

KERICHO COUNTY ASSEMBLY

THE HANSARD

Third Assembly

Third Session

Wednesday 9th July, 2024 P

(The House met at 3.00 P.m.)

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

PRAYERS

The Speaker (Hon. (Dr.) Patrick Mutai): All right, good afternoon Honourable Members and welcome to afternoon session. Clerk Order of Business!

Next!

NOTICES OF MOTIONS

REPORT OF GOVERNANCE, LABOUR AND SOCIAL WELFARE ON THE VETTING OF MR.
LENNY KIPYEGON KIRUI FOR THE POSITION OF THE CHIEF OFFICER, EXECUTIVE
OFFICE OF THE GOVERNOR

The Speaker (Hon. (Dr.) Patrick Mutai): The Honourable Chairman for Governance, Labour, and Social Welfare Committee, please give Notice of your Motion.

Hon. Francis Terer (Member for Cheboin Ward): Thank you so much Mr. Speaker for giving me another opportunity to give a Notice of the following Motion; THAT, this House approves the Report of Governance, Labour and Social Welfare on the vetting of Mr. Lenny Kipyegon Kirui, not Langat; Lenny Kipyegon Kirui for the position of the Chief Officer, Executive Office of the Governor.

The Speaker (Hon. (Dr.) Patrick Mutai): Okay, Clerk, note the name. Instead of Kirui, instead of Kirui, you have indicated Langat. But we can confirm from the Report that it is Lenny Kipyegon Kirui, which is in order. Thank you, the Chairman of Governance, Labour and Social Welfare. The Leader of Majority, give Notice of your Motion.

REMOVAL OF DR. WESLEY BOR FROM OFFICE OF THE COUNTY SECRETARY

Hon. Philip Rono (Member for Kamasian Ward and Leader of Majority): Thank you very much Mr. Speaker. I beg to move a Notice of Motion; THAT; aware that on 9th July 2024 morning session, the County Assembly passed a Motion on the removal of Dr. Wesley K. Bor as the Kericho County Secretary.

Further, aware that Section 44 (1) of the County Governments Act establishes the Office of the County Secretary and highlights its function to include secretary of the County Executive Committee, hence considered a member of the County Executive Committee;

Further, aware that Section 40 (3) of the County Government Act provides that where the Motion for removal is supported by at least a third of the members, and in this case the said Motion was supported by 28 honourable members and approved by at least a third of the members, and in this case it was approved by all the 42 members present;

I urge this Honourable House to approve the appointment of the following Honourable members to serve in the select committee

1. Hon. Kiprotich Rogony
2. Hon. Moses Rotich,
3. Hon. Edna Tonui
4. Hon. Cheruiyot Bett
5. Hon. Gilbert Ngetich

The select committee shall investigate the allegations highlighted in the Motion passed on 9th July 2024 morning session. The tenure of the committee shall be 10 days upon the passage of this Motion and the rules of select committee shall apply with necessary modifications. Thank you.

The Speaker (Hon. (Dr.) Patrick Mutai): Okay, Thank you! Clerk, Next Order!

MOTION

REPORT OF GOVERNANCE, LABOUR AND SOCIAL WELFARE ON THE VETTING OF MR. LENNY KIPYEGON KIRUI FOR THE POSITION OF THE CHIEF OFFICER, EXECUTIVE OFFICE OF THE GOVERNOR

The Speaker (Hon. (Dr.) Patrick Mutai): Chairman, the Honourable Francis Terer! And stand guided, just summarize the others and you proceed to Committee Observations on Suitability of one Lenny Kipyegon Kirui, that is on page Nine. So just summarize the first pages and then you can move to page Nine.

Hon. Francis Terer (Member for Cheboin Ward): Thank you so much Honourable Speaker, much obliged Mr. Speaker, I want to move the Motion, THAT; this House approves the Report of the Governance, Labour and Social Welfare Committee on the Vetting of Mr. Lenny Kipyegon Kirui for the position of Chief Officer, Executive office of the Governor.

Mr. Speaker, as you have directed, I want to go straight to page Nine.

The Speaker (Hon. (Dr.) Patrick Mutai): Yes, you can start from page Eight, at 3.10.

Hon. Francis Terer (Member for Cheboin Ward): Mr. Speaker, Sir, the nominee Lenny Kipyegon Kirui, I will start from the General and Specific Questions to the Nominee. Can I start from the General and specific questions to the nominee?

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

Hon. Francis Terer (Member for Cheboin Ward): So Mr. Speaker, I want to give a background briefly that the nominee Lenny Kipyego Nkruji is a member of the Law Society of Kenya (LSK). Educationally, he has a Bachelor of Laws (LLB) from Jevanjee University in India. Secondly, he has a Bachelor of Commerce from the University of Lugno, India. I would like to proceed, as directed by Mr. Speaker, Sir, to the General and Sector Specific Questions to the nominee at 3 .10.

So Mr. Speaker, Sir, on understanding the role of the office, the nominee informed the committee that between 2018 and 2022, he worked as a County Legal Advisor of the County Government of Kericho and that he has knowledge and experience of his role. So those were the responses from the nominee.

On leadership and management, the nominee informed the committee that he was a Chairman, Law Society of Kenya, South Rift Region, between 2006 and 2011. Mr. Speaker, Sir, the nominee also informed the committee that he has managed a law firm by the name Kipyegon and Company Advocates for a period of four years.

On decision-making, the nominee informed the committee that from his experience as a lawyer, he has acquired elaborate decision-making skills. The nominee demonstrated the high decision-making techniques from his oral submissions and past experience in building his career.

On team building Mr. Speaker and team dynamics and collaboration, the nominee informed the committee that if given an opportunity, he would build a working team with all the cadres of employees by fostering collaboration. Furthermore, the nominee informed the committee that running a law firm requires a lot of decision-making especially when representing the clients.

The committee, having considered the criteria as provided by vetting tool, his Curriculum Vitae, and having heard his oral submission during the vetting interview made the following observations on his suitability for appointment as CO, Executive Officer of the Governor.

Number one, Mr. Speaker, that he provided all the documents as required in Chapter Six of the Constitution of Kenya 2010 about Leadership and Integrity. Number two, that the nominee has requisite experience having worked in various sectors with varied assignments. Number three, Mr. Speaker is that the nominee exhibited wide range of knowledge and organisational skills. Number four Mr. Speaker, is that there was a concern by the committee

that, since the family of the nominee resides in the United States of America, there is no surety that the nominee will settle and perform his roles accordingly. However, the committee noted that the nominee resides in Kenya, in Kericho County, and operates a law firm which is a going concern.

Pursuant to Section Nine of the Public Appointments (County Assemblies Approval) Act 2017, the committee recommends that the County Assembly approves the nomination of the nominee, Lenny Kipyegon -Kiruii, to the position of the Chief Officer in the Executive Office of the Governor.

Mr. Speaker, without much ado, I want to request Honourable Paul Bii to second this Motion. Thank you so much.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you, Honourable Paul Bii.

Hon. Paul Bii (Member for Kapsaos Ward): Thank you very much, Honourable Speaker, for giving me this chance to second this nominee Lenny Kipyegon Kirui. Honourable Speaker, indeed when this nominee appeared before the panel, he showed that he really deserves to work in the said office. Mr. Speaker, having worked in the previous government as a Legal Advisor, we indeed looked into so many things about the nominee. And Mr. Speaker, he showed a lot of potentiality that he can work in the said Office of the Governor. So I want to urge all the members who are present here, that indeed, the nominee, actually deserve to work in the said office after looking into so many things the committee looked into. One observation that the members observed was about what has been said about the family. Indeed, his family stays away but the nominee himself has stayed in this country and he lives here and he runs his law firm very closely. So having looked into that, it's enough evidence that the nominee deserves to be given this chance to serve in the said office. So I second the Motion.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you. Honourable Members, I now propose the question.

(Question proposed)

The floor is open for contribution. The Honourable Leader of Majority! Then I'll give to the mover of the Motion to reply.

Hon. Philip Rono (Leader of Majority and Member for Kamasian Ward): Thank you very much, Mr. Speaker. Mr. Speaker, you got me when I was still going for the second time through the CV of the said nominee, Lenny Kipyegon Kirui and he is rich in experience and having served previously in the previous administration and you see, we can say the previous administration was successful because, one, the people of Kericho or the voters of Kericho saw the fruits and that's why they could elect the previous administration for the second time in 2017. Therefore Mr. Speaker, having been the closest advisor to His Excellency, the first Governor of Kericho, I believe by now being appointed to the Office of the Governor as the Chief Officer with the wealth of experience, he'll be in a position to guide and to streamline the office of the second governor of Kericho, that is, His Excellency, Dr. Eric Mutai in the right direction. So without much ado, I kindly urge and beg the House to approve this nominee for the purpose of streamlining what entails the office or the Executive Office of the

Governor and that of the Deputy Governor. Therefore, Mr. Speaker, I just beg to end there and request my colleagues that we've interacted with the candidate, we interrogated the candidate, and the questions that members had, the candidate could answer when he appeared before the committee for vetting. Therefore, since there is no other issue that might bring about other encumbrances, Mr. Speaker, in delivering on his mandates, Mr. Speaker, I therefore request that Hon. Members approve the nominee to the docket of CO Executive Office of the Governor. Thank you very much, Mr. Speaker.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you the Hon. Leader of Majority. The Hon. Francis Terer, you can now reply to your Motion.

Hon. Francis Terer (Member for Cheboin Ward): Thank you so much, Mr. Speaker for another opportunity to reply to the Motion. I want to say thank you so much, Mr. Speaker for your opportunity and the support we got during the vetting process and the report writing about this nominee. I ask you to approve this man because he has extensive experience in judicial review. So this man will be an asset to this County Government of Kericho. Thank you so much and request that we approve this nominee.

The Speaker (Hon. (Dr.) Patrick Mutai): Okay, thank you, the Hon. Francis Terer. Hon. Members, I now rise to put a question.

(Question put and agreed to)

Clerk, Next Order!

MOTION

REMOVAL OF DR. WESLEY BOR FROM OFFICE OF THE COUNTY SECRETARY

The Speaker (Hon. (Dr.) Patrick Mutai): the Hon. Majority Leader!

Hon. Philip Rono (Leader of Majority and Member for Kamasian Ward): Thank you very much, Mr. Speaker, for the opportunity. Allow me Mr. Speaker, to move the Motion THAT; aware that on 9th July 2024 morning session, the County Assembly passed a Motion on the removal of Dr. Wesley K. Bor as the Kericho County Secretary.

Further, aware that Section 44 (1) of the County Governments Act establishes the Office of the County Secretary and highlights its function to include secretary of the County Executive Committee, hence considered a member of the County Executive Committee;

Further, aware that Section 40 (3) of the County Government Act provides that where the Motion for removal is supported by at least a third of the members, and in this case the said Motion was supported by 28 honourable members and approved by at least a third of the members, and in this case it was approved by all the 42 members present;

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I urge this Honourable House to approve the appointment of the following Honourable members to serve in the select committee

1. Hon. Kiprotich Rogony
2. Hon. Moses Rotich,
3. Hon. Edna Tonui
4. Hon. Cheruiyot Bett
5. Hon. Gilbert Ngetich

The select committee shall investigate the allegations highlighted in the Motion passed on 9th July 2024 morning session. The tenure of the committee shall be 10 days upon the passage of this Motion and the rules of select committee shall apply with necessary modifications.

Mr. Speaker, I know majority of the Hon. Members are asking themselves that we approved the Calendar in this House and this one now is giving the committee 10 days but they are saying it's not more than 10 days to mean, if they work around the clock, Mr. Speaker, within five days or six days they can still table the Report but it should not be more than the 10 days unless with the permission of the House, Mr. Speaker.

Mr. Speaker, I therefore urge that if these Hon. Members approve the Motion, I urge the Hon. Members that have been seconded to this Select Committee, Mr. Speaker, to work around the clock. They develop a Report and look into the investigations and bring back the report within the shortest time possible because I know we will be proceeding on our recess. Ten days will be lapsing on 18th July 2024 from the passage of the Motion which is today if honourable members will pass the Motion. I therefore, request you and your office, Mr. Speaker, together with the Office of the Clerk, that these members be facilitated accordingly, M. Speaker and given what they require to come up with the Report in less than Ten days. Mr. Speaker. I therefore request honourable Hezron Ngetich, Mr. Speaker, to second the Motion.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you! From Hon. Leader of Majority to the Hon. Leader of Majority Emeritus, the Hon. Hezron Ngetich, you second the Motion.

Hon. Hezron Ngetich (Member for Chilchila Ward): Thank you, Honourable Speaker, Sir, for giving me this opportunity so that I can rise to second the Motion by the Leader of Majority on the formation of a Select Committee to look into the conduct and allegations of the County Secretary, Dr. Wesley Bor.

Mr. Speaker, I think we are moving on the right direction and the selected team; I have no doubts in my mind about them, Mr. Speaker. What I want to encourage them is that these honourable members should work tirelessly and to focus and to be objective rather than being subjective. We want them to differentiate wheat from the chaff and bring us a good Report to this House. This is a lean team which I know and I have confidence in that they will never be compromised. I encourage honourable members that after the passage of the morning Motion, on the impeachment of one Dr. Wesley Bor, you have seen all over the social media. When you go to the streets or if you are an Emcee today, you become heroic. You are being celebrated to mean that whatever you have done had public blessings.

So now, Mr. Speaker, I encourage the team, now that the pot has been taken to the river, it has fetched water and it has been brought. I expect the handlers of the pot not to break it at the doorstep. We are expecting a thorough report, Mr. Speaker. I know the team is competent enough and will never be compromised. Mr. Speaker, we are expecting a thorough report.

The confidence of this house; the already lost confidence in this house, Mr. Speaker, will only be revived upon your report. Remember, when the National Assembly passed a Motion to impeach one Honourable Mithika Linturi for the supply and delivery of substandard fertilizer, the entire public was watching on the National Assembly and waiting for them to deliver. What did they do? The House approved an impeachment, a Select Committee was formed, they went and crashed down the Report and the allegations. What was the consequence of that, Mr. Speaker? The Gen Zs, Mr. Speaker, made a visit...

(Laughter)

They made a visit to the National Assembly without a notice and served themselves the sumptuous meal in the National Assembly, Mr. Speaker. So I want to encourage the team that if you want to avoid the Gen Zs and the Alphas of this world and the Beta generation, Mr. Speaker, it's up to you to bring us uncompromised report. Otherwise, Mr. Speaker, the bread and the tea you will be enjoying in the Common Room, you will find uninvited guests there. So it's high time you redeem the lost glory of this House. Be objective and bring us a watertight report, Mr. Speaker. The entire country was watching and I have gotten three county assembly members from different counties telling me that: "I think we have to come to Kericho County for benchmarking. And that's a true story, Mr. Speaker. That for the first time, Mr. Speaker, as a House you have voted unanimously to approve a Motion of the sacred cow called the County Secretary who was referred to as untouchable but according to how the Motion was drafted, Mr. Speaker, I think we'll be expecting more of the same. And I want to be proud of this honourable House because due process has been followed and due process is continuing.

So I want to encourage the members the due process to be followed. Let's not hurry. I think I need your indulgence, Mr. Speaker, that it is Ten days but I think it should be Ten working days so that it can be specific because Mr. Speaker when the Leader of Majority said the 10 days will be elapsing on 19th Mr. Speaker, I think he included the weekends. So we need your guidance so that at least you give them 10 working days, maybe from tomorrow so that at least they get enough time.

Mr. Speaker, we know that we have a lot of witnesses who should appear and so they need concrete time. I want to urge you, honourable members, for once, can you sacrifice and be serious on this matter? For once, be serious and sacrifice your time. Leave alone all those things. I think now you have been excluded by the *Gen-Zs* on attending of *Harambees* now. So you are now to focus and give us a good Report. Otherwise, I second and I support the appointment of the honourable members. Thank you!

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you! Honourable Members, I now propose the question.

(Question proposed)

The floor is open. The honourable Cheruiyot Bett!

(Loud consultations)

Order! Order honourable members! The honourable Albert Kipkoech, I'm sorry!

Hon. Albert Kipkoech (Member for Soliat Ward): Thank you, Mr. Speaker. Mr. Speaker, I support the Motion and suggest that given the mood of the House you can put the question. Thank you.

The Speaker (Hon. (Dr.) Patrick Mutai): Honourable Members, following the mood of the House, and of course, the approval of the Motion unanimously this morning, I now rise to put the question.

I think given the mood of the House the Chair has also moved fast. The mover of the Motion should reply first. The leader of Majority!

Hon. Philip Rono (Leader of Majority and Member for Kamasian Ward): Thank you very much, Mr. Speaker. Mr. Speaker, immediately we went out after passage of the earlier Motion unanimously by the House. The members also agreed on the membership and that is why you see the mood as said by the Ranking Member Hon. Albert Kipkoech that based on the mood I therefore want to thank honourable members for unanimously passing the earlier Motion and for unanimously Mr. Speaker based on the moods Mr. Speaker, looking into the matters that is before us Mr. Speaker I want to thank them and encourage the members that have been seconded to this Select Committee to do their work diligently and come up with a Report.

Finally, Mr. Speaker as said by Hon. Hezron that the challenges that the country faced immediately after the Select Committee of the National Assembly went against the wishes of the public made people to visit the National Assembly and we believe and because our county assembly is too small Mr. Speaker, we can't even accommodate half of those people Mr. Speaker, we don't want to invite them Mr. Speaker and therefore the Members that have been seconded please go and do your work as guided by the law and the Standing Orders. So I know Mr. Speaker on the Ten working days you will guide on the same. Otherwise thank you very much and God bless you!

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you the Leader of Majority for the reply. Honourable Members, I now rise to put a question.

(Question put and agreed to)

Honourable Members, the Office of the Clerk shall guide accordingly now that the Motion has been adopted by the House on the Select Committee as proposed by the Leader of Majority and the Office of the Clerk, please note that so that you advise especially on the matter of the 10 days upon passage of this Motion which has been done by the House.

ADJOURNMENT

The Speaker (Hon. (Dr.) Patrick Mutai): Honourable Members, there being no other Order of Business, this House stands adjourned until tomorrow morning, that is Wednesday, 10th July 2024, at 9 .30 a .m. Thank you and have a good evening.

[The House rose at 3.35 P.m.]