Act. The qualification of the County Secretary is as follows:

- a) **Is a Kenyan Citizen;**
- b) **Is a holder of at least a first degree from a university recognized in Kenya;**
- c) **Has at least ten years relevant professional experience;**
- d) **Has at least five years' experience in a leadership position at senior management level in a public service or private sector organization; and**
- e) **Meets the requirements of leadership and integrity as prescribed in Chapter Six of the Constitution.**

31. The County Secretary ought to be competitively sourced by a selection panel as stipulated by Section 44(2A) of the County Government Act. The Selection Panel comprises of the following:

- a) A chairperson , not being a public officer;
- b) One person from the Private Sector;
- c) An Advocate of the High Court of Kenya ,who is a member of the LSK;
- d) An accountant who is a member of the ICPAK; and
- e) One person from an association representing workers

**Period for consideration and report**

32. Pursuant to Section 9 of the Public Appointments (County Assemblies Approval) No.5 of 2017 the Committee shall consider a nomination and table a report in the County Assembly for a debate and decision within twenty-one sitting days from the date on which the committee first sits to consider the nomination. The committee on Appointments had its first sitting on 16<sup>th</sup> October 2022.

**Suitability of the nominees for the proposed appointment having regard to whether the nominees 'abilities, experience and qualities meet the needs of the portfolio to which the nomination is being made to**

33. The Suitability of the nominees was assessed after scrutiny of the nominees' academic credentials, professional training and experience, personal integrity, background and qualities as well as their performance during the approval hearing conducted on Thursday 27<sup>th</sup> October and Friday 28<sup>th</sup> October 2022.

**2.6 Review of Memoranda from Members of the Public on the Nomination of Kericho County Executive Members and County Secretary/Head of County Public Service.**

34. Pursuant to Public appointments (County Assemblies Approval) Act, 2017 which provides that any person prior to the approval hearing and by written statement on oath, provide the clerk with evidence contesting the suitability of a candidate to hold office to which the candidate has been nominated to. The clerk of the county assembly placed an advertisement in the standard newspaper dated 19<sup>th</sup> October 2022(Annexure 2) inviting the public to submit memoranda by way of written

statements on oath (affidavit) on the suitability or otherwise of the nominees in conformity with section 7(10) of the Public Appointments (County Assemblies Approval) Act No 5 of 2017.

35. In this regard, by 4pm on Friday 26<sup>th</sup> October 2022, the clerk had received the following memoranda;

#### **2.6.1 Memorandum by Collins Yegon Kiplangat.**

36. Mr. Collins Yegon Kiplangat, a resident of Kericho stated that the nominees were from only one ethnic community; the Kalenjin community. That this was against Section 35(1) of the County Governments Act of 2012 which provides that; ***“(1) The governor shall when nominating members of the executive committee-***

***(a) Ensure that to the fullest extent possible, the composition of the executive committee reflects the community and cultural diversity of the county; and***

***(b) Take into account the principles of affirmative action as provided for in the Constitution.”***

He further stated -

- a) That section 97 of the County Governments Act of 2012 provides for the inclusion of minorities and marginalized groups within the counties.
- b) That Kericho County is one of the devolved units as established in Article 174 of the Constitution and it is a Cosmopolitan County with citizens from different ethnicities working within the county.
- c) That approving the said list of nominees will be against the principles of inclusion as enshrined in the constitution and the minority communities will be disadvantaged.

37. **Observation:** Contrary to Section 7(10) of Public Appointments (County Assemblies Approval) Act 2017 the memorandum was not a written statement on oath contesting the suitability of candidates to hold the office hence did not meet the required threshold. Furthermore the complainant served a withdrawal letter, stating that he was not the author of the memorandum submitted and that an impostor used his Identity

Card details. The committee further recommended that the matter be referred to the DCI for investigation.

### **2.6.2 Affidavit by Jackson Kipkoech Langat.**

38. Mr. Jackson Kipkoech Langat, a resident of Kericho and the deponent in the affidavit averred that the selection panel failed to ensure that the composition of the executive committee reflects the community and cultural diversity of the county thus offending Section 35&36 of the County Governments Act. He further averred -

- a) That in a policy paper ‘Historical injustices; A complementary indicator for distributing the Equalization fund, CRA Working paper no 2012/02 the commission of revenue allocation recognized that historical injustices suffered by various communities in Kenya contributed greatly to exclusion and marginalization and specifically acknowledged Talai as a minority and marginalized group.
- b) That the list released contained 100% of one group of ethnic community excluding Marginalized Talai Minority clan and persons living with disabilities thus offending the principles of the constitution on regional balance, inclusivity and marginalization of communities.
- c) That the selection panel was done in manner that was not transparent and accountable hence contravening the principles of Constitution on transparency and accountability rendering the whole exercise of selection a nullity in law *ab initio*.

39. **Observation:** The affidavit was a written statement on oath and therefore complied with section 7(10) of the Public Appointments (County Assemblies Approval) Act 2017. That the petitioner served a withdrawal letter withdrawing the memorandum, dated 25<sup>th</sup> October 2022.



**2.6.3 Affidavit by Rono Kibet Benard.**

40. Mr. Rono Kibet Benard, a resident of Kericho and the deponent in the affidavit averred that he had information and evidence that the nominees were not recruited as per the law. However he did not annex the said evidence. He further averred -

- a) That he had information which raised weighty legal issues on violation of the constitution however he did not outline the said violations.
- b) That the Governor hoodwinked the general public inviting applications for position of County Executive Committee Members with the knowledge that he had already handpicked his individuals. The petitioner did not attach any evidence to prove the same.
- c) That the list of nominees did not reflect the ethnic and cultural diversity of the County thus a violation of the County Government Act and Constitution of Kenya.
- d) That there was no vetting process by the selection panel and the advertisement was meant to hoodwink the public, however no evidence was adduced.
- e) That applications from qualified and interested Kenyans were not allowed and that the purported advertisement was meant to hoodwink the public. The deponent however did not attach any evidence in support of the claim.
- f) That the resultant recruitment and appointment of the County Executive Committee Members violated Article 10 of the Constitution of Kenya 2010 as it failed to ensure inclusivity, equality among other requirements.
- g) That the recruitment exercise was carried out in contravention of the Constitution of Kenya, however the deponent did not state with brevity the facts and manner in which the said provisions were violated.

41. **Observation:** The affidavit was a written statement on oath and therefore complied with section 7(10) of the Public Appointments (County Assemblies Approval) Act 2017. The affidavit was full of mere allegations; the petitioner did not adduce any evidence to prove his allegations. The law stipulates that he who alleges must prove. The committee however observed that on the issue of inclusivity of the marginalized

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communities and cultural diversity was not considered in the nomination of County Executive Committee Members and County Secretary as stipulated in Section 97 and 35 (2) of the County Government Act, 2012.

**The Speaker (Hon. Dr. Patrick Mutai):** Hon. Paul Chirchir, I am giving you two minutes of health break. Serjeant-at-Arms, there is a lot of activity in the public gallery. The members of the public are welcome but should minimize the movement in and out of the chambers. I want to remind you that this session is on live broadcast and therefore we are requesting for order. Thank you very much. When you finish your two minutes, you can come and proceed Hon. Paul Chirchir. Serjeant-at-Arms ensure that you provide plenty of water and energy drink because this is a report that is almost eighty pages long. Thank you.

**Hon. Paul Chirchir (Member for Kapsoit Ward): 3.0 APPROVAL HEARING OF THE NOMINEES**

42. The committee held a sitting on Wednesday 26<sup>th</sup> October 2022 to deliberate on the Approval hearings and noted the following-

- i. That the nominees had not notified the Clerk of the County Assembly of their withdrawal from the approval process as outlined under Section 7 (12) of the Public Appointments (County Assemblies Approval) Act No.5 of 2017.
- ii. Pursuant to Article 179 (2) His Excellency the Governor is mandated to appoint County Executive Committee members. The said Article provides that where the Assembly has more than thirty members the Governor ought to appoint not more than ten members of the County Executive Committee Members. The number of nominees forwarded by His Excellency the Governor meets the constitutional requirement.

- iii. That despite two of the memoranda meeting the statutory requirement, only one by Mr. Rono Kibet Leonard was considered by the Committee since the other one was withdrawn by the deponent.
- iv. That the committee would proceed with the vetting of the nominees on 27<sup>th</sup> & 28<sup>th</sup> October 2022.

### **3.1 NGETICH LEONARD KIPKOECH-NOMINEE FOR THE POSITION OF COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE & ECONOMIC PLANNING**

43. Ngetich Leonard Kipkoech, the nominee for the County Executive Committee Member for Finance and Economic Planning appeared before the Committee on 27<sup>th</sup> October 2022 at 9.30am and was vetted under oath pursuant to Article 179 (2) of the Constitution, the Public Appointments (County Assemblies Approval) Act, 2017 and the Kericho County Assembly Standing Orders. The committee noted the following:

#### ***Date and place of Birth***

44. The nominee is a male Kenyan born in 1980 at Kabartegan village, Chemosot Ward, Bureti Sub-county of Kericho County.

#### ***45. Academic and Professional Qualifications***

46. The nominee holds a Bachelor's degree in Business Management from Moi University.

#### ***Employment Record***

47. The nominee is the current Head of Payroll at the County Government of Kericho where he is in charge of reviewing and approving all employees' entrance to the payroll system, reviewing personnel emoluments, expenditure for completeness, accuracy, and conformance with procedures and regulations among other duties. He has held that position since 2014.

48. The nominee served as Budget Analyst and Program Accountant in charge of Research at KEMRI/WRP where he was in charge of analyzing monthly project budgeting and accounting reports to maintain expenditure controls and directing the preparation of regular and special budget report among other duties. The nominee held this position between 2008 and 2013.
49. The nominee has held other positions since 2003 in various organizations among them KEMRI/USAMRU-K and Milling Corporation of Kenya as Accounts Clerk and Assistant Program Accountant in charge of research.

***Honors and Awards***

50. The nominee does not have any honors or awards.

***Income and Net worth***

51. The nominee estimated his net worth to be Kshs. 17.5 Million comprising of Land, House, cars and Sacco shares.

***Professional Associations and Memberships***

52. The nominee is not a member of any professional association but indicated that he is aspiring to be a member of Institute of Certified Public Accountants of Kenya (ICPAK).

***Published Writings***

53. The nominee indicated that he has not published any writings.

***Potential Conflict of Interest***

54. The nominee declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of CEC Member for Finance and Economic Planning. Should a conflict of interest arise, the nominee stated that he would declare the interest in accordance with the law.

***Pro-bono/Charity Work***

55. The nominee is involved in charity work through personal donations to children homes and taking part in community charity programs.

***Integrity***

56. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the constitution.
57. The nominee indicated that he would resign from his positions as public officer if approved for the position in accordance to law.

**3.1.1 GENERAL AND SECTOR SPECIFIC QUESTIONS TO NGETICH LEONARD KIPKOECH**

58. The committee posed several questions to the nominee regarding his knowledge of Finance and Economic Planning. The nominee responded as follows:

***On Improvement of Own Source revenue targets.***

59. The nominee acknowledged that own source revenues were not doing well and the state of affairs had impacted negatively on service delivery by the County Government. He noted that he was aware that there was a system in place for managing revenues which he said he would study to understand why it is not helping the county. He indicated that if the system is not helpful, he will do away with it and instead create a Board to manage the collection of revenue in the County as per the

Kericho County Revenue Management and Administration Act, 2019. He further emphasized on the need to adopt automation of revenue collection to seal revenue leaks. The nominee further told the committee that he would push for the approval of the valuation roll to increase land rates collection. He further committed to enhance enforcement of revenue collection and also build capacity of the revenue officers. He further informed the committee that he will work closely with the department of Agriculture and Trade to ensure county investments such as Kabianga Tea Farm and Kipkelion Coffee Farm are turned around to benefit the County in increasing the revenue basket. On revenue leaks in border markets such as Sondu and quarries, the nominee pledged to work with the relevant stakeholders to solve the disputes so that revenue due to Kericho County is collected. He further committed to come up with measures such as installation of CCTV cameras in quarries so as to seal revenue leakages in quarries.

### ***On Pending Bills***

60. The nominee appreciated that pending bills remained a major issue in the county with some pending bills dating back to 2015/2016 Financial year. He noted that pending bills were as a result of among other factors late disbursement of final exchequer funds, late submission of contractual bills and works awarded but not invoiced especially in the last two quarters and unbudgeted projects. The nominee noted that there was a taskforce in place to assess the eligibility of pending bills and committed to pay all the eligible pending bills in line with the taskforce recommendations. The nominee further pledged to stick to the law in the procurement of goods, services and works to deal with the problem of pending bills going forward.

### ***On sealing of loopholes in procurement***

61. The nominee noted that most challenges in the county occur due to lapses in the procurement processes. He pledged to ensure all procurement is done in conformity with the law. Noting that procurement done towards the end of the financial year contributes to pending bills, the nominee pledged to bring the anomaly to a stop. He further informed the committee that he would ensure that no tenders are awarded without proper documentation and that there is personal responsibility if such lapses occur. He further committed to ensure that all suppliers are treated equally.

***On Mechanization in Multinational Tea Estates***

62. The nominee noted that multinationals must agree to do away with mechanization but pledged to advise the Governor on the need for stakeholder engagement to amicably reach an agreeable solution.

***On Economic Planning***

63. The nominee reiterated the importance of planning in the attainment of the County Government's goals. He pledged to empower the planning unit in the department and ensure adherence to the laws on economic planning. He informed the committee that the Third generation Integrated County Development Plan (CIDP) was being prepared and will ensure that all county plans conform to the set timelines.

***On dealing with ballooning wage bill***

64. The nominee acknowledged that wage bill in the county was a major challenge noting that the recurrent expenditure stood at 41% against 35% capped in law. To deal with the challenge, the nominee pledged to ensure that own source revenue collection is enhanced.

***On implementation of the budget in the current Financial Year***

65. The nominee noted that we are in the second quarter of the Financial Year and no projects have been rolled out. He pledged to use all procurement procedures allowed under the law to ensure that all budgeted projects are rolled out without further delay.

### 3.1.2 COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE

66. The committee having considered the nominees' curriculum vitae and having heard his oral submissions during the approval hearing made the following observations on his suitability for appointment as County Executive Committee Member:

- a) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born in 1980 in Kericho and does not hold dual citizenship.
- b) That the nominee meets the requirements of Chapter Six of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies: EACC, KRA, DCI, CRB and HELB.
- c) That the nominee has not been charged in a court of law in the past three years.
- d) That the nominee has never been dismissed from office under Article 75 of the Constitution for the contravention of the provisions of Article 75 (1) (conflict of interest) Article 76 (financial probity) Article 77 (restriction on activities of state officers) and Article 78 (2) (dual citizenship) of the Constitution.
- e) That the nominee demonstrated knowledge of topical, administrative and technical issues touching on the position of County Executive Committee Member for Finance and Economic Planning and has the requisite abilities, qualifications and experience to serve as the County Executive Committee Member for Finance and Economic Planning.



### **3.2 DANIEL KIPKORIR ROP- NOMINEE FOR THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR AGRICULTURE, LIVESTOCK AND COOPERATIVE MANAGEMENT**

67. Mr. Daniel Kipkorir Rop, the nominee for the County Executive Committee Member for Agriculture, Livestock and Cooperative Management appeared before the Committee on 27<sup>th</sup> October 2022 at 12pm and was vetted under oath pursuant to Article 179 (2) of the Constitution of Kenya, the Public Appointments (County Assemblies) Approval Act, and the Kericho County Assembly Standing Orders. The committee noted the following:

#### ***Date and place of Birth***

68. The nominee is a male Kenyan born in 1962 at Motobo village, Kipchebor Ward, Ainamoi Sub County of Kericho County.

#### ***Academic and Professional Qualifications***

69. The nominee holds a Master's Degree in Education (Counselling Psychology) from Kenyatta University.

#### ***Employment Record***

70. The nominee retired from public Service in July 2022 where he was the Acting Director of Education at the County Government of Kericho, a position he held since 2017. He is currently a small-scale farmer.

71. Previously the nominee worked as a trainer of ECDE teachers at Kericho DICECE where he was in charge of training and supervising ECDE teachers where he worked for 10 years.

72. The nominee also worked as a trainer of Primary school teachers at Kericho Teachers Training College for three years.

73. The nominee additionally worked for 17 years as a secondary school classroom teacher in various secondary schools.

***Honors and Awards***

74. The nominee indicated that he has several awards for being the best teacher of Science and Agriculture Trainer.

***Income and Net worth***

75. The nominee estimated his net worth to be Kshs.15 million comprising of ten acres of coffee, House, cars and Sacco shares.

***Professional Associations and Memberships***

76. The nominee is a member of the Teachers Service Commission (TSC).

***Published Writings***

77. The nominee has published books with the following titles:

- a) Skill Grow Mathematics for Pre-primary 1 and 2.
- b) Alpha Mathematics for Pre-primary 1 and 2

***Potential Conflict of Interest***

78. The nominee declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of CEC Member for Agriculture, Livestock and Cooperative Management. Should a conflict of interest arise, the nominee stated that he would declare the interest in accordance with the law.

***Pro-bono/Charity Work***

79. The nominee is the Volunteer Chairperson of a local coffee Cooperative Society where he has played a big role in improving the welfare of the members. He is also a member of a community revolving fund that pays school fees and NHIF contributions to less privileged members of the society.

***Integrity***

80. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of parliament, commission or County Assembly in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution. The nominee also provided Clearance certificates from EACC, the police and Credit Beaureau.

**3.2.1 GENERAL AND SECTOR SPECIFIC QUESTIONS TO DANIEL KIPKORIR ROP**

81. The committee posed several questions to the nominee regarding his knowledge of the docket of Agriculture, Livestock and Cooperative Management. The nominee responded as follows:

***On County Agricultural Investments-Kabianga Tea Farm and Kipkelion Coffee Farm***

82. The nominee acknowledged that the two county farms are poorly managed and could do better if well managed. He told the committee that he intends to make the farms a semi-autonomous County Government entities run by a Board which will be accountable for the performance of the Farms. He further noted that there was need to build a factory in the long-term to process tea from Kabianga Tea farm and blend it for export market. He further pledged to engage the services of the Tea and Coffee Research Foundation to improve on the species of the crops for better returns.

Additionally he committed to invest in value addition for the coffee and tea from the farms.

### ***On Value Addition***

83. The nominee appreciated the need for value addition of farm produce to increase farmers' returns. He committed to complete stalled projects such as the Sweet Potato Pack House by first regularizing the land in which the project is built on. For the Roret Pineapple Plant, the nominee pledged to ensure that it is operational and have the public own the project by buying shares individually or through cooperatives. On the Governor's proposal to set up a Maize Milling Plant in Londiani for value addition of maize produced in the area, the nominee proposed that there is need for consultations with the farmers for the sustainability of the project. He further proposed that the idea should be implemented through Public Private Partnership. He promised to empower the whole agricultural value chain through policies on production, value addition and marketing.

### ***On Budget absorption***

84. The nominee noted that development budget in the Department of Agriculture stood at 8% last financial year which was very low. The nominee made a commitment to ensure that development budget is absorbed for the benefit of Kericho residents.

### ***On Cooperatives***

85. The nominee noted that cooperatives are key in helping farmers improve their earnings. He noted that most cooperatives are struggling due to poor governance and management structure. The nominee committed to help in reviving cooperative

societies in the county and help them to use the model of management used at Songonyet Farmers' Cooperative Society where he serves as the Chairperson to ensure that there is prudent management of farmers' cooperatives and help them to invest in agro-processing to ensure value addition for the farm produce.

***On Livestock***

86. The nominee noted that the major setback in livestock farming was the high cost of production and flooding of the market with cheap imported livestock products. The nominee emphasized the need to improve livestock production through provision of affordable feeds. He proposed that the idle county land be used to farm livestock feeds to be sold to farmers at subsidized rates. He also committed to implement the Governor's manifesto of employing 30 livestock officers and facilitate them with offices and mobility to assist farmers at the ward level.

***On Mechanization in Tea Estates***

87. The nominee noted that a task force was already in place to look into the matter but emphasized the need to consult widely on the matter involving all the stakeholders.

***On Genetically Modified Organisms***

88. The nominee appreciated the fact that there is ongoing debate on the matter and argued that there was need to engage experts who are well versed on the issue before introducing the same in our county.

***On Knowledge, Experience and distinguished career to the portfolio he has been nominated to***

89. The nominee informed the committee that he had applied for the following positions in order of preference namely: Education, Culture and Libraries and Social Services, ICT and Youth Affairs and Agriculture, Livestock and Cooperative Management. He

told the committee that he was interviewed for the position of ICT and E-Government, Youth Affairs, Gender and Sports but nominated for the position of Agriculture, Livestock and Cooperative Management. He told the committee that he was passionate about agriculture. He informed the Committee that despite being an educationist he has a wealth of experience in running of over 15 years' experience as Chairperson of Songonyet Farmers' Cooperative. He further informed the committee that he presented a memorandum to the National Assembly's Committee on Agriculture which formed part of the Coffee Act.

### ***On Other Farm products in the County***

90. The nominee noted that there was need to diversify by growing different types of crops to guard against losses occasioned by price fluctuations in the market. He pledged to support sugarcane, fish, potato and bee farmers through providing policies that promote the farmers. He reiterated the need to ensure that building of a potato storage and cooling facilities are captured in the CIDP so that they are built to assist farmers in the potato production areas.

### **3.2.2 COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE**

91. The committee having considered the nominee's curriculum vitae and having heard his oral submissions during the approval hearing made the following observations on his suitability for appointment as County Executive Committee Members:

- a) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born in 1988 in Kericho and does not hold dual citizenship
- b) That the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies: EACC, KRA, DCI, CRB and HELB

- c) That the nominee has not been charged in a court of law in the past three years
- d) That the nominee has never been dismissed from office under Article 75 of the Constitution for the contravention of the provisions of Article 75 (1) (conflict of interest) Article 76 (financial probity) Article 77 (restriction on activities of state officers) and Article 78 (2) (dual citizenship) of the Constitution.
- e) That the nominee demonstrated knowledge of topical administrative and technical issues touching on the position of County Executive Committee Member for Agriculture, Livestock and Cooperative Management and has the requisite abilities, qualifications and experience to serve in the position hence suitable for the said position.

### **3.3 MRS. EDINA CHEPKIRUI TONUI- NOMINEE FOR THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR HEALTH SERVICES**

92. Mrs. Edina Chepkirui Tonui, the nominee for the County Executive Committee Member for Health Services appeared before the Committee on 27<sup>th</sup> October 2022 at 3.15pm and was vetted under oath pursuant to Article 179 (2), the Public Appointments (County Assemblies) Approval Act, and the Kericho County Assembly Standing Orders. The committee noted the following:

#### ***Date and place of Birth***

93. The nominee is a female Kenyan born in 1972 at Kimasian village, Kedowa/Kimugul Ward, Kipkelion East Sub-county of Kericho County.

#### ***Academic and Professional Qualifications***

94. The nominee holds a Bachelor's Degree in Environmental Health Science (Public Health) from Moi University.

#### ***Employment Record***

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95. The nominee is the current Sub-County Public Health Officer in Moiben Sub County, Uasin Gishu County a position she has held since 2018. She started her career as a public health technician and has risen through the ranks over the years since 1997 to the current position though by different employers including the Ministry of Health. Cumulatively, the nominee has 25 years of experience in public health

***Honors and Awards***

96. The nominee indicated that she has no awards or honors.

***Income and Net worth***

97. The nominee estimated his net worth to be Kshs. 20 million comprising of land, houses and motor vehicles.

***Professional Associations and Memberships***

98. The nominee is a member of the Association of Public Health Officers of Kenya.

***Published Writings***

99. The nominee indicated that she has no published writings.

***Potential Conflict of Interest***

100. The nominee declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of CEC Member for Health Services. Should a conflict of interest arise, the nominee stated that he would declare the interest in accordance with the law.

***Pro-bono/Charity Work***



101. The nominee indicated that she takes part in charity work by supporting orphans by paying their schools fees and providing for their upkeep. She also indicated that she takes part in fundraiser at the community level to assist the sick and the needy.

***Integrity***

102. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of parliament, commission or County Assembly in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the constitution. The nominee also provided Clearance certificates from EACC, the police and Credit Bureau.

**3.3.1 GENERAL AND SECTOR SPECIFIC QUESTIONS TO MRS. EDINA CHEPKIRUI  
ROP**

103. The committee posed several questions to the nominee regarding her knowledge of the docket of Health Services. The nominee responded as follows:

***On Challenges facing the Health Sector***

104. The nominee enumerated the various challenges affecting delivery of health services in the county and proceeded to propose the solutions that she intends to offer. The nominee identified demoralized workforce in the health sector as a major issue that has been caused by different terms of service for the same cadres of staff and lack of necessary protective supplies for the health workers. The nominee committed to work with the Labour Unions and the County Assembly Budget Committee to ensure that staff employed on contract will be absorbed in phases. She further pledged to ensure that all the necessary personal protective supplies are available in all health facilities. Additionally, the nominee pledged to invest in the motivation of staff in the health sector by organizing for retreats at the sub county level and also providing training opportunities to all cadres of staff. The nominee further informed the committee that she will get out of her way to seek donor funds to support the health

sector especially on infrastructural development. She additionally pledged to carry out a situational analysis of the workforce in the health sector and reorganize and rationalize the staff accordingly. This he noted will also help address the issue of operationalizing health facilities that are idle especially the new ones.

***On Drug shortage in Health Facilities***

105. The nominee appreciated that there was a major drug shortage in health facilities across the County. She attributed the shortage to leakages in drug supplies to private individuals. To curb the challenge, the nominee pledged to make use of technology to monitor and track drugs from the point of requisition to the final user at the health facilities. She further noted that with proper planning, procurement of drugs would be done in time and this will ensure that there is constant availability of drugs in hospitals. She further committed to deal decisively with cartels in the health sector.

***On dealing with Labour Disputes in the Health Sector***

106. The nominee acknowledged that labour disputes were rampant in the health sector hence affecting service delivery. The nominee noted that labour disputes arise from long standing issues that remain unresolved. She pledged to have regular consultations with staff in the health sector and union officials to resolve disputes as soon as they arise.

***On Emergency Services***

107. The nominee appreciated the fact that emergency services in the County are not functional. She reiterated her passion in revamping the emergency system in the county by ensuring that the referral system is reliable with working ambulances with personnel and oxygen. She regretted that the county has lost many patients due to poor emergency services in the county.

***On Cancer Centre***

108. The nominee reiterated the importance of a cancer center in the County. She explained that the isolation room used for the Covid 19 outbreak will be used as a cancer center but noted that there was also need to build a new cancer center even if in a small way as the isolation center was still important given that our county is along a major highway and hence prone to diseases such as Ebola.

***On Maternal health***

109. The nominee pledged to ensure that all the 155 dispensaries in the county have at least two beds each for mothers to deliver complete with personnel and necessary equipment and supplies.

***On Preventive Health***

110. The nominee appreciated the fact that prevention is better than cure. She noted that community health volunteers did not have a regular salary and depended on stipends if there is a donor. She pledged to employ public health officers to actively engage in preventive measures across wards and sub-counties such as checking of markets and food handling facilities.

**3.3.2 COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE**

111. The committee having considered the nominees' curriculum vitae and having heard her oral submissions during the approval hearing made the following observations on her suitability for appointment as County Executive Committee Members:

- a) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born in 1972 in Kericho and does not hold dual citizenship

- b) That the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies: EACC, KRA, DCI, CRB and HELB
- c) That the nominee has not been charged in a court of law in the past three years
- d) That the nominee has never been dismissed from office under Article 75 of the Constitution for the contravention of the provisions of Article 75 (1) (conflict of interest) Article 76 (financial probity) Article 77 (restriction on activities of state officers) and Article 78 (2) (dual citizenship) of the Constitution.
- e) That the nominee demonstrated knowledge of topical administrative and technical issues touching on the position of County Executive Committee Member for Health services and has the requisite abilities, qualifications and experience to serve in the position.

### **3.4 MRS ROSEMARY CHEPKIRUI ROP- NOMINEE FOR THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR WATER, ENVIRONMENT, ENERGY, FORESTRY & NATURAL RESOURCES**

112. Mrs. Rosemary Chepkirui Rop, the nominee for the County Executive Committee Member for Water, Environment, Energy, Forestry and Natural Resources appeared before the Committee on 27<sup>th</sup> October 2022 at 5.45 p.m and was vetted under oath pursuant to Article 179 (2) of the Constitution of Kenya, the Public Appointments (County Assemblies) Approval Act, and the Kericho County Assembly Standing Orders. The committee noted the following:

#### ***Date and place of Birth***

113. The nominee was born in 1967 in Ainamoi, Kericho County but relocated to United States of America when she was 1 year 6 months. After a follow up, the nominee confirmed to be a Kenyan Citizen and does not hold dual citizenship.

#### ***Academic and Professional Qualifications***

114. The nominee holds a post graduate diploma in organizational leadership from University of Oxford, Said Business School, England and a Master of Arts in Anthropology from University of Nairobi.

### ***Employment Record***

115. The nominee currently supports grant making in the World Bank's Trust Funded Global Partnership for Social Accountability. A position she has held from 2020. Previously she chaired the Water and sanitation committee of the board of the lake Victoria South Water Works Development Agency from 2019 to 2021, she also worked as a lecturer at Milken School of Public Health, George Washington university from 2017 to 2022. She worked at Caribbean Development bank as water sanitation and gender consultant from 2015 to 2019, where she was tasked with reviewing of e-learning course on governance and sanitation provided for 35 technical and management level staff responsible for sanitation in Haiti's national directorate of water supply and sanitation. The nominee also worked at World Bank as a water and social development consultant from 2017 to 2019. She also worked at World Bank group, water global practice Washington DC USA as a water and sanitation specialist/gender from 2013 to 2017, worked at World bank, Nairobi Country Office as water and sanitation specialist from 2005 to 2013, program director at Maji na Ufanisi from 2003 to 2005, founding team leader at sustainable Aid in Africa (SANA) International from 2001 to 2003 and BKH Consulting Engineers as Environmental sanitation Advisor from 1993 to 2001.

### ***Honors and Awards***

116. The nominee had 3 awards;

- Winner of 2012 innovation award for Maji Voice.
- Joint winner in 2013 innovation award for the Gender Market Analysis and Citizen Engagement Platform (GEMAP) World Bank.
- People's first award on Social Accountability and SDV Beneficiary feedback mechanism.

***Income and Net worth***

117. The nominee estimated her net worth to Kshs 90 Million shillings comprising of land, houses and motor vehicles.

***Professional Associations and Memberships***

118. The nominee is a member of international water association.

***Published Writings***

119. The nominee has published ten journals and five blogs among them the following:

- Smart Lesson-Truly Teaming: Partnering to integrate Gender in Kenya's Water Sector, November 2011
- Gender in Water and Sanitation; Working Paper on global good practices and checklists, December, 2010
- 'Steps for the Implementation of the Nyalenda Delegated Management Model' Manual on extending services to the urban poor, January 2012.
- How Countries Can Improve Access to Water for Women?

***Potential Conflict of Interest***

120. The nominee declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of CEC Member for Water, Environment, Energy, Forestry and Natural Resources. Should a conflict of interest arise, the nominee stated that he would declare the interest in accordance with the law.

*Pro-bono/Charity Work*

121. The nominee indicated that she pays fees for the needy children.

*Integrity*

122. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of parliament, commission or County Assembly in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the constitution. The nominee also provided Clearance certificates from EACC, the police and Credit Bureau.

**3.4.1 GENERAL AND SECTOR SPECIFIC QUESTIONS TO MRS ROSEMARY  
CHEPKIRUI ROP**

123. The committee posed several questions to the nominee regarding her knowledge of the docket of Water, Environment, Energy, Forestry and Natural Resources. The nominee responded as follows:

*On measures to increase access to safe and clean water*

124. The nominee acknowledged the fact that access to clean and safe water to Kericho residents was still far from being achieved despite the county being endowed with many water resources. To address the challenge, the nominee noted that she will carry out a baseline survey of the current status of water access with a view of finding an effective and efficient way of provision of safe and clean water to all households. She noted that the results of the baseline survey would help her in identifying water sources that needs rehabilitation or expansion to cover more households. The nominee pledged to use the results of the baseline survey to come up with a water masterplan that will prioritize completion of stalled water projects and start new ones that targets to achieve high coverage of the growing population. She further informed

the committee that she intends to engage donors by coming up with strong proposals that are detailed and with clear feasibility studies to seek for funding of water projects across the county. Additionally, the nominee intends to work closely with other governmental and non-governmental stakeholders dealing with water projects so as to harmonize activities to avoid overlaps and duplication of efforts.

***On Revamping of KEWASCO***

125. The nominee acknowledged the fact that Kericho Water and Sanitation Company (KEWASCO) was facing major challenges in provision of water to county residents. She noted that the water company had dropped from position 25 to 35 out of the 95 water companies across the country. She attributed this to poor governance that led to a decision to include provision of water by the company to the rural sector that failed to break-even. She further noted that a dilapidated and aging water distribution network has occasioned leaks that lead to commercial and technical losses. To address the challenges, the nominee pledged to identify a partner to provide technical assistance to the company to ensure that it is turned around. She told the committee that she will prioritize provision of support to the water company by building capacity of the company staff and ensuring that all revenue is collected and enforce accountability of the staff working in the company. She further pledged to ensure that the water distribution network is modernized to avoid system losses and deal decisively with the challenge of illegal water connection.

***On the conflict between Kericho and Bomet***

126. The nominee informed the committee that she was aware of the conflict between Kericho and Bomet that has affected provision of water to the residents. The nominee pledged to address the matter by use of water diplomacy framework and a come up with a joint entity to manage water provision and seek for ways to reduce the cost of electricity.



*On Solid waste management*

127. The nominee pledged to put in place robust and comprehensive measures on management of solid waste. She informed the committee that she intends to work with the private sector on a Public Private Partnership arrangement in solid waste management and urban areas beautification projects.

*On whether the nominee understands the public sector*

128. The nominee informed the committee that despite having worked with the World Bank and Non-Governmental Organizations (NGOs) throughout her working life, she understands the workings of government since all the projects she was involved in were implemented in partnership with government agencies. She further informed the committee that she has studied the laws relating to procurement and also devolved units. She pledged to ensure transparency and accountability in running the department.

*On drilling rigs and management of boreholes*

129. The nominee noted that there was need to ensure proper management of county drilling rigs to make them sustainable. She pledged to put in place measures to ensure that drilling rigs are maintained and also that county boreholes are run in a sustainable manner by privatizing them. She further pledged to use alternative sources of energy such as solar to power the boreholes to avoid high electricity bills. Additionally, the nominee told the committee that she intends to use technology to monitor the water projects.

*On climate change and environmental protection*

130. The nominee pledged to set aside resources to mitigate against climate change and also come up with policies on environment protection.

### **3.4.2 COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE**

131. The committee having considered the nominees' curriculum vitae and having heard her oral submissions during the approval hearing made the following observations on her suitability for appointment as County Executive Committee Members:

- a) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born in 1967 in Kericho and does not hold dual citizenship
- b) That the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies: EACC, KRA, DCI, CRB and HELB
- c) That the nominee has not been charged in a court of law in the past three years
- d) That the nominee has never been dismissed from office under Article 75 of the Constitution for the contravention of the provisions of Article 75 (1) (conflict of interest) Article 76 (financial probity) Article 77 (restriction on activities of state officers) and Article 78 (2) (dual citizenship) of the Constitution.
- e) That the nominee demonstrated knowledge of topical administrative and technical issues touching on the position of County Executive Committee Member for Water, Environment, Energy, Forestry & Natural Resources and has the requisite abilities, qualifications and experience to serve in the position hence suitable for the said position.

**3.5 LAWRENCE BII KIPKOECH- NOMINEE FOR THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR EDUCATION, CULTURE, LIBRARIES AND SOCIAL SERVICES**

132. Mr. Lawrence Bii Kipkoech, the nominee for the County Executive Committee Member for Education, Culture, Libraries and Social Services appeared before the Committee on 27<sup>th</sup> October 2022 at 7.55pm and was vetted under oath pursuant to Article 179 (2) of the Constitution of Kenya, the Public Appointments (County Assemblies) Approval Act, and the Kericho County Assembly Standing Orders. The committee noted the following:

***Date and place of Birth***

133. The nominee was born in 1972 in Soliat Ward, Soin/Sigowet Sub-county.

***Academic and Professional Qualifications***

134. The nominee holds a Bachelor's Degree in Education from Kampala International University.

***Employment Record***

135. The nominee is currently working at Kongeren Primary School as the Deputy Head teacher. He previously worked at Motero, Soliat, Kondamet and Chemamul Primary Schools as a classroom teacher. The nominee has a cumulative work experience of 26 years.

***Honors and Awards***

136. The nominee didn't have any honors or awards.

***Income and Net worth***

137. The nominee estimated his net worth to be Kshs. 10.4 Million comprising of assets, shares, motor vehicle and a house.

***Professional Association and Membership***

138. The nominee stated that he is a member of Teachers Service Commission.

***Published Writings***

139. The nominee didn't have any published writing.

***Potential Conflict of Interest.***

140. The nominee declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of CEC Member for Education, Culture, Libraries and Social Services. Should a conflict of interest arise, the nominee stated that he would declare the interest in accordance with the law.

***Pro-Bono/Charity Work***

141. The nominee stated that he is actively involved in community fundraising and charity work.

***Integrity***

142. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of parliament, commission or County Assembly in the last three years. He has also never been dismissed or otherwise removed from office for

contravention of the provisions of Article 75 of the Constitution. The nominee also provided Clearance certificates from EACC, the police and Credit Bureau.

### **3.5.1 GENERAL AND SECTOR SPECIFIC QUESTIONS TO MR. LAWRENCE BII KIPKOECH**

143. The committee posed several questions to the nominee regarding her knowledge of the docket of Education, Culture, Libraries, and Social Services. The nominee responded as follows:

#### ***On Management of Early Childhood Development Education Centers***

144. The nominee acknowledged the fact that there were challenges in the management of ECDE centers especially on the supervision of the teachers. The nominee pledged to ensure that monitors are employed in every ward to supervise the ECDE teachers noting that currently the teachers are supervised by primary school heads. The nominee further informed the committee that he intends to introduce a feeding program in ECDE centers where pupils are provided with food or milk as an incentive to improve enrolment. He however did not demonstrate where funds for the program will be sourced.

#### ***On substandard ECDE classrooms***

145. The nominee promised to crack down on contractors who build substandard ECDE classrooms and enforce personal responsibility of the departmental staff who give completion certificates to poorly constructed structures.

#### ***On confirmation of ECDE teachers and implementation of their scheme of service***

146. The nominee informed the committee that there was need to confirm the ECDE teachers to permanent and pensionable terms. He noted that this will be done in

phases due to budgetary constraints and will rely on the reports from primary school heads to determine the order in which they are absorbed. The nominee could not however clearly explain how the exercise will be done in a fair way since he confirmed that the returns and data from ECDE Centers have not been done to the sub-county as required as no one was available to collect the same from the head teachers. He further pledged to ensure that all ECDE teachers enter the scheme of service and that it is fully implemented but was unable to explain to the committee the contents of the scheme of service.

### ***On Village Polytechnics***

147. The nominee noted that the county has 12 operational village polytechnics. He identified competition from Technical Training Institutes as the major challenge facing the institutions since they offer quality courses among other incentives that are not available in village polytechnics. He further noted that trainers in village polytechnics are not properly trained. The nominee pledged to lobby for more budgetary allocation to the village polytechnics to address the challenges facing the institutions.

### ***On Libraries***

148. The nominee informed the committee that he is aware that there are four libraries in the county. He explained that he knows the one in Kericho town but will look for more information regarding the rest. He further noted that since the libraries function was recently devolved he will acquaint himself with the matter with a view of revamping and modernizing the facilities.

### ***On Vocational Training Centers***

149. The nominee informed the committee that there were 12 vocational training centers in the county and one incomplete one. He however lacked an understanding of

the specialties of the VTCs but promised to acquaint himself with their specialties and ensure that they are properly funded so as to have adequate materials and trained trainers. The nominee further committed to implement the Governors manifesto on sponsorship of 100 youths in every ward in the Vocational Training Centres to encourage uptake.

***On bursaries***

150. The nominee acknowledged the fact that there was a challenge of unfair bursary awards and promised to ensure that this is reversed by cascading the identification of needy students down to sub-location level. He further informed the committees that he was aware that the term of bursaries committees had lapsed and pledged to ensure new committees are speedily constituted.

***On County Legislation relating to education***

151. The nominee could not identify county legislation relating to education but promised to acquaint himself with the legislations going forward.

***On the performance of the school where he currently serves as Deputy Head Teacher***

- a) The nominee at first informed the committee that he did not have information regarding the performance of his school but when he was hard pressed he informed the committee that the mean score was 265 marks. The nominee was asked to provide the official results for the school that showed a mean-score of 256 marks.

**3.5.2 COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE**

152. The committee having considered the nominees' curriculum vitae and having heard his oral submissions during the approval hearing made the following observations on his suitability for appointment as County Executive Committee Members:

- a) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born in 1972 in Kericho and does not hold dual citizenship
- b) That the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies: EACC, KRA, DCI, CRB and HELB
- c) That the nominee has not been charged in a court of law in the past three years
- d) That the nominee has never been dismissed from office under Article 75 of the Constitution for the contravention of the provisions of Article 75 (1) (conflict of interest) Article 76 (financial probity) Article 77 (restriction on activities of state officers) and Article 78 (2) (dual citizenship) of the Constitution.
- e) That the nominee did not demonstrate knowledge of topical administrative and technical issues touching on the position of County Executive Committee Member of Education, Culture, Libraries and Social Services and lacked requisite abilities, qualifications and experience to serve in the position.

### **3.6 MRS JUDITH CHEPKORIR- NOMINEE FOR THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR INFORMATION, COMMUNICATION AND E-GOVERNMENT, YOUTH AFFAIRS, GENDER & SPORTS**

153. Mrs. Judith Chepkorir, the nominee for the County Executive Committee Member for Information, Communication and E-Government, Youth Affairs, Gender & Sports appeared before the Committee on 27<sup>th</sup> October 2022 at 10.00pm and was vetted under oath pursuant to Article 179 (2) of the Constitution of Kenya, the Public Appointments (County Assemblies) Approval Act, and the Kericho County Assembly Standing Orders. The committee noted the following:

#### ***Date and Place of Birth***

154. The nominee was born in 1967 in Belgut Sub-county, Kericho County.



*Academic & Professional Qualifications*

155. The nominee holds a Bachelor's Degree in Education from Moi University.

*Employment Record.*

156. The nominee is currently working as the Deputy Principal at Star of Hope Secondary School. She previously worked at Nairobi Milimani Secondary School as senior Head of Department. She is also an examiner with the Kenya National Examination Council (KNEC). She has a cumulative work experience of 29 years.

*Honors and Awards*

157. The nominee has an award from KNEC for exemplary performance.

*Income & Net Worth*

158. The nominee estimated her net worth at Kshs. 70 Million shillings comprising of houses in Nairobi and Eldoret, motor vehicles and pieces of land with sugarcane and tea plantations.

*Professional Association and Membership*

159. The nominee is a member of Teachers Service Commission.

*Published Writings*

160. The nominee writes radio programs for Kenya Institute of Curriculum Development.

***Potential Conflict Of Interest***

161. The nominee declared that she currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of CEC Member for Information, Communication, Technology and E-Government, Youth Affairs, Gender and Sports. Should a conflict of interest arise, the nominee stated that he would declare the interest in accordance with the law.

***Pro-Bono/Charity Work***

162. The nominee stated that she pays fees for the needy children in the community.

***Integrity***

163. The nominee confirmed that she has never been charged or convicted in a court of law, neither has she been dismissed from work or mentioned in any investigative report. She submitted Clearance from EACC, the Police and Credit Reference Bureau.

**3.6.1 GENERAL AND SECTOR SPECIFIC QUESTIONS TO MRS JUDITH CHIRCHIR**

164. The committee posed several questions to the nominee regarding her knowledge of the docket of Information, Communication and E-Government, Youth, Gender and Sports. The nominee responded as follows:

***On Gender and affirmative action and sports***

165. The nominee pledged to ensure that women, youth and personal with disabilities are empowered through policies and programs specifically tailored for them. She singled out the need to treat male and female genders equally and encourage youths to embrace self-employment through talent development and sports. She pledged to lobby for more budgetary allocation to promote talent development and sports. She

further noted that more youths and women are venturing into politics and pledged to involve them in leadership roles. The nominee additionally pledged to ensure strict implementation of the requirement for 30 percent allocation of all government tenders to the youth through the maintenance of a data base for all youths in the county and a monitoring mechanism to ensure that the requirement is not abused. She further informed the committee that she will ensure that children living with disabilities are integrated in normal schools and that all county building complies with the requirement of being friendly to persons with disability. She further pledged to champion for more bursary allocations to children with disabilities in schools and also for consideration in employment opportunities in the county. On Gender Based Violence, the nominee pledged to ensure that her department will work closely with all relevant stakeholders to ensure that GBV victims are assisted and the perpetrators punished.

***On Youths trained by the County at Chebwagan***

166. Regarding the 781 youths that were trained at Chebwagan, the nominee noted that the idea was good but it would have been implemented gradually. She pledged to ensure that those youths are issued with certificates. She also suggested that they be considered during the construction of 10,000 housing units in Kericho promised by the President.

***On Information, Communication and Technology and E-Business***

167. The nominee acknowledged the importance of using ICT platforms in government entities and expanding opportunities for the residents. The nominee pledged to work closely with other government departments in automation and digitization of operations especially in the collection of revenue. She further pledged to use the existing ICT centers to train youth and women on E-business to use it in improving

performance of their businesses. The nominee also pledged to implement the Governor's manifesto of provision of free internet connectivity.

### 3.6.2 COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE

168. The committee having considered the nominees' curriculum vitae and having heard her oral submissions during the approval hearing made the following observations on her suitability for appointment as County Executive Committee Members:

- a) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born in 1967 in Kericho and does not hold dual citizenship
- b) That the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies: EACC, KRA, DCI, CRB and HELB
- c) That the nominee has not been charged in a court of law in the past three years
- d) That the nominee has never been dismissed from office under Article 75 of the Constitution for the contravention of the provisions of Article 75 (1) (conflict of interest) Article 76 (financial probity) Article 77 (restriction on activities of state officers) and Article 78 (2) (dual citizenship) of the Constitution.
- e) That the nominee demonstrated knowledge of topical, administrative and technical issues touching on the position of County Executive Committee Member for Information, Communication and E-Government, Youth Affairs, Gender & Sports and has the requisite abilities, qualifications and experience to serve in the position.

**3.7 BRIAN LANGAT- NOMINEE FOR THE COUNTY EXECUTIVE COMMITTEE  
MEMBER FOR LANDS, HOUSING AND PHYSICAL PLANNING**

169. Mr. Brian Langat ,the nominee for the County Executive Committee Member for Lands ,Housing and Physical Planning appeared before the Committee on 28<sup>th</sup> October 2022 at 9.45am and was vetted under oath pursuant to Article 179 2 (b) of the Constitution, the Public Appointments (County Assemblies) Approval Act, and the Kericho County Assembly Standing Orders. The committee noted the following:

***Date and place of Birth***

170. The nominee is a male Kenyan born in 1988 at Telanet village, Kapsoit Ward, Ainamoi Sub County of Kericho County.

***Academic and Professional Qualifications***

171. The nominee holds a Masters’ degree of Arts in Public Policy and Administration from Kenyatta University and Bachelor’s Degree in Law from Moi University.

***Employment Record***

172. The nominee is the current Principal Legal Officer of Kericho County Assembly. His role amongst others include: Drafting Private Members’ Bill, Drafting of amendments to Bills, training and supervising the legal counsel under his department, providing legal advice to the committees and liaising with the office of the Attorney General on litigation matters involving the County Assembly.

173. The nominee served has assisted in drafting over 20 pieces of Legislations which has been passed by the County Assembly including the Kericho County Rating Act,

Kericho County Regularization of Unauthorized Developments Act 2021 and the Kericho County Survey Mapping Act.

174. In 2014 the nominee was an intern at the County Executive in the Legal Department where he was known to have carried out a comprehensive legal research on the case against the British Government on the injustices meted against the Kipsigis people of Kericho.

***Honors and Awards***

175. The nominee does not have any honors or awards.

***Income and Net worth***

176. The nominee estimated his net worth to be Kshs. 15 million comprising of 6 acres of Land, a car, House, and another land.

***Professional Associations and Memberships***

177. The nominee is a member of the Law Society of Kenya

***Published Writings***

178. The nominee indicated that he has published his thesis with Kenyatta University on Capacity Building Practices and Performance of County Assemblies in Kenya: A case of Kericho County Assembly.

***Potential Conflict of Interest***

179. The nominee declared that the potential conflict of interest to the department that he has been nominated to is likely to arise where his father is the Chairman of Kericho Municipal Board and stated that that his role as the County Executive Member will not interfere with the father's role as the Chairman of the said Board.

***Pro-bono/Charity Work***

180. The nominee while working at Eldoret, Legal Aid Center provided *pro- bono* legal advice.

***Integrity***

181. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

182. The nominee indicated that he would resign from his position as public officer if approved for the position in accordance to law.

**3.7.1 GENERAL AND SECTOR SPECIFIC QUESTIONS TO BRIAN CHERUIYOT LANGAT*****On the issue of Land Grabbing***

183. The nominee stated that he shall form a technical committee to identify all grabbed land in Kericho County who will also look into regularization of all County land and developments. He said that the said committee will be required to work hand in hand with the National Land Commission and be in conformity with all laws while carrying out their mandates.

***On the issue of trespass of land by the neighboring Counties***

184. The nominee acknowledged that there is an outcry by the people of Kericho on the boundary trespass and conflict with neighboring counties and he undertook to work closely with respective County Executive Committee members from the

neighboring counties to resolve the issue and the National Land Commission and Independent Electoral and Boundaries Commission. He also noted with concern that the National Land Commission are not mandated to solve inter county boundary issues and that instead the Independent Electoral and Boundaries Commission ought to be engaged in this conflict resolution.

***On the issue of County Housing and the Presidents promise on Housing***

185. The nominee informed the committee on various estates that belong to the County that require renovation and the need to bring down the old houses and told the committee that he will ensure that the housing plan that will be implemented by the National Government is equitably distributed in the County.

***On functionality of the Municipal Boards***

186. The nominee informed the members of the challenges that the Boards has insufficient staff, budget and incomplete transfer of functions to the Boards. The nominee requested that once approved the Assembly should consider giving the Boards more funds for them to employ more staff and perform optimally.

***On identifying more land for expansion of Kericho town and land rates (multinationals)***

187. The nominee assured the members that he shall work closely with multinationals to ensure there is resurvey of the land .The nominee assured the members of ensuring the updated valuation roll is applied when it comes to collection of land rates since the Multinationals only contribute meagre rates.

***On construction of the County Assembly Chambers***

188. The nominee acknowledged that the chambers currently used are very old buildings that were utilized during the County Council era and that he will make it



one of his priorities to allocate land for construction of modernized County Assembly offices and chambers.

### **3.7.2 COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE**

189. The committee having considered the nominees' curriculum vitae and having heard his oral submissions during the approval hearing made the following observations on his suitability for appointment as County Executive Committee Members:

- a) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born in 1988 in Kericho and does not hold dual citizenship
- b) That the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies: EACC, KRA, DCI, CRB and HELB
- c) That the nominee has not been charged in a court of law in the past three years
- d) That the nominee has never been dismissed from office under Article 75 of the Constitution for the contravention of the provisions of Article 75 (1) (conflict of interest) Article 76 (financial probity) Article 77 (restriction on activities of state officers) and Article 78 (2) (dual citizenship) of the Constitution.
- e) That the nominee demonstrated knowledge of topical, administrative and technical issues touching on Lands, Housing and Physical Planning and has the requisite abilities, qualifications and experience to serve as the County Executive Member in charge of Lands, Housing and Physical Planning hence suitable to serve in the said position.

### **3.8 ENG. ERIC KOECH- NOMINEE FOR THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR PUBLIC WORKS, ROADS AND TRANSPORT**

190. Eng. Eric Koech, the nominee for the County Executive Committee Member for Public Works, Roads and Transport appeared before the Committee on 28<sup>th</sup> October 2022 at 11.45pm and was vetted under oath pursuant to Article 179 (2) of the

Constitution of Kenya, the Public Appointments (County Assemblies) Approval Act, and the Kericho County Assembly Standing Orders. The committee noted the following:

***Date and Place of Birth***

191. The nominee was born in 1987 in Sigowet Ward, Soin/Sigowet Sub-county, Kericho County.

***Academic and Professional Qualifications***

192. The nominee holds a Bachelor's Degree in Water Engineering from Kenyatta University.

***Employment Record***

193. The nominee worked as County Resident Monitor at Water Sector Trust Fund from January 2019 to August 2022 and as Project Engineer at KEWASCO from August 2014 to March 2019. He further mentioned that he did his internship at SANA International Kisumu where he was tasked with implementation of school WASH project in Nyando District.

***Honors and Awards***

194. The nominee didn't have any honors or awards.

***Income and Net worth***

195. The nominee estimated his net worth to be 720, 000 shillings comprising of land, two motor cycles and a dairy cow.

***Professional Association and Membership***

196. The nominee stated that he is a member of Engineers Board of Kenya.

*Published Writings*

197. The nominee didn't have any published writing.

*Potential Conflict Of Interest*

198. The nominee declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of CEC Member for Public Works, Roads and Transport. Should a conflict of interest arise, the nominee stated that he would declare the interest in accordance with the law.

*Pro-Bono/Charity Work*

199. The nominee stated that he is currently sponsoring two students in their education.

*Integrity*

200. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of parliament, commission or County Assembly in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the constitution. The nominee also provided Clearance certificates from EACC, the police and Credit Bureau.

**3.8.1 GENERAL AND SECTOR SPECIFIC QUESTIONS TO ENG. ERIC KIPNGETICH KOECH**

201. The committee posed several questions to the nominee regarding his knowledge of the docket of Public Works, Roads and Transport. The nominee responded as follows:

*On Pending Bills*

202. The nominee acknowledged that pending bills was a major challenge in Kericho County especially for works in the Department of Public Works, Roads and

Transport. He attributed the problem to low revenue collection and failure to follow procurement laws when procuring the roads works. To address this challenge the nominee pledged to ensure that procurement laws are strictly followed and no project is started without proper documentation.

***On Opening, repair and maintenance of the County Road Network***

203. The nominee acknowledged that there is no strategy in place relating to the procedure for opening, repair and maintenance of road network in the county. To address this, the nominee pledged to map the county roads network and digitize them so that at the click of a button one can get details on the status of the road including its length. He further informed the committee that if approved he intends to develop a policy on road maintenance where local youth would be used to maintain the existing roads so that they last longer while at the same time solving the problem of unemployment among the youth.

***On Monitoring and evaluation of roads projects***

204. The nominee pledged to develop a policy to have a robust monitoring and evaluation team in the department of Public Works, Roads and Transport.

***On Shortage of personnel and mobility in the department***

205. The nominee informed the committee that he was aware that there was shortage of key staff in the department including quantity surveyors and technicians. This he noted has affected the quality of county roads and buildings. The nominee pledged to lobby the County Assembly's Budget Committee to allocate more resources for hiring of all the key personnel and provide them with motor vehicles.

***On Storm Water Management***

206. The nominee acknowledged the fact that storm water management was still a challenge in all towns in the county. The nominee if approved pledged to address the challenge by working closely with his counterparts in the National Government in ensuring that drainages are opened up across the county.

***On Project Implementation in the County***

207. The nominee if approved pledged to embrace stakeholder consultations in project planning, implementation and management to avoid wastage of public resources on projects that are not viable and also mitigate against conflicts during project implementation. On poorly done works, the nominee noted that contracts have defects lapse period where the contractor is bound to carry out repairs and correction of defects detected when the period is in force. The nominee pledged to ensure that the provision is enforced strictly. He further stated that he would enforce personal responsibilities on officers who give completion certificates on defective works. The nominee noted that the County had two graders, two tippers, and a back hoe that are functional which he committed to use in infrastructural development in the County.

***On Framework Contracting***

208. The nominee was asked to comment on the frame work contracting as a method of procurement. The nominee explained that this method had many advantages and would embrace it but ensure strict adherence to the rule of law noting that the method was fast and efficient. He emphasized that the method was the best in procurement of emergency works.

***On Street Lighting***

209. The nominee stated that if approved he will opt for solar powered street lighting noting that electricity powered street lights are expensive and unsustainable.

*On how his training and experience relate to the docket*

210. The nominee explained to the committee that despite being a water engineer he has interacted with public civil works while implementing water and sanitation projects. He further explained that during his training at the University, he covered units covered by Civil and Structural engineers such as Foundations Engineering, Survey, Soil Mechanics, Project Management, Engineering Materials, and Hydraulics among others.

**3.8.2 COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE**

211. The committee having considered the nominees' curriculum vitae and having heard his oral submissions during the approval hearing made the following observations on his suitability for appointment as County Executive Committee Members:

- a) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born in 1987 in Kericho and does not hold dual citizenship
- b) That the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies: EACC, KRA, DCI, CRB and HELB
- c) That the nominee has not been charged in a court of law in the past three years
- d) That the nominee has never been dismissed from office under Article 75 of the Constitution for the contravention of the provisions of Article 75 (1) (conflict of interest) Article 76 (financial probity) Article 77 (restriction on activities of state officers) and Article 78 (2) (dual citizenship) of the Constitution.
- e) That the nominee demonstrated knowledge of topical administrative and technical issues touching on the position of County Executive Committee Member for Public Works, Roads and Transport and has the requisite abilities, qualifications and experience to serve in the position hence suitable.

**3.9 BRENDA BILL-BII- NOMINEE FOR THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR PUBLIC SERVICE MANAGEMENT**

212. Brenda Bill-Bii, the nominee for the County Executive Committee Member for Public Service Management appeared before the Committee on 28<sup>th</sup> October 2022 at 1.15 pm and was vetted under oath pursuant to Article 179 (2) (b), the Public Appointments (County Assemblies) Approval Act, and the Kericho County Assembly Standing Orders. The committee noted the following:

***Date and place of Birth***

213. The nominee is a female Kenyan born in 1982 at Keongo, Kapkugerwet Ward, Ainamoi Sub County of Kericho County.

***Academic and Professional Qualifications***

214. The nominee holds a Bachelor of Arts, Political Science from Makerere University.

***Employment Record***

215. The nominee was Human Resource Generalist at Project Rio Ltd. Her roles in the said company was to assist in the structuring of human resources operations and the commencement of recruitment and operations .The nominee was also Director at Lasoi Academy where she was responsible in recruiting and supervising the teaching and non-teaching staff and ensuring quality assurance of teaching, learning and assessment processes.

216. The nominee was also a Member of the first County Assembly. She participated in advocating for gender issues by training women groups and ensured bills placed before the House are gender mainstreamed. She was also a member of the Labour and Social Services Committee.

***Honors and Awards***

217. The nominee does not have any honors or awards.

***Income and Net worth***

218. The nominee estimated her net worth to be Kshs. 17 million comprising of 4 acres of Land , House, dairy unit ,Kindergarten and a plot with a fully equipped bakery.

***Professional Associations and Memberships***

219. The nominee is not a member of any professionally body

***Published Writings***

220. The nominee has not published any writings.

***Potential Conflict of Interest***

221. The nominee declared that he currently does not have any persons or matter that would present a potential conflict of interest should she assume the position of CEC Member for Public Service Management. Should a conflict of interest arise, the nominee stated that she would declare the interest in accordance with the law.

***Pro-bono/Charity Work***

222. The nominee is involved in charity work by contributing in several harambees

***Integrity***

223. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of in the last three years. She has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the constitution.



**3.9.1 GENERAL AND SECTOR SPECIFIC QUESTIONS TO BRENDA BILL-BII*****On optimal performance of Sub County administrators and Ward Administrative Officers***

224. The nominee stated that the Sub County Administrators and Ward Administrative Officers are not able to perform well due to the fact that they do not offices and are not mobile hence not bale to supervise of sub county and ward projects. She assured the committee to support the said offices with whatever is required for them to perform optimally.

***On confirmation of the Youth that were trained at Chebwagan Youth Polytechnic***

225. The nominees recommended the sealing of all revenue loopholes and identify ways of raising revenues. This way the county will have more revenue to employ the youth without affecting the limitation on the wage bill.

***On disaster management and special programmes***

226. The nominee stated that the unit on disaster management is not fully established and committed to the assembly to have an emergency rapid response unit and requested that more allocation be set aside to the department to have a fully functional disaster management and special programmes unit.

***On importance of centralization of Payroll***

227. The nominee stated that it was important to have a centralized payroll so as to enhance transparency and accountability.

***On Staff motivation***

228. The nominee assured the members to put structures in place to ensure the staff who have stagnated are promoted and that continuous capacity building is done to the staff.

**3.9.2 COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE**

229. The committee having considered the nominee's curriculum vitae and having heard her oral submissions during the approval hearing made the following observations on his suitability for appointment as County Executive Committee Members:

- a) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born in 1982 in Kericho and does not hold dual citizenship
- b) That the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies: EACC, KRA, DCI, CRB and HELB
- c) That the nominee has not been charged in a court of law in the past three years
- d) That the nominee has never been dismissed from office under Article 75 of the Constitution for the contravention of the provisions of Article 75 (1) (conflict of interest) Article 76 (financial probity) Article 77 (restriction on activities of state officers) and Article 78 (2) (dual citizenship) of the Constitution.
- e) That the nominee demonstrated knowledge of topical, administrative and technical issues touching on Public Service Management and has the requisite abilities, qualifications and experience to serve as the County Executive Member in charge of Public Service Management.

**3.10 MR. BENARD BII- NOMINEE FOR THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR TRADE, INDUSTRIALIZATION, INNOVATION, TOURISM AND WILDLIFE**

230. Mr. Bernard Bii, the nominee for the County Executive Committee Member for Trade, Industrialization, Innovation, Tourism and Wildlife appeared before the Committee on 28<sup>th</sup> October 2022 at 3.20pm and was vetted under oath pursuant to Article 179 (2) of the Constitution of Kenya, the Public Appointments (County

Assemblies) Approval Act, and the Kericho County Assembly Standing Orders. The committee noted the following:

***Date and Place and Birth***

231. The nominee was born in 1987 in Kabianga Ward, Belgut Sub-county, Kericho County.

***Academic and Professional Qualifications***

232. The nominee has a Master's Degree in Business Administration from Kabianga University and is currently pursuing a doctorate in Philosophy in the same institution.

***Employment Record***

233. The nominee is currently working as a school bursar at Chepkosilen Secondary School a position he has held since 2011.

***Honors and Awards***

234. The nominee didn't have any honors' or awards.

***Income and Net worth.***

235. The nominee estimated his net worth to Kshs. 10 Million comprising of vehicles, house, land with tea plantation and rental houses.

***Professional Associations and Membership***

236. The nominee is not a member of any professional body or association.

***Published Writings***

237. The nominee has a published article entitled '*Effects of accounting Information Software Use on Service Delivery in Public Secondary Schools in Kericho County, Kenya*' in the International Journal of Commerce.

***Potential Conflict Of Interest***

238. The nominee declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of CEC Member for Trade, Industrialization, Innovation, Tourism and Wildlife. Should a conflict of interest arise, the nominee stated that he would declare the interest in accordance with the law.

***Pro-Bono/Charity Work***

239. The nominee stated that he supports the elderly.

***Integrity***

240. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of parliament, commission or County Assembly in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the constitution. The nominee also provided Clearance certificates from EACC, the police and Credit Bureau.

**3.10.1 GENERAL AND SECTOR SPECIFIC QUESTIONS TO MR. BERNARD BII**

241. The committee posed several questions to the nominee regarding his knowledge of the docket of Trade, Industrialization, Innovation, Tourism and Wildlife. The nominee responded as follows:

***On the nominees general understanding of his docket***

242. The nominee stated that the docket that he has been nominated to deals with trade which is about businesses, innovation which is about creating new ideas or

improvement of an idea, Industrialization which is about industries within Kericho and out of Kericho, tourism which is about tourists and tourist destinations and wildlife which refers to animals.

***On Small Enterprises & Enterprise Fund***

243. The nominee mentioned ways in which he will improve small enterprises in town. He mentioned that he will set up a revolving fund as promised by the Governor that will give youths and women capital to start businesses. He further stated that he will amend the Enterprise Fund Act of 2014 and insert a provision on partnering with financial institutions in the disbursement and recovery of the fund.

***On Kapkatet, Roret and Kapkelek Markets***

244. The nominee stated that he will engage relevant stakeholders so as to ensure that traders utilize stalls that have been built.

***On Revenue Targets***

245. The nominee when asked on the laxity in collection of revenue, committed to work closely with Public Service Management and finance departments to ensure that revenue officers collect revenue with seriousness that it deserves so that the targets are met.

***On Chebulu Conservancy, Bagao and Reresik Tourist Attractions***

246. The nominee stated that there were plans by the County Government to revive Chebulu conservancy and committed to resolve the land issue that had affected its operation.

***On mushrooming of Alcoholic Joints***

247. The nominee when asked on how he will handle the mushrooming alcoholic joints he stated that he would ensure the alcoholic joints operate legally however he stated that he was not conversant with alcoholic drink control rules.

***On Innovation***

248. The nominee when asked on policies and ways that he will tap on innovations by the youth, he assured the committee that he will liaise with the relevant department so as to patent the innovations.

***On Markets & Trade along Highways***

249. The nominee committed to complete stalled markets and work with enforcement officers to ensure that the traders use market stalls than risking their lives along the highways.

***On Economic Stimulus Program***

250. The nominee stated that if approved, he will ensure that the workshops in the county are operational so as to generate revenue to the county.

***On Value Addition***

251. The nominee stated that he will engage experts on value addition to see to it that Kericho products fetch farmers more through value addition.

***On knowledge and experience relating to the docket he has been nominated to***

252. The nominee informed the committee that for the past ten years he has been working as a school bursar hence he was equal to the task.

***On the laws passed by the Assembly relating to his docket***

253. He said he was only aware of the legislation on County Enterprise fund and he was not aware of the legislation on Alcoholic drinks controls Act and Trade and Markets Act and that he will endeavor to find what the legislation is all about once approved to serve in the said docket.

### 3.10.2 COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE

254. The committee having considered the nominees' curriculum vitae and having heard his oral submissions during the approval hearing made the following observations on his suitability for appointment as County Executive Committee Members:

- a) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born in 1987 in Kericho and does not hold dual citizenship
- b) That the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies: EACC, KRA, DCI, CRB and HELB
- c) That the nominee has not been charged in a court of law in the past three years
- d) That the nominee has never been dismissed from office under Article 75 of the Constitution for the contravention of the provisions of Article 75 (1) (conflict of interest) Article 76 (financial probity) Article 77 (restriction on activities of state officers) and Article 78 (2) (dual citizenship) of the Constitution.
- e) That the nominee **did not** demonstrate knowledge of topical, administrative and technical issues touching on the position of County Executive Committee Member for Trade, Industrialization, Innovation, Tourism and Wildlife and lacks the requisite abilities, qualifications and experience to serve in the docket.

**3.11 DR. WESLEY K BOR (PHD) - NOMINEE FOR THE POSITION OF COUNTY SECRETARY AND HEAD OF COUNTY PUBLIC SERVICE**

255. Dr. Wesley K Bor, the nominee for the position of County Secretary and Head of County Public Service appeared before the Committee on 28<sup>th</sup> October 2022 at 5.45 pm and was vetted under oath pursuant to Article 179 2 (b), the Public Appointments (County Assemblies) Approval Act, and the Kericho County Assembly Standing Orders. The committee noted the following:

***Date and place of Birth***

256. The nominee is a male Kenyan born in 1980 in Kamasian Ward, Kipkelion West Sub-County of Kericho County.

***Academic and Professional Qualifications***

257. The nominee holds a doctorate degree in Food Nutrition and Dietetics from Kenyatta University and Doctor of Philosophy from the same University.

***Employment Record***

258. The nominee is a Dean at the School of Medicine and Health Sciences, where his main role is to coordinate academic programmes, resource management, Clinical Practicum, postgraduate programme and budgeting processes. He is also the head of Human Nutrition and Dietetics Department and Public Health Department, Kabarak University.

259. The nominee is a member of the University Institute of Postgraduate Studies Board

260. The nominee also served in Walter Reed as the Program Health and Nutrition Coordinator. He was previously the District Nutritionist in the Ministry of health in Kericho.

***Honors and Awards***



261. The nominee has an Achievement Award from Kenya Medical Research Institute  
US Army Medical Research Unit

***Income and Net worth***

262. The nominee estimated his net worth to be Kshs. 12 million shillings comprising  
of Land, two motor vehicles and a House.

***Professional Associations and Memberships***

263. The nominee is a member of the Kenya Nutritionist & Dieticians Institute.

***Published Writings***

264. The nominee indicated that he has published the books & articles in Journals,  
among others are the following:
- a) Editon Consortium Journal of Physical and Applied Science
  - b) Role of Dietary Anti-oxidants in the Management of HIV/AIDS(Kabarak Journal)
  - c) Kenya National Guidelines on Nutrition and HIV(3<sup>rd</sup> Edition)

***Potential Conflict of Interest***

265. The nominee declared that he currently does not have any persons or matter that  
would present a potential conflict of interest should he assume the position of County  
Secretary and Head of County Public Service. Should a conflict of interest arise, the  
nominee stated that he would declare the interest in accordance with the law.

***Pro-bono/Charity Work***

266. The nominee is involved in charity work through medical camps and village fundraisings.

***Integrity***

267. The nominee has neither been charged in a court of law nor mentioned in any investigatory report of in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the constitution.

268. The nominee indicated that he would resign from his positions as public officer if approved for the position in accordance to law.

**3.11.1 GENERAL AND SECTOR SPECIFIC QUESTIONS TO DR. WESLEY K.BOR  
(PHD)**

***On transition from being a Dean at the School of Medicine and Health Sciences to County Secretary and Head of County Public Service***

269. The nominee told the committee that he saw it as an opportunity to share experience and have a career growth. He also stated it was his desire to impact the knowledge he has gained over years to serve the public.

***On delay of salaries***

270. The nominee acknowledged that delays in salaries demotivates staff and there is a need to have an Memorandum of understanding with financial institutions which will ensure salaries are paid to the employees should there be delays in requisition of funds from the treasury

***On custody of County Assets***

271. The nominee assured the County to keep safe the county assets by updating the county assets Inventory and ensure that it is ISO Certified.

*On Staff motivation*

272. The Nominee stated that for staff to be motivated there is a need to do staff rationalization and place staff to the departments they are qualified to serve.

*On Conflict Resolutions*

273. The nominee reiterated the importance of identifying the problems and solving them before they escalate. He also proposed on having a structured reporting mechanisms and promote stakeholder engagements and have mutual agreements that will be focused on peaceful co-existence and enhance service delivery.

*On efficient and effective County Secretary*

274. The nominee informed the committee that he will ensure that the minutes are kept properly and the minutes are standardized and that the resolutions of the Committee are timely delivered to the relevant institution and that there is proper monitoring and evaluation of implementation of the resolutions of the Committee.

**3.11.2 COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE**

275. The committee having considered the nominee's curriculum vitae and having heard his oral submissions during the approval hearing made the following observations on his suitability for appointment as County Executive Committee Members:

- a) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan Citizen born in 1980 in Kericho and does not hold dual citizenship
- b) That the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies: EACC, KRA, DCI, CRB and HELB
- c) That the nominee has not been charged in a court of law in the past three years

- d) That the nominee has never been dismissed from office under Article 75 of the Constitution for the contravention of the provisions of Article 75 (1) (conflict of interest) Article 76 (financial probity) Article 77 (restriction on activities of state officers) and Article 78 (2) (dual citizenship) of the Constitution.
- e) That the nominee demonstrated knowledge of topical administrative and technical issues touching on the position of County Secretary & Head of County Public Service and has the requisite abilities, qualifications and experience to serve as the County Secretary and Head of County Public Service. However the committee **declined to approve** his nomination since the procedure for his appointment stipulated in law was not followed.

#### 4.0 COMMITTEE OBSERVATIONS

276. Pursuant to Section 9 (2) of the Public Appointments (County Assemblies Approval) Act, 2017, the committee observed that the following nominees met the integrity threshold; demonstrated knowledge of topical, administrative and technical issues touching on the portfolios to which they have been nominated and had the requisite abilities, academic qualification and professional experience to be approved for appointment-

- a) As County Executive Committee Members in accordance with Article 179 (2) of the Constitution of Kenya and Section 35 of the County Government Act:

- 1) Ngetich Leonard Kipkoech, nominee, Finance and Economic Planning;
- 2) Daniel Kipkorir Rop, nominee, Agriculture Livestock and Cooperatives Management;
- 3) Rosemary Chepkurui Rop, nominee, Water, Environment, Energy, Forestry & Natural Resources;
- 4) Edina Chepkirui Tonui, nominee, Health Services;
- 5) Judith Chepkorir, nominee, Information, Communication and E-Government, Youth Affairs, Gender and Sports;
- 6) Cheruiyot Langat Brian, nominee, Lands, Housing & Physical Planning;

- 7) Eng. Erick Kipngetich Koech, nominee, Public Works, Roads & Transport; and
  - 8) Brenda Bill Bii, nominee, Public Service Management.
    - b) As County Secretary in accordance with Section 44(2) of the County Government Act.
277. Further, Pursuant to Section 9 (2) of the Public Appointments (County Assemblies Approval Act) No.5 of 2017, the committee observed that Lawrence Bii Kipkoech , nominee for CEC Member for Education, Culture, Libraries and Social Services did not demonstrate knowledge on topical, administrative and technical issues touching on the department of Education, Culture, Libraries and Social Services, lacked the requisite abilities and professional experience to be approved for appointment to the office of CEC Member in the said docket.
278. Additionally the committee observed that Pursuant to Section 9 (2) of the Public Appointments (County Assemblies Approval Act) No.5 of 2017, the committee observed that Benard Bii , nominee for CEC Member for Trade, Industrialization, Innovation, Tourism & Wildlife did not demonstrate knowledge on topical, administrative and technical issues touching on the department of Trade, Industrialization, Innovation, Tourism & Wildlife, lacked the requisite abilities and professional experience to be approved for appointment to the office of CEC Member in the said docket.
279. Despite Dr. Wesley K. Bor, the nominee for the position of County Secretary & Head of County Public Service demonstrating knowledge of topical, administrative and technical issues touching on the portfolio to which he has been nominated to and having the requisite ability, academic qualification and professional experience, the procedure for constituting the Selection Panel that recruits the County Secretary was not adhered to in accordance to Section 44 (2C) read together with Section 58A of the County Government Act 2012.

**5.0 COMMITTEE RECOMMENDATIONS**

280. Having conducted the Approval Hearing for the nominees pursuant to Article 179 (2) (b) of the Constitution of Kenya, Section 35 of the County Government Act No.17 of 2012, Section 7 & 9 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 and Standing Order 199, the Committee recommends that this house-

1. Approves the nomination of Mr. Ngetich Leonard Kipkoech for appointment as CEC Member for Finance and Economic Planning by H.E The Governor;
2. Approves the nomination of Daniel Kipkorir Rop for appointment as CEC Member Agriculture Livestock and Co-operatives Management by H.E The Governor;
3. Approves the nomination of Rosemary Chepkurui Rop for appointment as CEC Member for Water, Environment, Energy, Forestry & Natural Resources by H.E The Governor;
4. Approves the nomination of Edina Chepkirui Tonui, for appointment as CEC Member for Health Services by H.E The Governor;
5. Approves the nomination of Judith Chepkorir for appointment as CEC Member for Information, Communication and E-Government, Youth Affairs, Gender and Sports by H.E The Governor;
6. Approves the nomination of Cheruiyot Langat Brian for appointment as CEC Member for Lands, Housing & Physical Planning;
7. Approves the nomination of Eng. Erick Kipngetich Koech for appointment as CEC Member for Public Works, Roads & Transport by H.E The Governor; and
8. Approves the nomination of Brenda Bill Bii for appointment as CEC Member for Public Service Management by H.E The Governor.

281. Further, pursuant to Section 9 (2) of the Public Appointments (County Assemblies Approval Act) No.5 of 2017 and standing Order 199 the committee recommends that this house rejects the nominations of Lawrence Bii Kipkoech and Benard Bii, for appointment as CEC Members for Education, Culture, Libraries and Social Services

and Trade, Industrialization, Innovation, Tourism and Wildlife respectively by H.E The Governor.

282. Additionally Pursuant to Section 44 (2D) (b) of the County Government Act, the Committee recommends that this House declines to approve the nomination of Dr. Wesley K. Bor for appointment as County Secretary and Head of County Public Service by H.E The Governor.

283. Further, the committee on appointments recommends that the appointing authority adheres to the provisions of the County Government Act on inclusion of minorities, marginalized groups and communities and the all future appointments should reflect communities and cultural diversity within the County.

284. Finally, pursuant to Standing Order 194 (5) of the Kericho County Standing Orders, the following members of the committee recorded a minority/Dissenting opinion against the rejection of the nomination of Lawrence Bii as the County Executive Committee Member nominee for Education, Culture, Libraries and Social Services and Benard Bii as the County Executive Committee Member nominee for Trade, Industrialization, Innovation, Tourism and Wildlife-

1. Hon. Vincent Korir
2. Hon. Anita Mibey
3. Hon. Dominic Mutai.

Signed.....

RT. HON. DR. PATRICK MUTAI

SPEAKER OF THE COUNTY ASSEMBLY AND CHAIRPERSON COMMITTEE ON APPOINTMENTS

Dated 1<sup>st</sup> November 2022.

You will find the annexure there, I have indicated:

1. Annexure 1.
2. annexure 1b
3. annexure 2
4. annexure 3 a
5. annexure 2 a continuation
6. annexure 3b Continuation
7. annexure 4
8. annexure 5 letter
9. annexure 6
10. Annexure 6 b, c and finally f.

Thank you very much Mr. Speaker. The motion is seconded by Honorable Cheruiyot Bett.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you very much Hon. Paul Chirchir you may have your seat. The Hon. Cheruiyot Bett.

**Hon. Cheruiyot Bett (Member for Ainamoi Ward):** Thank you very much Mr. Speaker for giving me this opportunity to stand behind the mover of the motion that is Hon. Paul Chirchir, the leader of basic first in this county and a future something. Mr. Speaker, I want to thank the mover of the motion because of the time he took, it was a very tedious exercise but I want to thank him for being clear and confirming to you and the entire House that this report is a true recording of the deliberation by the committee on appointment where am a member. Mr. Speaker let me begin by saying that the County Assembly came into being under Article 176 one of the Constitution of Kenya. When you go to Article 185 (1) the legislative arm of the County Government oversight the Executive arm of Government and also the approvals is vested at the County Assembly. The committee on appointments is legally constituted as you have seen from this report. It was established under Standing Order 199 and it was approved by this honorable House on the 5<sup>th</sup> October 2022. Mr. Speaker we vetted the nominees and what we were looking for was their suitability. Going by the suitability we had various documents that we used to assist and even the appearance of the candidates on the way they were responding to pertinent issues

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affecting their departments. The vetting exercise is commendable so that even at least the people who gave the mandates to represent their interest will know what takes place in the County. I also want to commend live streaming. You remember even as we went through the vetting exercise, most of the residents from this county were asking us questions to pose to the nominees. Those are the question that we sought your indulgence to ask the nominee and even the people saw how the nominees responded to the various issues affecting our county. We used various instrument to gauge their suitability, one of them is the Constitution of Kenya. Remember Article 184, the devolved units is under chapter 11 of the Constitution of Kenya and the creation of the County Assembly is under Article 176. Mr. Speaker we tested the suitability of those nominees using the relevant documents, one of them is County Government Act. I was very particular because as we even approved these nominees there were the irreducible minimums that the nominee must proof that they are above board. I want to commend the Governor because quite a number of those nominees at least showed the ability to head the dockets nominated to. He made sure that the nominees met those requirements.

There are sections of the law that we are looking at for example Section 35(2) (b) and (c) concerning the minority and the marginalized group and communities in our County. The County Assembly shall not go against the Constitution in broad day light in black and white. So the list that we were given did not have representation of minorities and the marginalized communities that is section 35 of the County Government Act. I want to thank H.E the President because he made sure that in this section of the law, the party led by our president saw it fit to nominate members to represent those interest groups in this County. A classic example is Hon. Matkeir under minority in this county. Second is Hon. Opile who represents the minority and of course Hon. Gikonyo. Those are the nominees that the party gave us. I want to commend the President and his party because they saw it fit that sections of the law must be adhered to we have no options but we are supposed to go by this law.

I second the motion moved by the Hon. Paul Chirchir. I want to comment on the various petitioners who gave their petition and by the wisdom of the committee, some of those

petitioners never made it because they withdrew their petitions but when you look at the content, it captured what the appointing authority never did in sending the report. Apart from rejecting those petitions, when you look at the content, you can tell that that we have an informed populace and that is good, they must be encouraged every other time to petition the County Government and by extension the County Assembly on issues that they think they were not well attended to. Some of those petitions never saw the light of the day because of some minor errors. So I think we need to educate the public so that when they petition at least they use the framework and structures that have been established by the County government. I do not want to say much because the report that was moved by the Hon. Paul Chirchir is self-explanatory. I want to congratulate some of the candidates as they went through the vetting processes, some demonstrated a lot of passion for example the nominee for finance and economic planning gave a practical step when and how he is going to deal with the pending bills and that was good because the pending bill is an issue that have always become a thorn in the flesh in our county for the last ten years. He also gave a practical example on how he will seal the revenue loop hole.

I also want to comment on the nominee for health. You know health is wealth, that department has always been suffering with a lot of issues. The nominee did explain how she is going to make sure that we have drugs in our county facilities 24 hours a day. And that was good for her because when we go to meet the people who elected us and we are asked about the drugs in our facilities, sometimes we lack what to tell them but for the first time I can see we have a CEC who understands that there should be drugs in the facilities. What made my day is when the nominee was asked about the emergency services in our county especially the county referral concerning ambulances. They take an entire day to refer a patient to another facility because of lack of fuel to fuel the ambulances that we bought in this county. The nominee cried because one of her kin lost his life at the emergency section because there were no fuel for the ambulance to refer the patient to Moi Teaching and Referral Hospital (MTRH). So she said that she will make sure that fuel is always available for those ambulances. That is what we have been lacking. We normally call the department and they offer the vehicle but with no fuel. Sometimes we do not

have money to fuel those vehicles to take our patients either to MTRH or Kenyatta Hospital so those are just but a few.

On the other hand, I took a chance to interact with the nominee for education. You know I have been the Chair for education for long and with all honesty, The Governor needs a very serious person in the department. If he cannot identify even one legislation in the department you have been nominated to, if he cannot even tell us the average marks as the deputy head teacher of the school of the last KCPE, if the only achievement of a serious nominee to a docket of education is that he was leading in the home science contest in the zone in 1998, then there is a problem.

When you come to another nominee, asked what they think about wild life, he says that we do not have wild animals in our county. He has no idea what wild animals we have around and we are sitting here trying to approve them to be the CECs. I want to tell the County Assembly that the drafters of the Constitutions and the County Government Act had some of these issues in their minds that the oversight role will be vested at the County Assembly. So I want to urge the third County Assembly members that lets rise to the occasion, let's do our oversight role for the success of this county. We need to stand up and be counted that when our population needed us we rose to the occasion and defended the constitution.

The County Secretary is very suitable to that position but the only problem is the legal department misshaped on the issue of approving the panel that is going to appoint the County Secretary. We had a very sharp man sited here but the only problem is the board that interviewed that man was not approved by the County Assembly. The county legal department must be made to account; they should give The Governor the right advice especially in terms of legal, otherwise I want to support the report and as I end because of time Martin Luther King Junior said in August 28<sup>th</sup>, 1963 he was giving a speech, the famous I have a dream. He said,

‘There comes a time when one must take a position that is neither safe nor politics nor popular but one must take it because conscience tells him it is right’, These are such times that we need to take a position, the position we take might not be safe, it might not be popular, but we must

take a position because it is about the conscience. So I want to remind the Members of the County Assembly of Kericho that history will judge you harshly if we don't rise to the occasion. Finally the same person in the same meeting when he was addressing 250 thousands people, the ultimate measure of a man is not where he stands in the moments of comfort and convenience but stands at the time of challenges and controversy. These are such time Mr. Speaker that we need to rise as a county and do our job well.

Finally our president the Honorable Dr. William Ruto Says the best way of supporting a government is to correct it. So the best way to support the government that we have in Kericho County is to support and correct the government and that is the way we will support the Governor of this county in whose government we are part of.

Otherwise I second this motion and as we contribute, I want to urge the members that we need to pull up our socks and begin to work. Thank you very much Appointments committee led by you Mr. Speaker and of course the mover of the motion. I want to urge members that lets support this report in its entirety! Thank you very much.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you very much the Hon. Cheruiyot Bett. Hon. Rogony before I give it to you I want to give it to the Majority Leader because there is a proposal on amendment that he wants to move before this House. Members I want you to refer to your Standing Orders no. 93 on Points of order. Any member standing on a point of order at any time during a speech of another member should state the point of order that they are rising on. On mattes of point of information, let me also direct that unless a member speaking accepts to be informed then that is the time a member will give their point of information. Hi. Majority Leader, proceed!

**Hon. Vincent Korir: (Majority Leader, Member for Londiani Ward):** Thank you very much Mr. Speaker I move an amendment on the report...

**The Speaker (Hon. Dr. Patrick Mutai):** What is it the Honorable Rono, the Majority Leader are you willing to be informed?

**Hon. Philip Rono (Member for Kamasian Ward):** Thank you very much Mr. Speaker maybe to inform ourselves or the House, Honorable Majority leader cannot move an amendment before you put a question Mr. Speaker.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you very much honorable Rono!

**Hon Philip Rono (Member for Kamasian Ward):** Sorry, propose the question Mr. Speaker.

*(Question proposed)*

**The Speaker (Hon. Dr. Patrick Mutai):** Majority Leader please proceed now!

**Hon. Vincent Korir: (Majority Leader, Member for Londiani Ward):** Thank you very much Mr. Speaker, I now rise to move an amendment on the Appointment Report on the vetting of County Executive Committee Member nominee for Education, Culture and Libraries and social services Mr. Lawrence Bii Kipkoech and County Executive Committee Member for Trade, Industrialization Innovation and Tourism Mr. Bernard Bii to be Approved furthermore..

**The Speaker (Hon. Dr. Patrick Mutai):** Yes the Hon. Hezron, Honorable Majority you need to be confirming whether you need to be informed and again the Clerk I don't have the copy of the amendments that the Majority is tabling before this House, Honorable Hezron!

**Hon. Hezron Ngetich (Member for Chilchila Ward):** Thank you Hon. Speaker for giving me this opportunity to inform the House and the Majority Leader that he is a member of this committee and he doubles up as the Vice Chairman to the Appointment Committee it is so unfortunate that a member who is the Vice Chair of the said Committee brings amendment and he was part of the members who were drafting this report. This will be disorderly. This is a house of rules and procedures and we will set a very bad precedence if we allow the members who have wasted tax payers' money to go on a retreat, do a report and the same people who are coming here to amend the report...

**The Speaker (Hon. Dr. Patrick Mutai):** Order! Hon. Hezron there is a point of information from Hon. Ngetich, do you wish to be informed?

**Hon. Hezron Ngetich (Member for Chilchila Ward):** I don't wish!

**The Speaker (Hon Patrick Mutai):** You don't wish thank you.

**Hon. Hezron Ngetich (Member for Chilchila Ward):** I don't want to be informed!

**The Speaker (Hon. Dr. Patrick Mutai):** The honorable Majority what do you have to say about that before you read? Order!

**Hon. Vincent Korir: (Majority Leader, Member for Londiani Ward):** Honorable Speaker as we read the report there is an indication that there are members who dissented and the voice of the members who dissented in the report should be listened to and there is no way we can say since we are members our voice cannot be heard. Pursuant to the Standing Order no. 199(5) it said that quorum on a committee on Appointment should be one half of the members of the Committee but the Speaker should not be counted for the purposes of quorum and shall not vote, so therefore since we have our opinion ...

**The Speaker (Hon Patrick Mutai):** Order! Honorable member, first of all can we address the issue of ... maybe you can take the seat first! We need to prosecute the matter raised by Hon. Hezron, whether you are in order to table some amendments or not. Yes Hon. Naaman?

**Hon. Dr. Naaman (Member for Soin Ward):** Point of information!

**The Speaker (Hon Patrick Mutai):** What is your point of information!

**Hon. Dr. Naaman (Member for Soin Ward):** Thank you Hon. Speaker, I also rise on a point of information to the Majority that amidst the Standing Order he has read for us if it is provided within the report. We will not allow that an amendment is brought to the floor of the House and within the said amendment. In fact they are making something on the last paragraph that the meeting ended unceremoniously so that means there were two appointment committees having a

meeting there. That means that there is a different report again being placed on this floor. I want to reject the amendment which is being brought to this floor because ...

**The Speaker (Hon Patrick Mutai):** Order

**Hon. Dr. Naaman (Member for Soin Ward):** I accept the point of information

**The Speaker (Hon. Dr. Patrick Mutai):** I give to Honorable Rono, Then to Honorable Ngetich.

**Hon. Philip Rono (Member for Kamasian Ward):** Mr. Speaker I think Dr. Namaan Rop is out of order. We cannot discuss the amendment by the Majority Leader before you even open the floor for discussion of the amendment.

Secondly, we need to seek the interpretation if you allow me some seconds we seek the same interpretation before Majority Leader could move the amendment. So first of all let us wait, give time to Majority Leader, and listen first before we actually open the discussion of the same.

**The Speaker (Hon Dr. Patrick Mutai):** Thank you the Honorable Gilbert Ngetich!

**Hon. Gilbert Ngetich (Member for Kisiara Ward):** Thank you Mr. Speaker for giving me the opportunity to comment on the capability of the Majority Leader to move an amendment. He is capable because he is a member of the committee and he is dissenting and his reservations should be heard under the recommendation and also amendment of the report if at all there is a dissatisfaction of the report it shows the division another thing have seen the dissenting voices in the list circulating it is including one Hon. Weldon Kiprotich Rogony and in the report he is not there, thank you.

**The Speaker (Hon. Dr. Patrick Mutai):** Yes Honorable Ngetich. Anyone else let me give to the Majority Leader to give his dissenting opinion. I will give to honorable Rogony to confirm. Order honorable members

Honorable Majority from the report is that we have dissenting opinion. Honorable members I was the Chairman of the Committee but I will be making the direction after listening to the

minority or the descending opinion from the Majority Leader and after that I will give to Honorable Rogony to say something about it. Honorable Majority please proceed.

**Hon. Vincent Korir: (Majority Leader, Member for Londiani Ward):** Thank you very much Mr. Speaker let me now move to the amendment on the Appointment Report on the vetting of County Executive Committee Member nominee for Education, Culture and Libraries and social services Mr. Lawrence Bii Kipkoech and County Executive Committee member for Trade, Industrialization Innovation and Tourism Mr. Bernard Bii on the report that I seek to be amended on page 82 ...

**The Speaker (Hon. Dr. Patrick Mutai):** Before that Honorable Majority I expected you to read your opinion.

**Hon. Vincent Korir: (Majority Leader):** Ok

**The Speaker (Hon. Dr. Patrick Mutai):** Before you move any amendment because I will give the direction whether you will proceed with the amendments or not .Point of information? Yes Hon. Chief Whip!

**Hon. Haron Rotich (Majority Whip, Member for Seretut/Cheptororiet Ward)** Mr. Speaker in this case I believe there is neither minority nor majority we already have four which according the Standing Orders in support of the same and four who are against and to be very honest all of them have signed we already have here something that has been signed. So guide this House properly because we need things that are in order!

**The Speaker (Hon. Dr. Patrick Mutai):** Order!

**Hon. Haron Rotich (Majority Whip, Member for Seretut/Cheptororiet Ward)** Mr. Speaker guide this House properly!

**The Speaker: (Hon. Dr. Patrick Mutai):** Order Honorable Chief Whip, which is why you ought to be patient a bit and that, is why I insist on the Majority Leader to read his dissenting



opinion which has members you noticed that in the motion tabled by Hon. Paul Chirchir we had three dissenting members that have signed and in this minority report I have four members am pleading with you that you become patient and allow Hon. Majority to read and that will now capture what you are saying that they are four verses four, can you allow him to read the minority dissenting opinion and on the amendment you will only proceed then I give a directive.

**Hon. Vincent Korir: (Majority Leader, Member for Londiani Ward):** Thank you Mr. Speaker, I have two items, I have the report and the amendment of the report on Appointment. Now let me begin with the report of the minority as per the approval of the main report. Minority dissenting opinion on the nomination of Mr. Lawrence Bii Kipkoech for Appointment as County Executive Committee Member nominee for Education, Culture and Library service ...

**The Speaker (Hon. Dr. Patrick Mutai):** Do you need any information?

**Hon Vincent Korir: (Majority Leader):** I don't need any information.

**The Speaker (Hon. Dr. Patrick Mutai):** Order! Proceed and please finish.

**Hon. Vincent Korir: (Majority Leader, Member for Londiani Ward):** I seek protection Sir.

**The Speaker: (Hon Dr. Patrick Mutai):** Order! Let's allow him to finish the amendment.

**Hon. Vincent Korir: (Majority Leader Member for Londiani Ward):** Thank you, let me read minority dissenting opinion on the Appointment of Mr. Lawrence Bii Kipkoech as the County Executive Committee member in charge of Education, Culture and Library services and Mr. Bernard Bii in charge of Trade industrialization, Innovation and Tourism. Pursuant to Standing Order No. 194 (5) & 6 the following members of the committee recorded a descending opinion on the disapproval on the nomination of Lawrence Bii;

The descend members here signed are;

1. Hon. Vincent Korir

2. Hon. Anita Mibey

3. Hon. Dominic Mutai

4. Hon. Weldon Kiprotich Rogony

Pursuant to order No. 195 (5), the quorum on the Committee on the Appointment should be one half of the members of the Committee but the Speaker will not be counted for the purpose of quorum and shall not vote.

The descending voices noted that during the Appointment Committee report writing process the committee members were equal that is four against four members. The other members did not put into consideration the scores as per the vetting tool which placed two nominees above average. They also didn't take that the two nominees were compliant with all other requirements as per the vetting tool and the Constitution. Furthermore, we were not considered in the production of the final report of the Committee. That the last meeting of the adoption of the report ended unceremoniously thus not taking into consideration the views of the members listed.

The members therefore found that Mr. Lawrence Bii Kipkoech in charge of Education, Culture, Libraries, social services and Mr. Bernard Bii County Executive Committee member in charge of Trade , Industrialization, Innovation and Tourism be approved by this honorable House.

The County Secretary Dr. Wesley Bor was found to be fit to hold office thus proceed for approval.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you very much the Hon. Majority, please take your seat. Yes the Hon. Philip!

**Hon. Philip Rono (Member for Kamasian Ward):** Thank you very much Mr. Speaker maybe for the purpose of the records of this House, what Hon. Majority has just read to us, is he trying to make the document that is before us that has been signed by four members of this committee

be part of this report? Is he doing another report on top of the existing report? Or maybe we want to be informed maybe I seek your protection before ...

**The Speaker (Hon Dr. Patrick Mutai):** Yes Proceed!

**Hon. Philip Rono (Member for Kamasian Ward)...** I explain because actually Hon. Majority Leader has just read two documents and when you find these four names according to Standing Order section 199, the issue of four members is for the purpose of quorum of which no one has contested on the issue of quorum in the Committee. My only issue is the Majority Leader to continue reading his amendments and be subjected to the House otherwise for the purpose of four members who are appearing here is for the confirmation that there was quorum in that Appointment committee.

**The Speaker (Hon Dr. Patrick Mutai):** Yes the Hon. Gilbert you are on a point of information is it?

**Hon. Gilbert Ngetich (Member for Kisiara Ward):** Thank you Mr. Speaker may be to inform Hon. Rono that as per my understanding, this is a list of dissenting honorable members and they were in a meeting and the other members approved. So this list was to give us the list of dissenting voices that is in the report. We have three honorable members and in this circulating list we have Hon. Weldon Kiprotich Rogony. Is he here erroneously? Could be to enquire from the honorable member where he belongs? Thank you very much.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you very much before I give it to Hon. Rogony, will give it to Hon. Naaman. I will give you Hon. Rogony.

**Hon. Dr. Naaman Rop (Member for Soin Ward)** Thank you Hon. Speaker for giving me this opportunity to make someclarifications the way Hon. *Kimarus hasis* explained.

**Hon. Gilbert Ngetich (Member for Kisiara Ward):** Point of order!

**The Speaker (Hon. Dr. Patrick Mutai):** Order! What is your point of order?

**Hon. Gilbert Ngetich (Member for Kisiara Ward):** I just left as Hon. Gilbert Ngetich. Who is Hon. Kimarus? I am Gilbert Kiprop Arap Ngetich Mca Kisiara ward. Thank you Mr. Speaker.

**Hon. Dr. Naaman Rop (Member for Soin Ward):** The way the honorable member has explained...

**The Speaker (Hon. Dr. Patrick Mutai):** Order! Hon. Dr. Naaman. Thank you Hon. Gilbert, Honorable Dr. Namaan be guided that such name is strange in this House.

**Hon. Dr. Naaman Rop (Member for Soin Ward):** Apologies.

**The Speaker (Hon. Dr. Patrick Mutai):** You withdraw!

**Hon. Dr. Naaman Rop (Member for Soin Ward):** Apologies for that name.

**The Speaker (Hon Dr. Patrick Mutai):** Apologize and withdraw.

**Hon. Dr. Naaman Rop (Member for Soin Ward):** The honorable member has given a very good position which has not been captured in the amendment when you read for example that was done in the paragraph that was read insinuating that the members that have been captured in the amendment were not considered in the production of the final report is a very serious allegation. It shows that we are discussing two reports. It means that Appointment committee went out and divided themselves into two so we will not allow such allegation be made in this House particularly you being the chair of the Appointment committee. When these members have not been involved in the production of the report that has been tabled then we are doing an exercise in futility and the report that has been put before us is null and void. Please guide us so that we know what we are discussing.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you. The Hon. Anita!

**Hon. Anita Mibey (Member for Chemosot Ward):** Thank you Mr. Speaker Sir for this opportunity for me to be able to contribute. I would like to add on the issue that we are having before us on the list of the dissenting voices of the four honorable members and in contradiction

to what has been moved in the report. My concern is that in the report it is indicated that we have three member, however I would like to request that we are provided in this House with the Hansard report confirming that the three members actually dissented the report and not the four members. Thank you.

**The Speaker (Hon. Dr. Patrick Mutai):** Now at this point I want to give to Hon. Kiprotich Rogony to confirm his position on the same.

**Hon. Kiprotich Rogony (Member for Sigowet Ward):** Thank you Mr. Speaker, for the record let me confirm that I gave a dissenting opinion the report. I was surprised that despite my dissenting am still captured as one of those who approved the report and Mr. Speaker I want to draw you to my dissenting opinion on the conclusion, first of all recommendation 276, 277, 280 and 283 of the committee recommendation.

**Hon. Paul Chirchir (Member for Kapsoit Ward):** Point of information!

**Hon. Kiprotich Rogony (Member for Sigowet Ward):** Mr. Speaker, if it's me, then I don't need any point of information. Let me wind up, so and 283.

**Hon. Paul Chirchir (Member for Kapsoit Ward):** Point of information!

**The Speaker (Hon. Dr. Patrick Mutai):** Point of information to the House, yes Hon. Paul Chirchir!

**Hon. Paul Chirchir (Member for Kapsoit Ward):** Thank you very much Mr. Speaker Sir, Standing Orders and guiding notes are very clear, when you dissent, you dissent on the report and not on specific. So can the member of the House be informed on the same? The member should dissent on the report but not on specific. Thank you.

**The Speaker (Hon. Dr. Patrick Mutai):** Proceed Honorable Rogony!

**Hon. Kiprotich Rogony (Member for Sigowet Ward):** Thank you Mr. Speaker it is also wise for the member to understand that my dissenting opinion is not captured in the report that is why

am dissenting. Mr. Speaker most of those recommendations and observations are drawn from section no. 151, 352 which is the observation of the committee on the suitability of the nominee that is Mr. Lawrence Bii.

**Hon. Paul Chirchir (Member for Kapsoit Ward):** Point of information!

**The Speaker (Hon. Dr. Patrick Mutai):** Honorable Rogony please take your seat, there is point of information. Honorable Paul Chirchir!

**Hon. Paul Chirchir (Member for Kapsoit Ward):** Mr. Speaker Sir, we do not have two reports, we have one report, the report on vetting of nominees for appointment to the offices of County Executive Committee Members and County Secretary/Head of County Public Service that is one report. You either support the report or dissent.

**The Speaker (Hon. Dr. Patrick Mutai):** Order honorable members! Let's allow him to continue for the purposes of record, so that we can move. Let's have honorable Rogony continue.

**Hon. Kiprotich Rogony (Member for Sigowet Ward):** Thank you for your protection, I was giving my opinion on the report, we also have 290 and 310. My dissenting opinion on the report are the findings. County Government Act section 35 and I want to invite you to that 35(3) am part of the appointment committee and we did take our nominees through the vetting process. In 35 it is important that you capture this Mr. Speaker all of the nominees passed 35 (3) and (d) where now we are rejecting the two nominees...

**The Speaker (Hon. Dr. Patrick Mutai):** Just allow him to finish.

**Hon. Kiprotich Rogony (Member for Sigowet Ward):**...t. that is in the final report I am opposing the findings, the recommendations that led to the rejections of the two nominees, thank you Mr. Speaker.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you very much, the honorable Philip what is it that you want to share with the house?

**Hon. Philip Rono: (Member for Kamasian Ward):** Mr. Speaker thank you I think the House is being misled. I think we are on the point of the Majority Leader that there is a production report that has already come to the floor of the House and actually what honorable member Majority Leader has proposed an amendment on this document that has found it's way to the floor of this House the issue of these four nominees. The report is full what we are discussing here now is that we want to hear Honorable Majority Leader then we see the content that he has if it is the same or within the law that we do the amendment of the report. I think the issue of other members maybe who didn't attend what is very important is that this document confirms to us that actually there was quorum on the same Appointment Committee and the report is valid whether one was there or not. That is why I was asking that if this one honorable Majority Leader wanted to be part of the report maybe he was very late in the meeting. We wanted to know if in this document, the issue of dissenting opinion by four members be part of the existing document before us then we continue with the issue of amendment.

**The Speaker (Hon. Dr. Patrick Mutai):** Order, Honorable Chief Whip!

**Hon. Haron Rotich (Majority Whip, Member for Seretut/ Cheptororiet Ward):** Mr. Speaker the honorable who has just left needs to be honest with the issue that we have here. We want to know which section is the minority that is where we should start from. Four members have confirmed that they are dissenting and four are supporting kindly guide this House properly!

**The Speaker (Hon. Dr. Patrick Mutai):** Order!

**The Speaker (Hon. Dr. Patrick Mutai):** Order! Yes the Hon. Cheruiyot Bett!

**Hon. Cheruiyot Bett: (Member for Ainamoi Ward):** Mr. Speaker thank you very much for giving the people of Ainamoi chance to speak on their behalf going by what the honorable representing the great people of Cheptororiet/ Seretut Ward the honorable Rotich. I'm not calling him by the title because I did not vote for him. When you go to Standing Order 199(v) where the point of contention is, the Hon. Rotich, protect me Mr. Speaker...

**The Speaker (Hon. Dr. Patrick Mutai):** Yes you are protected!

**Hon. Cheruiyot Bett: (Member for Ainamoi Ward):** Hon. Rotich, you know you can't force me to use a title to refer to you, I chose to refer you by your name, Honorable member from Cheptororiet is referring to Standing Order number 199(V) that was alluded by Honorable Vincent representing the great people of Londiani that under Standing Order number 199(V) he is asking whether the report that we tabled. .. Protect me honorable Speaker so that I finish!

**The Speaker (Hon. Dr. Patrick Mutai):** Order! Let him finish first!

**Hon. Cheruiyot Bett: (Member for Ainamoi Ward):** You know I am very good at that if you give me an opportunity.

**The Speaker (Hon. Dr. Patrick Mutai):** Order!

**Hon. Cheruiyot Bett: (Member for Ainamoi Ward):** Part V says the quorum of the Committee on Appointment shall be one half of the members of the Committee. This section speaks on whether there was quorum in the Appointment Committee. It goes ahead and says but the Speaker shall not be counted for the purposes of the quorum. The question is, was there quorum when the Appointment Committee sat? There was quorum there were four members and for the purpose of quorum

**The Speaker (Hon. Dr. Patrick Mutai):** Order!

**Hon. Cheruiyot Bett: (Member for Ainamoi Ward):** You know I am also good in some of these things and I don't want to go that direction!

**The Speaker (Hon. Dr. Patrick Mutai):** Order! Honorable Cheruiyot Bett, Order!

**Hon. Cheruiyot Bett (Member Ainamoi Ward):** So Mr. Speaker I'm saying shall not be counted for purposes of quorum and shall not vote, so this is the speaker not voting for the purposes of quorum not the entire committee are you getting me Mr. speaker? So I need your guidance Mr. speaker.



**The Speaker (Hon Dr. Patrick Mutai):** Order! Thank you very much, Hon Albert!

**Hon. Albert Kipkoech (Member for Soliat Ward):** Thank you Mr. Speaker, for the purposes of proceedings, I want to request that because there are two reports especially on dissenting this one and the one that is in the report, I want to suggest that we proceed and allow Hon. Weldon Rogony at least to add himself on the dissenting report so that at least we can proceed. So that this thing cannot be admitted then his name be admitted in this. Thank you.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you very much, let me request honorable members let's be tolerant to one another, when honorable member is making a point, let's give him/her time let's not shout. We are honorable members and this is a House of dignity. Hon Chief you were up, what was it?

**Hon. Haron Rotich (Majority Whip, Member for Seretut-Cheptororiet Ward):** Mr. Speaker I think according to what the honorable member has just said, I believe that if you will allow us to proceed and move an amendment with your guidance, I would want to plead with you basing on the Majority has just read may be you allow us to proceed.

**The Speaker (Hon. Dr. Patrick Mutai):** Be clear on the amendment, which amendment?

**Hon. Haron Rotich (Majority Whip, Member for Seretut-Cheptororiet Ward):** Probably the amendment the Majority Leader is trying to give us a dissenting voice. Thank you.

**The Speaker (Hon. Dr. Patrick Mutai):** Okay, Hon. Rogony Okay, you know you were part of the Appointment Committee and even members before we say so much, refer to the minutes in annexure 6(b) dated 31<sup>st</sup> October, even before I give my opinion on whether we will admit these amendments, that is why I am giving you time but members have failed to prosecute on the matter that is why they are rising on point of orders and point of information. I will be giving a direction on the same whether we shall continue with the amendments on not. That is why the Hon. Majority Leader I want to still give you time on the same because I make a decision. Anything?

*(Silence)*

**The Speaker (Hon. Dr. Patrick Mutai):** I make the decision, you know I had allowed honorable Rogony but he has already indicated that he was part of the... take your seat first, from following what Hon. Albert has just said, I don't know, do you have anything else new to tell this house?

**Hon. Rogony Kiprotich (member for Soin ward):** Thank you for giving me this opportunity, I gave my dissenting opinion on the report. Shockingly I was not included in the list of those who gave a dissenting opinion. Why I said I gave that dissenting opinion was based on a few things that the report captured and contrary to my opinion. So I want to confirm to the House that the report as it is gives us a right to dissent on the findings. We are pushing for an amendment so that we pass the report as amended.

**The Speaker (Hon. Dr. Patrick Mutai):** Yes, the Hon. Hezron

**Hon. Hezron Ngetich (member for Chilchila ward):** Mr. Speaker, I rise on a point of May I know, we need guidance and clear procedures in this House. The reason why we normally say that this House is a house of procedure and precedence is because I remember in the last few weeks we had a report on Committee on Selection and there were clear guideline and a ruling made by the chairperson on that day. That a report of a committee which has gone out, done a research, a good example is the Appointment Committee, they burnt the midnight oil until 12 am and most of us we were not part of the committee, we did not execute. The reason why I am requesting to be informed is that in the last ruling, there was a ruling that a report of the committee can either be adopted or rejected and I want you to stick to that. This House is treading on a dangerous routes and we may mislead this House. With our wisdom may you give us correct guidelines because we cannot debate two conflicting reports in this House? In fact there is an allegation that after the report was done the Majority Leader wrote that the meeting ended unceremoniously, everybody signed the report and then later on it was torn meaning there is more than what meets the eye that was my point of May I know. Kindly guide the House

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you, order!

**Hon. Cheruiyot Bett (Member for Ainamoi Ward):** Mr. Speaker, I have just remembered something so that you sort the issue of whether Hon. Rogony belongs to the majority side or the minority side that the Hon. Rotich wants to make it the majority side. I remember there was a document that we signed in Nakuru. We were with the Hon. Rogony until late at night maybe that could be the reason maybe the honorable member changed his mind at night. We heard there were some papers that were exchanging hands over the night, could that be the reason why the Hon. Rogony want to shift from the other list to this other list of the minority because there was a document that we signed and he was part of us.

**The Speaker (Hon. Dr. Patrick Mutai):** Order! Let's be orderly, order honorable members, we must proceed. We all know that our Standing Orders allows both dissenting and majority opinion, of course the Hon. Rogony has indicated that he was part of the dissenting opinion. I also sat in the same committee that is why I think at this point in time I am forced to give a directive on the way forward so that we can proceed.

Honorable members the office of the Clerk has received the minority opinion from four members which is different from the main report placed before this House. Pursuant to Standing Order 199, the composition of the Committee on Appointment is nine which is inclusive of the Speaker, kindly note the Speaker has neither the original of cast vote hence only eight members can participate in the report. Noting that only four had given their dissenting opinion and the other four have supported the report that is before the House and having heard the views from both sides it is clear that there is no majority report hence a tie. Please note the minority opinion only relates to the two nominees that is Lawrence Bii Kipkoech County Executive Committee Member for Education, Culture, Libraries and Social Services docket and Bernard Bii County Executive Committee Member nominee for Trade, Industrialization, Innovation, Tourism and Wildlife docket. Making reference to section 20 of the County Government Act where it is implied that House rules of voting is also applicable at the committee level, it states that where there is a tie the issue is lost. I hereby direct that question relating to the two nominees is therefore lost. I therefore direct that the question relating to the two nominees is hereby lost and

the status quo continues. Honorable members note that the directive is from the Chair and it is final. On the very matter again that is in the minority/dissenting report, this is on the matter of the County Secretary.

**The Speaker (Hon. Dr. Patrick Mutai):** Yes Hon. Albert!

**Hon. Albert Kipkoech (Member for Soliat Ward):** Mr. Speaker I did not understand why you have said that ‘on the two nominees it is lost’ I request that you substantiate further whether the report will remain the way it is or what has happened. I humbly request, thank you.

**The Speaker (Hon. Dr. Patrick Mutai):** Honourable Albert if you refer to page 83 on the original report, it is very clear on the same and that is why I have ruled on the matter of two nominees implying that the question is lost because when there is a tie ...

*(Loud consultations)*

**The Speaker (Hon. Dr. Patrick Mutai):** Let me give clearance and direction....

Honorable members I have already given direction and I am just explaining. We are following the Act and the Standing Orders where there’s no majority, which question do you put? There’s a tie whereby four are supporting the same nominees while four are against the same nominees. So what question do you expect the Speaker to put? There is no question to put, and I think I have clarified on that.

**Hon. Albert Kipkoech (Member for Soliat Ward):** Mr. Speaker I am sorry to ask this, what was the question?

**The Speaker (Hon. Dr. Patrick Mutai):** Order! I have already given the directive, order!

**Hon. Albert Kipkoech (Member for Soliat Ward):** Humble request!

**Hon. Philip Rono (Member for Kamasian Ward):** Point of information!

**The Speaker (Hon. Dr. Patrick Mutai):** Hon. Rono, what is your point of information?

**Hon. Philip Rono (Member for Kamasian Ward):** Thank you Mr. Speaker for giving me this opportunity, for the sake of the members' understanding, the point of contention is 4/4 meaning that is the other 4 who had been termed as the minority could be 5 meaning they could overturn. But this is now the report that is before the floor of the House. Since there is no majority of the minority meaning the report should remain as it is. Let's just move forward and discuss this report.

*(Loud Consultation)*

**The Speaker (Hon. Dr Patrick Mutai):** Order Hon. Philip Rono! Honorable members that were on the minority report and the main report and therefore I have stated that the question is lost. Secondly, on the amendments to the report on Appointments Committees the office of the Clerk received a proposed amendment by Hon. Vincent Korir the Majority Leader to amend the report by the Committee on Appointments. The amendment proposes that the approval of County Secretary Dr. Wesley Bor is in compliance with the Standing Order 66(1). Honourable members note that any amendments of the House must be in compliance to the Constitution of Kenya and the laws of Kenya. The report by the Committee on Appointments clearly states that the County Secretary and Head of County Public Service despite meeting the qualifications and having knowledge and experience as stated in Section 44, the recruitment process for the said officer was invalid as the selection panel was not approved by the law as stipulated in Section 44(2) (c) read together with section 58 (a) of the County Government Act 2012 hence the amendment is hereby not approved as the effect will contravene the said provision. Furthermore Standing Order Number 67 provides that no amendment shall be permitted if in the opinion of the Speaker represent a direct negative of the question, for these two reasons I do not approve the said amendment, thank you. The floor is open and note that now we have one report to discuss in this honorable House. It's either you will support or reject. Let us continue. Hon. Hezron?

**Hon. Hezron Ngetich (Member for Chilchila Ward):** Thank you Hon. Speaker sir, I want to applaud you for that Solomonic wisdom.

*(Loud consultation)*

**The Speaker (Hon. Dr. Patrick Mutai):** Order, honorable members, let us listen, please proceed!

**Hon. Hezron Ngetich (Member for Chilchila Ward):** Honorable Speaker, I rise to support the report the way it is. I want to take this opportunity to thank the Appointments Committee for the good work that they did. They burnt the midnight oil to ensure that they produce this report within the shortest time possible. They did the vetting up to late in the night. I rise to support this report because as a county we need to move forward, the moment we come here and cat walk and dance we will be doing a disservice to His Excellency The Governor, we want to support the nominees of the Governor and give him the honorable ladies and gentlemen who will assist him in execution of duties. We are in the second quarter of a financial year and there is nothing that has been done.

*(Loud Consultations)*

**The Speaker (Hon. Dr. Patrick Mutai):** Order honorable members; let's give time for the honorable member to finish. Continue.

**Hon. Hezron Ngetich (Member for Chilchila Ward):** Protect me Mr. Speaker from these honorable members. We are supporting the administration of the Governor and we need to genuinely support him by approving for him the honorable ladies and gentlemen who will assist him in the execution of his mandates. When the governor was making his opening remarks to this honorable House and one of the things he said and I want to quote; 'in a few days I will be sending names of men and women and who I have considered to help me execute my mandate , I believe that will be your first call on oversight role'...

*(Loud Consultations)*

**The Speaker (Hon. Dr. Patrick Mutai):** Order honorable members, Sergeant-at-Arms what is going on here? Honorable Majority Leader this is a House of rules and procedures, now you are forming groups, the Standing Order is very clear that you can consult but not very loudly in a way that cannot affect the proceedings. Thank you, proceed!

**Hon. Hezron Ngetich (Member for Chilchila Ward):** I was reiterating the commitment of the Governor working with the Assembly that is why I was quoting his speech when he was officially opening the Assembly, that in the next few days I will be sending names of men and women that I have considered to help me execute my mandate as the County Executive Committee Members, County Secretary and Chief Officers. I believe that will be your first call on the oversight role. I guarantee you that I have compiled a list of passionate and hardworking people within the constitutional threshold who may be humble in means but rich in ideas'. In order to support the Governor we need to approve these people so that the Governor can assemble his team to help him execute the mandate because he was voted in with a lot of expectation. The more we dilly dally here we will be pulling ourselves backward. If this report will not see the light of the day we will be doing a disservice to His Excellency the Governor. I want to urge this honorable House to support the report the way it is so that the governor could continue to do his work. Let me finalize by urging this honorable House to support this report the way it is so that this people can be sworn in and start work immediately. Thank you.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you, I want to give to two more people then to the mover of the motion to reply.

**The Speaker (Hon. Dr. Patrick Mutai):** Honourable Albert, do you want to make a contribution? Go ahead.

**Hon. Albert Kipkoech (Member for Soliat Ward):** Thank you Mr. Speaker, I will start by saying that I have analyzed this report and I have noticed that justice was done to eight nominees and injustice was done to two nominees and one County Secretary. I am saying so because the County Governments Act is very clear. Allow me to read, section 35(3) when it comes to

employment of CECs what should be seen is, somebody should be a Kenyan citizen of which the two are Kenyan citizens, holder of at least first degree from a university of which the two have degrees, both satisfy the requirement of Chapter Six of the Constitution. When it comes to experience all of them have the experience but now you have just used the word knowledge. That is not fair. I was requesting that you allow us under Standing Order number 65 and 63(a) and then after that everything will proceed well. Otherwise we can use the Standing Order number 63(a) that we postpone this session to next week so that we do further consultation. Thank you.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you honorable member kindly take your seat. I had earlier given the directive as the Chair that we have only one report in this House. Report on vetting of the nominees for the appointments of offices of County Executive Committee Members and County Secretary. I have already given my directive on the matter of the two nominees and the County Secretary and therefore the discussion right now should only be in this report. I will not give you an opportunity if you want to talk about something else that is not on this report whether you support or not. Those are the only two things that I expect from you. I want to give to the honorable Isaac to come and ...

**Hon. Albert Kipkoech (Member for Soliat ward)...** On whether to reject or support, I totally reject the report. Thank you!

**Hon. Isaac Matkeir (Nominated Member representing the Marginalized Group):** Thank you Mr. Speaker, I reject this report. Why do you bring a report to this House refuse to amend? I reject. Thank you.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you, Hon. Dominic Mutai!

**Hon. Dominic Mutai (Member for Kabianga Ward):** The Hon. Speaker, with all due respect, I want to request that we review your decision and that you don't block us from doing the amendment.



**The Speaker (Hon. Dr. Patrick Mutai):** Order Hon. Dominic your comments are out of order, please take your seat. If I give you a chance to come and contribute on the matters that I have pronounced myself please do not revisit. The Hon. Philip!

**Hon. Philip Rono (Member for Kamasian Ward):** Thank you Mr. Speaker.

*(Loud consultations)*

**The Speaker (Hon. Dr. Patrick Mutai):** Order honorable members lets listen!

**Hon. Philip Rono (Member for Kamasian Ward):** Protect me Mr. Speaker there is a lot of noise and I want to make a very important statement here. Before I support or reject the motion, I would wish to read the County Government Act section 44(2) (c) and section 58(a) on the procedures that were faulted. I would wish to request for the interpretation to understand why one Dr Wesley Bor has been sacrificed in this House because the procedures were not followed. It was not his mistake, he is just a candidate he tried as much as possible to follow the law.

*(Loud Consultations)*

**The Speaker (Hon. Dr. Patrick Mutai):** Order the Hon. Philip Rono, please take your seat. You are going back to a ruling that has already been made. I want to give to Hon. Kibet then the mover of the motion.

**Hon. Hillary Bosuben (Member for Cheplanget Ward):** Thank you Mr. Speaker, we said this is a House of rules and procedures. This issue that we are discussing now is so emotive that is why you see Serjeant-at-Arm coming closer because there is something we are suspecting. I want to request you to postpone this motion to tomorrow or the day after.

*(Applause)*

**The Speaker (Hon. Dr. Patrick Mutai):** Order honorable members, mover of the motion to come and reply!

**Hon. Paul Chirchir (Member for Kapsoit Ward):** Thank you Mr. Speaker, I wish to thank the honorable House for supporting the motion and with the approval of the report, the Governor will be able to appoint the eight CECs so that work begins immediately. I thank the honorable members for a job well done. Thank you.

**The Speaker (Hon. Dr. Patrick Mutai):** Thank you.

*(Question put and agreed to)*

*(The House rose at 2.43 pm)*