

KERICHO COUNTY ASSEMBLY

THE HANSARD

Third Assembly

Third Session

Tuesday 7th May, 2024

(The House met at 2.40 p.m.)

(The Deputy Speaker (Hon. Eric Bett) in the Chair)

PRAYERS

The Deputy Speaker (Hon. Eric Bett): Welcome Honourable Members to this afternoon session. Clerk, read the Business on the Order Paper!

NOTICES OF MOTION

REPORT ON APPROVAL HEARING OF DR. JOEL KIMENGICH CHERUSE NOMINEE FOR THE POSITION OF KERICHO MUNICIPAL BOARD MEMBER

The Deputy Speaker (Hon Eric Bett): Chair Lands, you can move your Notice of Motion.

Hon. Hezron Ngetich (Member for Chilchila Ward): Thank you Mr. Speaker, Sir, for the opportunity you have granted so that I can give a Notice of motion on the Report on Approval Hearing of Dr. Joel Kimengich Cheruse nominee for the position of Kericho Municipal Board Member. Thank you!

The Deputy Speaker (Hon Eric Bett): Thank you.

MOTION

REPORT ON APPROVAL HEARING OF DR. JOEL KIMENGICH CHERUSE NOMINEE FOR THE POSITION OF KERICHO MUNICIPAL BOARD MEMBER

The Deputy Speaker (Hon Eric Bett): Chair, you can move your Motion.

The Deputy Speaker (Hon Eric Bett): Thank you Hon. Speaker, Sir, for the opportunity you have granted me to move a Motion on Report on Approval Hearing of Dr. Joel Kimengich

Cheshire nominee for the position of member of Kericho Municipal Board. Mr. Speaker, allow me to start on 2.0.

2.0 Background Information on the creation of Kericho Municipal Board

The Kericho County Assembly in its special sitting on 29th December 2017 approved Integrated Strategic Urban Development Plan and Charter for Kericho and Litein towns and the Local Physical Development plan for both Kericho and Litein Towns.

The following persons were appointed and took office effective 1st December, 2018 as pioneers of the first board members after the creation of the Kericho municipality board;

1. Harry Langat- Governor's nominee (*chairman*)
2. Magerer Langat- Governor's nominee
3. Charles Langat- Governor's nominee
4. Winny Koros- representing youth
5. Reuben Too- representing informal sector
6. Stanley Mutai- representing private sector
7. Beatrice Kemei- representing neighborhood (*vice chairperson*)
8. Sheila Maisura- representing business community

The above mentioned persons were appointed pursuant to section 14 of the Urban Areas and Cities Act, 2011 before its amendment to the Urban Areas and Cities (Amendment) Act, 2019. The then Act did not provide for the qualifications required for one to be appointed as a member of the Board. After its amendment in 2019, the Act provided for six (6) qualifications under Section 14 (7) of the Urban Areas and Cities (Amendment) Act, 2019.

After the amendments had been made some of the members ceased to hold office as a result of failure to meet the required qualifications. Two of the members (Magerer Langat and Charles Langat, CPA) petitioned the Kericho Employment and Labour Relations Court (ELRC) and through Kericho ELRC Petition No. 6 of 2019, the court pronounced itself by stating that the term of service for the petitioners terminated by operation of the law (*Urban Areas and Cities (Amendment) Act, 2019*). A new board was then formed per the Act which therefore, comprised of the following persons:

- | | |
|-------------------|--|
| 1. Vincent Bii | Governor's nominee (<i>Chairman</i>) |
| 2. Joel Soy | Governor's nominee |
| 3. Beatrice Tanui | Governor's nominee (<i>Vice Chairperson</i>) |
| 4. Peter Korir | Representing professional bodies |
| 5. Stanley Mutai | Representing private sector |
| 6. Gideon Kirui | Representing informal sector |
| 7. Ayub Ramtulla | Representing neighborhood |

- | | |
|-----------------|--|
| 8. Betsy Chebet | Chief Officer Land, Housing Physical Planning and Settlement |
| 9. Brian Langat | County Executive Committee Member Land, Housing Physical Planning and Settlement |

In the year 2023, Stanley Mutai (deceased) passed on and he was replaced by one Ms Mercy Chepkorir Mutai who was vetted and took oath on 24th April, 2024.

2.1 Justification for the appointment of Dr. Joel Kimengich Cheruse

Mr. Vincent Bii who was a Member of Kericho Municipal Board from March, 2023 resigned from the office in November, 2023. Mr. Bii had been appointed under section 14 (2) (b) of the Urban Areas and Cities (Amendment) Act, 2019. This is a position reserved for Governor's nominee. This therefore created a vacancy in the Board necessitating replacement of the same.

As a result, H.E the Governor nominated Dr. Joel Kimengich Cheruse as replacement of Mr. Vincent Bii.

2.2 Approval hearing

The approval hearing was guided by the following Laws;

1. The Constitution of Kenya, 2010;

The Constitution is the supreme law and therefore binds both the County and National Governments. Article 73 therefore provides for responsibilities of leadership as well as guiding principles of leadership and integrity. The Committee was therefore guided by the Article in determining if the nominee is suitable for appointment by meeting the required standards set out.

Article 184(1) sets out that the national legislations in governance and management of urban areas and cities shall establish particular criteria for classifying areas, principles of governance, management of urban areas and cities and also providing for participation by residents in the governance of urban areas and cities.

2. Urban Areas and Cities (Amendment) Act of 2019

Section 14 (7) provides mandatory qualifications that one needs to meet for appointment as a member of the board. That if the person; -

- a) holds at least a diploma from an institution recognized in Kenya;
- b) has a distinguished career in a medium level management position in either the private or public sector;
- c) holds at least five years' post-qualification professional experience;
- d) satisfies the requirements of Chapter Six of the Constitution;
- e) is ordinarily resident or has a permanent dwelling in the municipality; and

- f) carries on business in the municipality or has lived in the municipality for at least five years.

If the nominee does not meet the above requirements, then the person will not be suitable for appointment. The committee therefore, was guided by the above mentioned requirements in making its final determination on the suitability of the nominee to the position.

3. The County Government Act, No.17 of 2012;

In carrying out its mandate of vetting the nominee one Dr. Joel Kimengich Cheruse, the committee was guided by Section 8 of the Act which provides for the roles of the County Assembly, subsection 1 (a) states among other roles that;

The county assembly shall—

- (a) vet and approve nominees for appointment to county public offices as may be provided for in this Act or any other law;*

4. The Public Appointments (County Assemblies Approval) Act, No. 5 of 2017;

The Assembly was guided under Section 5 of the Act on notifying the public on the vetting of the nominee through a local daily on 23.04.2024. The Act provides the notification requirements in that, the advertisement shall specify that the candidate shall appear before the required committee. The notification therefore, met the requirements by clearly specifying that the nominee should appear before the committee on land, housing, physical planning and settlement.

Section 5, Notification of vetting requirements

- 1) An advertisement inviting applications for nomination for appointment to an office to which this Act applies shall specify that the candidate shall be required to appear before a committee of the relevant County Assembly.*
- 2) An applicant shall not be required to appear before the committee of a County Assembly pursuant to a notice issued under subsection (1) within a period of less than twenty-one days.*

The approval hearing was further guided under Section 7 of the Act where the Committee relied on the section which provides the procedure to be followed in the approval hearing as from subsection 1 to 12. The section therefore states that:

Section 7, Approval hearing

- 1. Following the receipt of the notification of nomination under section 6(3) (b), the Speaker shall report the receipt of the notification to the County Assembly, following which the notification shall be committed to the relevant committee of the Assembly.*

2. *Subject to subsection (3), the chair of the committee shall determine the time and place for the holding of the approval hearing which shall not be later than fourteen days from the date of the committal of the notification to the committee.*
 3. *The approval hearings shall be held in a public place and shall be conducted during working hours.*
 4. *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 such other form of communication as the Clerk shall consider appropriate.*
 5. *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 seven days prior to the hearing.*
 6. *Subject to this Act, all committee proceedings on public appointments shall be open and transparent.*
 7. *Despite subsection (6), a committee may, on its own motion or on the application of a candidate or any other concerned person, determine that the whole or part of its sittings shall be held in camera.*
 8. *An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.*
 9. *The criteria specified in the First Schedule and the assessment form specified in the Second Schedule shall be used by a committee during an approval hearing for the purposes of vetting a candidate.*
 10. *Any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.*
 11. *A candidate shall have a right to be heard on any statement or evidence submitted to the Clerk contesting the suitability of the candidate to hold the office to which the candidate has been nominated.*
 12. *A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall thereupon lapse.*
5. Kenya Citizenship and Immigration Act, 2011
- The Act defines a permanent resident under Section 2 that it means a person who has acquired permanent residence status under section 38 and has not subsequently lost that status.

The Kenyan laws do not define an ordinary resident but its meaning under the common law has been provided to *mean a person who resides within a given place for a particular*

period as he/ she carries on his/her day to day life activities. It is further stated that an ordinary residence does not require continued physical presence in a place during the currency of a period. The law requires that a person needs a fixed place of residence in a jurisdiction but it is an important consideration in this instance to note that it is not a requirement of law to establish and maintain ordinary residence based on the same in a place.

To accentuate, a person does not lose his/her ordinary residence in a place by leaving for a temporary purpose. However, a person will lose his/her ordinary residence in a place if he or she travels to another place to live and work indefinitely even if he/she intends ultimately to return to the prior home.

6. The County Assembly of Kericho Standing Orders as adopted by the assembly on 27th February 2020

The committee was guided by Standing Order 205(5) (f) which stipulates the functions of the committee to vet and report on all appointments where the constitution of any law requires the Assembly to approve, except those under Standing Order 189 (Committee on Appointments).

7. Advisory Opinion by the Attorney General to Council of Governors dated 8th May 2019
On 8th April, 2019 the council of Governors did seek the opinion of the Attorney General on the interpretation of Section 14 of the Urban Areas and Cities (Amendment) Act of 2019 on the fate of the members appointed to the municipal board.

The committee was therefore guided by the response of the AG in the opinion where he stated that:

“All those who do not qualify ceased to be members of the Board by operation of the law and those who met the set qualifications can complete their remaining term and any further appointment should be undertaken in accordance with Section 14 of the Urban Areas and Cities (Amendment) Act, 2019.” (See annexure 2 a copy of advisory from AG)

Submission of Dr. Joel Kimengich Cheruse nominee for the position of Kericho Municipal Board Member

The approval hearing process is detailed in Section 7 of the Public Appointments (County Assemblies Approval) Act, 2017. Following the receipt of the notification of nomination, the Speaker is required to report to the County Assembly. This was done on 23rd April, 2024. Thereafter the notification was committed to Committee on Land, Housing and Physical Planning as per Standing Order No 205.

Notification to the Public

On 23rd April, 2024 the Clerk of the County Assembly, Mr. Martin Epus Patrick notified the public on the nomination of Dr. Joel Kimengich Cheruse vide the local dailies (*See Annexure 3 copy of the Local daily extract*).

The approval hearing was held at the County Assembly Chambers on 2nd May, 2024.

Requirements of Chapter Six (6) of the Constitution of Kenya

As per the Local daily advertisement inviting the nominee for the approval hearing, it was a requirement that clearance certificates from the following institutions be submitted: -

1. The Ethics and Anti-Corruption Commission;
2. The Kenya Revenue Authority;
3. The Higher Education Loans Board;
4. The Criminal Investigation Department; and
5. The Credit Reference Bureau.

Criteria for the approval hearing

In conducting the approval hearings, the Committee on Land, Housing and Physical Planning examined the nominee against the set criteria, amongst others, as set out in Section 14 of the Urban Areas and Cities Act (Amendment) of 2019.

The set criteria are as follows: Section 14 of the Urban Areas and Cities Act, (Amendment) 2019.

(a) Of the 9 Members of a Municipal Board, at least four shall be nominated by—

- i. An umbrella body representing professional associations in the area.
- ii. An association representing the private sector in the area.
- iii. A cluster representing registered associations of the informal sector in the area.
- iv. A cluster representing registered neighbourhood associations in the area.

A person shall not be appointed as a Member of the Municipal Board unless that person.

- i. Holds at least a diploma from a recognized institution in Kenya;
- ii. Is ordinarily a resident or has a permanent dwelling in the municipality;
- iii. Has a distinguished career in medium level management position in either the private or public sector;
- iv. Has at least five years post qualification professional experience; and
- v. Satisfy the requirement of chapter six of the Constitution of Kenya.

- vi. Carries on business in the municipality or has lived in the municipality for at least five years.

The additional criteria stated below are a requirement with respect to Chapter Six of the Constitution of Kenya.

- (b) Provision of clearance certificates from relevant authorities with regards to Chapter Six of the Constitution of Kenya.
 - i. Tax Compliance Certificate from the Kenya Revenue Authority;
 - ii. Clearance certificate from the Higher Education Loans Board;
 - iii. Certificate of good conduct from the Department Criminal Investigation;
 - iv. Application form from the Ethics and Anti-Corruption Commission; and
 - v. Clearance certificate from the Credit Reference Bureau

In considering the nominee, the Committee on Land, Housing and Physical Planning followed the above criteria.

Submission of Petitions

Section 7 (10) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that any person may prior to the approval hearing and by a 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. The Members of the public were invited to give any information in writing through oath regarding the nominee by 8.30am on Thursday 2nd May, 2024. No petition was received by 8.30am on Thursday 2nd May, 2024.

Approval Hearing Of Nominee of Dr. Joel Kimengich Cheruse

Dr. Joel Kimengich Cheruse

The appointing authority is H.E the Governor, pursuant to Section 11 of the Urban Areas and Cities (Amendment) Act, 2019. He is appointed in the category of Governor's nominee. Dr. Joel Kimengich Cheruse of Identification Number 5240733 appeared before the Committee on Land, Housing and Physical Planning on Thursday 2nd May, 2024 and was examined under oath and the approval hearing commenced as per the Constitution, County Government Act 2012, Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly of Kericho Standing Orders.

Date and place of birth

The nominee is a Kenyan citizen born on 1st January, 1960 in Narok North District. He is a resident of Kipkelion ward, Kericho County.

Academic Qualifications

The nominee holds a Doctor of Philosophy in Education Management from University of Kabianga, Master of Education (Education Administration) from Kabianga University and a Bachelor of Education (Primary option) from Egerton University.

Integrity

At the time of the approval hearing the nominee was required to provide the Committee on Land Housing and Physical Planning with the clearance documents with regards to Chapter Six of the Constitution.

The nominee submitted a Tax Compliance Certificate from the Kenya Revenue Authority valid up to 28th April, 2025.

The nominee provided the committee with a certificate Serial No.655793 from the Higher Education Loans Board valid up to 29th April, 2025.

The Director of Criminal Investigations issued the nominee with a Police Clearance Certificate Ref. PCC-QASDMJLPW dated 29th April, 2024.

The Nominee attached a leadership and integrity self-declaration form for the Ethics and Anti-corruption Commission acknowledgement receipt ref. self-2024-24663 dated 29th April, 2024.

The nominee provided a clearance certificate from Trans Union serial number CRN NO 7594494 dated 29th April, 2024. (*See annexure 4 (a), (b), (c), (d), (e), (f), (g) & (h) copies of nominee's credentials*)

Committee observations on Suitability of Dr. Joel Kimengich Cheruse for appointment as Member of Kericho Municipal Board

The Committee having considered the criteria as provided by Urban Areas and Cities (Amendment) Act, 2019 his Curriculum Vitae and having heard his oral submission during the approval hearing interview, made the following observations on his suitability for appointment as a Member of Kericho Municipal Board:

- i. That the nominee is a Kenyan citizen;
- ii. That the nominee is *ordinarily a resident* or has a permanent dwelling in the Municipality;
- iii. That the nominee is a part time lecturer in Kabianga and Kisii University Kericho Town campus and has lived in Municipality for over 5 years;
- iv. That the nominee has a Doctor of Philosophy in Education Management from University of Kabianga, Master of Education (Education Administration) from Kabianga University and a Bachelor of Education (Primary option) from Egerton University.

- v. That the nominee provided all clearance certificates as required in Chapter Six of the Constitution of Kenya 2010, about leadership and integrity from relevant authorities during the time of the approval hearing;

General understanding of the Mandate of the Municipal Board

The nominee was asked several questions by the committee and just but to name a few was on the functions of a municipal board under the Urban Areas and Cities (Amendment) Act, 2019. The nominee's response was that; the functions of the municipal board are to oversee the affairs of the municipality, control transport issues and land management.

Further to that he was asked on the relation between his works experience and the position he had been nominated to. He replied that he studied education management and leadership which will play a key role on formulating strategies on leadership and management of Kericho Municipal Board.

The committee also asked on the potential conflict of interest. He stated that he will declare the conflict of interest through writing.

Lastly, the committee asked on the nominee's plans for beautification of Kericho town. His answer was; he will ensure proper and efficient garbage collection, use of proper drainage system, and relocation of small scale entrepreneurs.

Committee's Recommendations

The Land, Housing and Physical Planning Committee after lengthy deliberations

Recommended the approval of Dr. Joel Kimengich Cheruse as member Kericho Municipal Board for the following reasons: -

- I. He has vast experience having worked in public sector for over twenty (20) years.
- II. He did well during the vetting by attaining the average score as required and further portrayed leadership and management skills;
- III. That the nominee submitted all clearance certificates to the committee as required by Chapter Six of the Constitution;
- IV. That the nominee met all the requirements to be appointed as a member of the board as set out under Section 14(7) of The Urban Areas and Cities (Amendment) Act, 2019
- V. That the there was no petition received from members of the public demonstrates confidence on the nominees.

Acknowledgement

Allow me to take this opportunity to thank all the Members of the Committee on Land, Housing, Physical Planning and Settlement for their invaluable input and contributions during the deliberations and approval hearing exercise. The committee also takes this opportunity to thank the office of the Speaker, office of the Clerk of the County Assembly of Kericho and all the

relevant departments for their logistical support accorded to it during the approval hearing process.

On behalf of the Committee on Land, Housing, Physical Planning and Settlement pursuant to Public Appointments (County Assemblies Approval) Act No. 5 of 2017 and the provisions of Standing Order No. 205, it is my pleasure and duty to present to this House the Committee's report on the approval hearing of Dr. Joel Kimengich Cheruse for appointment to the position of Kericho Municipal Board Member.

Thank You!

The Deputy Speaker (Hon Eric Bett): Hon. Vice Chair, Hon. Dominic Mutai!

Hon. Dominic Mutai (Member for Kabianga Ward): Thank you Mr. Speaker, Sir, I rise to second and support the approval by this great house of Dr. Joel Cheruse. Dr. Joel Cheruse has experience of Public Service for at least 20 years. He has worked from primary level to now University of Kabianga and we know with this experience, Kericho town will have a team player in the expertise and knowledge of Public Service of Dr. Joel. When we were vetting the nominee we realised he is an ordinary citizen of Kericho County and has a distinguished career. He meets the requirements of Chapter Six of the Constitution of Kenya and he complied with most of the requirements for him to become a board member.

When we talk about the beautification of the municipality, now we have heavy rains within the country, and he replied that the committee asked him about the beautification of the county and he said he will make sure that the Municipality of Kericho is beautiful, walkways, streetlights, in the recent few months we have been having issues with streetlights. We asked him the conflict of interest working as Board Member and he said he will use the experience which he has at the university to work as part of the team in the municipality. So I urge this Honourable House to approve Dr. Joel Cheruse so that it enables the Board to have quorum and have the full membership to run this municipality. Otherwise, I second and support. Thank you.

The Deputy Speaker (Hon. Eric Bett): Thank you! I now propose the Question .

(Question proposed)

Hon. Eric Bii you may take the first chance to contribute

Hon. Eric Bii (Member Kaplelartet Ward): Thank you so much Hon. Speaker for giving me this opportunity to contribute and support the approval of Dr. Joel Kimengich as a Municipal Board Member. I'm a member of the committee and during the vetting process; Dr. Joel actually demonstrated the ability to be a member of the Municipal Board. He also has qualifications required to be a board member. If you look at his curriculum vitae you will see he is someone who has a good educational background and has moved along the ranks up to the Doctorate

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level. This is the right person who can champion the issues of Municipality. Today we are lucky as the Chair has said that we have got around Kshs. 400 million for the Municipality and having received those funds, we need brains so that we can be able to utilize well to ensure that the municipality is being upgraded to another level.

When we look at the suitability of Dr. Kimengich, He hails within a municipality because he is a lecturer at the University of Kabianga and this supported him to be a person within the municipality. Secondly, he has met the requirements stated in chapter six of our constitution because he forwarded to the committee his clearance certificates and again he has never been charged in any court of law. So I think this is the right person and I would like to urge the Honourable House to give a green light to this person.

We have seen the issue of quorum of the members of the municipal board, when one member resigns so the quorum was not enough for services to be rendered to our people. So when we approve this man we will be able to meet the quorum and there will be no delay in the execution of the Municipal Board roles.

We have witnessed the issues of poor drainage within town during this raining season and there were floods everywhere, then it is necessary for the municipal board members to sit down and give geological physical plan so that we ensure that every other time when there is floods we shall be able to settle our people and make sure they live in a good environment. We also have requests from the National Government and these are the people who are going to assist the Department of Lands and Housing to come up with a good plan for the town. I know the commitment is at the committee level as it was committed by the Speaker today and I know we are going to fast track all these issues for us to get services. So I would like to request Hon. Members let us approve Dr. Joel Cheruse who comes from Kericho town. Otherwise, thank you!

The Deputy Speaker (Hon. Eric Bett): Thank you! I will give to Hon. Martin Cheruiyot and then the mover of the motion to reply and let us just use two minutes because we still have another Motion a head of us, so let us be mindful of time.

Hon. Martin Cheruiyot (Member for Kapkugewet Ward): Thank you Mr. Speaker, Sir, for giving me this opportunity to also contribute to this Motion of the nomination of Dr. Joel Cheruse as a Member of Kericho Municipal Board. Dr. Cheruse is a nominee of H.E The Governor and I want to state that Dr. Cheruse met all the requirements to be a member of Kericho Municipal Board. The nominee has a vast experience in public sector which makes him also qualify and his experience can be tapped and be made useful in the Municipal Board. I remember when we were vetting him, he showed and proved that he is a team player and with the experience that he has, he made us very optimistic that the areas within the Municipality in terms of cleanliness of the town, drainage issues and general organization of the town, he was

passionate about it and he informed the committee that he is going to work with the rest of the members to see that this town is in order.

I want to urge honourable members that this is the right time to approve this member so that the Municipal Board are fully constituted now that we expect funds coming to municipalities also I want to point out that Dr. Cheruse comes, among other requirements, about his place of residence, I want to be very particular that he comes from within Kapkugerwet Ward and he lives there ordinarily. I remember we had a discussion about this ordinarily residence but having established that Dr. Cheruse has been living in his current place at Kapkugerwet Ward for the last twelve years, then we saw it fit that he qualified, among other requirements to be in this board. I stand to support and urge this honourable House to approve Dr. Cheruse as one of the Municipal Board Members so that we move forward with the functions of our Kericho Municipality. Thank you Mr. Speaker!

The Deputy Speaker (Hon. Eric Bett): Honourable Rogony, then I will give to the mover of the Motion to reply.

Hon. Kiprotich Rogony (Member for Sigowet Ward): Thank you Mr. Speaker. I rise to support the report before us, that is, the approval hearing of Dr. Joel Kimengich. Why I rose is that this particular nominee was picked to replace someone who resigned and I am happy the chairman, while reading out the Report, confirmed to the house that even as at today, the development partners are going to get a number of our counties money meant to develop the municipalities.

This member, Mr. Speaker, from what has been read to us is very qualified. How I wish the same committee on Lands will now work on a very good formula to ensure these municipalities are independent. Earlier today, we had a report as a result of an inquiry we made as a committee, we realized that even as Kericho Municipality, which was the first one to be established, to date is not autonomous. It does not have the staff it is supposed to have. The Litein one has an acting Municipal Manager. If the Government of Kenya is going to benefit from the KUSP II program and Kericho is going to get a total of 535 Million, combined, meaning Kericho and Litein are likely to take 260 million each, if that is how they are going to share, then it means we have to put in place a framework that will ensure these Boards are going to operate independently.

In fact the Municipal Board of Kericho is supposed to be a revenue stream but that is not the case at the moment. It is supposed to be getting this county the much needed revenues but their operations are still run by the mother department of Lands, which is against the law. I wish, even as I support the nominee for appointment, I want to put to task the committee on Lands to ensure that these Boards are run independently; they have the team that they are supposed to have for them to roll out the projects within their mandate. With that Mr. Speaker, I support this nominee. Thank you!

The Deputy Speaker (Hon. Eric Bett): Hon. Anthony Ruto, you have two minutes and then I will give to the Chair to reply.

Hon. Anthony Ruto (Member for Kipkelion Ward): Thank you Hon. Speaker, Sir, for this chance so that I also support the approval of Dr. Joel Cheruse as one of the board members of Kericho Municipality. First, allow me to applaud the chairman Lands and his entire team for a job well done, congratulations my brother! Number two, I want to concur with my brothers who have just contributed on this particular Motion. I agree with them by saying that Dr. Kimengich Cheruse is the right person to be nominated as a Member of Kericho Municipality. I have perused his Curriculum Vitae and when the Chair was enumerating the requirements that are needed for one to serve as a board member; one key requirement is that one should have a distinguished career in medium level management. When you look at the curriculum vitae of Dr. Cheruse, he has a Ph.D. in Philosophy of Education, Masters in Educational Management and also did a Diploma in Education.

Dr. Cheruse rose from a class room teacher up to the levels that we have mentioned. He was a Head teacher of several schools meaning that Cheruse has all that it takes to be part of the team that we count on to change the face of Kericho town. When we were looking at the report of the Ad-hoc Committee in *Kazi Mtaani* there were several things we were able to identify under recommendations. One of the key recommendations was that these two municipals, that is, Kericho and Litein should be made autonomous so that at the end of the day they can be able to carry their mandate fully.

The Deputy Speaker (Hon. Erick Bett): Please conclude!

Hon. Anthony Ruto (Member for Kipkelion Ward): I am concluding Sir. I know Kericho Municipality before the inception of devolution and road infrastructure, garbage collection and even revenue collection was excellent. I am longing for that Kericho which we used to have before the inception of devolution. Cheruse and his entire team we are expecting them to bring back the Kericho we used to have before devolution. Thank you!

The Deputy Speaker (Hon. Erick Bett): Thank you so much Hon. Anthony Ruto. I will now give to the Chair, Lands to reply to the Motion. Welcome!

Hon. Kipngeno Hezron (Member for Chilchila Ward): Thank you Hon. Speaker for giving me this opportunity to reply to this Motion. In replying, I want to use this opportunity to thank Hon. Member for the support and patience. They have been patient considering that they had a lengthy morning session and they have not even gone for lunch. One of the Authors called Joyce Meyer once said patience is not the ability to wait, it is ability to keep good attitude while waiting. So I think Hon. Members, while being patient they are keeping good attitude.

Because of time, were not able to go through the annexures. So, on the annexes, I will encourage members during their free time to look at the annexes. There was one vital annexure, annexure number 2 which was petition by Dr. Hon. Magerer Langat and CPA for the qualifications the so that it can be of great importance for them. Having read the mood of this House, I am so happy as chairman Lands because with the coming of the money which was signed today and launched today, initially in the first KUSP one I said only 45 counties qualified. Out of the 45 counties, it was only 57 municipalities which benefited in KUSP I, that is, only Kericho Municipal qualified and I am happy because in KUSP II which has been launched today will see the same 45 counties with additional 20 municipalities which will make 77 municipalities which will qualify for the program. We are very happy and lucky as Kericho because the additional 20 municipalities, one of our own which is Litein Municipality will be among the new who will benefit with 46.5 Billion which is coming. It will see Kericho Municipality which is between your jurisdiction as the area MCA, I see you qualify and one Hon. Vincent Kirui will see his municipality qualifying for this. We are happy as one of the Members said, clap to others until it's your time to be clapped for. For us who don't have municipalities, we will continue clapping for you and Litein until Kipkelion, Soin and Londiani qualify. I think going forward, even when we will be appropriating money, it will assist us because at least you will shed a bit of your development because you qualify for billions so that others will benefit. Otherwise we want to thank you and the Hon. Members for supporting this Motion. Thank you and may Kericho prosper.

The Deputy Speaker (Hon. Erick Bett): So Hon. Members, I now rise to but the Question.

(Question put and agreed to)

Alright, since the Vice chair is not in, I have seen a member of Powers and Privileges Committee Hon. Bavina Serem who is the Deputy Chief Whip. Is she there? So you can proceed. This is resumption of Business which was interrupted on 30th April, 2024. So we are continuing with that particular Report. Welcome Hon. Bavina.

Hon. Bavina Serem (Nominated Member Representing Women): Thank you Mr. Speaker, Sir. I will go straight to the mandate of the committee.

The Committee of Powers and Privileges draws its mandate from the Constitution, the Public Officers Ethics Act, 2003, the Leadership and Integrity Act, 2012, the County Assembly Powers and Privileges Act, 2017 and the County Assembly Standing Orders which assigns to the Committee various functions, which include the following:

Inquiring into the conduct of a member whose conduct is alleged to constitute breach of privilege

Section 15(4)(a) of the County Assemblies Powers and Privileges Act, 2017 mandates the

Committee to inquire into the conduct of a Member whose conduct is alleged to constitute breach of privilege in terms of section 16 of the Act.

Conduct constituting breach of privilege as highlighted in Section 16 and includes assault, threats, use of abusive language, obstruction, molestation or insulting any member proceeding to, being within or leaving the precincts of the Assembly.

The Committee may inquire into the conduct of a Member whose conduct is alleged to constitute breach of privilege either on its own Motion (*suo moto*) or as a result of a complaint made by any person.

Upon conclusion of the inquiry, the Committee may recommend any or all the sanctions under Section 17 of the Act. Where the Assembly finds that a Member has committed a breach of privilege, the Assembly may, in addition to any other penalty to which the Member may be liable under a specific law, issue a formal warning, a reprimand, an order to apologize to the Assembly or a person in a manner to be recommended by the Committee of Powers and Privileges, the withholding, for a specific period of time, of the member's right to the use or enjoyment of any specified facility provided to Members of County Assembly, the removal or suspension for a specified period of time of the Member from any County Assembly's position occupied by the Member, such fine in terms of the Member's monthly salary and allowances as the House may determine, the suspension of the Member for such period as the House may decide, whether or not County Assembly or any of its committees is scheduled to meet during that period or vacation of seat pursuant to Articles 75(2)(b).

In the case of an inquiry arising from a complaint, the County Assembly Powers and Privileges Act envisages such inquiry to be concluded within fourteen days of receipt of such complaint. Moreover, the Committee is expected to table its findings in the Assembly, together with such recommendations, as it considers appropriate for consideration, within fourteen days of the conclusion of such an enquiry.

Enforcement of the Rules Governing the conduct of Members of County Assembly

Chapter Six of the Constitution of Kenya prescribes leadership and integrity benchmarks for holders of State and public offices. Article 75 of the Constitution assigns the Committee the role to exercise penal authority over contravention of the Leadership and Integrity Code.

It states –

(2) A person who contravenes clause (1), or Article 76, 77 or 78 (2) –

(a) shall be subject to the applicable disciplinary procedure for the relevant office; and

(b) may, in accordance with the disciplinary procedure referred to in paragraph (a), be dismissed or otherwise removed from office

The General Leadership and Integrity Code contained in the Leadership and Integrity Act, 2012 is also within the ambit of the Committee of Powers and Privileges with respect to misconduct by Members of the County Assembly.

Procedure for considering the Report by the Committee

The Kericho County Assembly Standing order and the County Assembly Powers and Privileges Act fails to provide procedure for processing the reports of the powers and Privileges Act.

The committee therefore is guided by the procedures of processing of similar reports as handled by the Parliament which is as follows:

Section 1 of the third Schedule of the Parliamentary Powers and Privileges Act 2017 provides that

“Every Report by the Committee concerning any inquiry into the conduct of a Member shall, as soon as possible after it has been completed, be laid by a member of that Committee on the Table of the House.”

Referral of the Matter of Hon. Fancy Korir and Hon. Haron Rotich to the Committee

The Office of the Speaker of the County Assembly received incident reports from the head of security and the head of the Serjeant at arms departments dated 19th and 20th October 2023. The

Speaker being the Chairperson of the Committee on Powers and Privileges committee informed the members of the same and on its own motion resolved to investigate the conduct of the two members.

Hon Haron Rotich and Hon Fancy Korir being Members of the said committee and being adversely mentioned in the said report, the members resolved to excuse them from the said deliberations and inquiry due conflict of interest.

The committee held hearings as per the below hearing schedule

NO	NAME	DESIGNATION	HEARING DATE
1	Justus Maritim	Serjeant At Arms	5/10/23
2	Gilbert Kirui	Head of Serjeant At Arms Department	5/10/23
3	Kenneth Kosoney	Head of Security Department	5/10/23
4	Hon. Haron Rotich	Majority Chief Whip	12/10/23
5	Hon Fancy Korir	Deputy Majority Leader	12/10/23

Events of 19th October 2023.

On Tuesday, 19th September at around 2.30pm confrontation ensued between the above-mentioned Honourable Members at the car park area which led to assault and exchange of abusive words amongst them. Hon Haron Rotich claimed to have been physically assaulted by Hon Fancy Korir. Both parties claimed to have been abused by each one of them.

From the Hearing, it was not clear whether there was use of any weapon as the allegations were only made by Hon. Haron Rotich. However, all the witnesses confirmed exchange of abusive language between the two Honourable Member.

Applicable Provisions of the Law on the Alleged Unethical Conduct of Members of County Assembly**1. The Constitution of Kenya**

Article 75(1) of the Constitution (1)(iii) bestows upon State Officers the responsibilities of leadership and requires authority assigned to a State officer to bring honor to the nation and dignity to the office. Further, Article 75(1)(c) of the Constitution provides that “A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids demeaning the office the officer holds.” Further, Articles 75(2) and 103(1) of the Constitution details sanction for contravention of Article 75(1) of the Constitution.

2. The Leadership and Integrity Act, 2012

This law was enacted pursuant to Article 80 of the Constitution to give effect to the provisions of Chapter Six of the Constitution on Leadership and Integrity. Section 11(b) of the Act requires a State Officer to “*treat members of the public and other public officers with courtesy and respect.*” Section 41(1) provides that, “*subject to subsection (2), a breach of the Code amounts to misconduct for which the State officer may be subjected to disciplinary proceedings. ... Where an allegation of breach of the Code has been made against a State officer in respect of whom the Constitution or any other law provides the procedure for removal or dismissal, the question of removal or dismissal shall be determined in accordance with the Constitution or that other law.*”

3. The Public Officer Ethics Act, 2003

Most provisions of this Act replicate those of the Leadership and Integrity Act, 2012. Nonetheless, section 20 (1) provides that ‘*a public officer shall conduct his private affairs in a way that maintains public confidence in the integrity of his office.*’

4. The County Assembly Powers and Privileges Act, 2017

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Section 16(e) of the o Powers and Privileges Act provides that *‘the Committee of Powers and Privileges may find a Member to be in breach of privilege if the Member if a Member conducts himself or herself in a manner which, in the opinion of the Committee of Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of County Assembly, or of the Members or to be contrary to the best interests of County Assembly or its Members’*.

Committee Sitings

The committee held a total of six meetings. The hearings were done in two phases. The first phase was to hear from the witnesses and the second phase was to hear from the honourable members.

Evidence

The Committee received oral submissions from several witnesses.

Proceedings

The Committee took evidence from the following witnesses –

1. Justus Maritim
2. Gilbert Kirui
3. Kenneth Kosoney
4. Hon. Haron Rotich
5. Hon. Fancy Korir

(a) Justus Maritim’s summary statement

The witness appeared before the committee and under oath gave the below account of the events of 19th September 2023

Witness account

On Tuesday, 19th September, 2023 at around 15.30 hours the witness was washing his hands at the washroom next the Assembly chambers when he heard someone shouting *‘Saidia hawa’*. Then he saw Mr. Gilbert Kirui, the Serjeant at Arms and Mr. Kenneth Kosonei, The head of security and safety running towards the parking area. He too ran towards the parking area and upon arrival, he found his colleagues had already separated Hon. Fancy Korir and Hon. Haron Rotich. However there was still verbal altercation between the two honourable members.

Thereafter, he drove out members of the public who were at the parking lot among them being former Honourable members called Hon. Kikwai Jackson and Hon. Geoffrey Bii.

Also present at the parking area were Hon. Bavina Serem and Hon. Dominic Mutai.

The witness, further informed the members that none of the two Honourable members was armed neither was anyone physically hurt during the incident. However the kind of language used was abusive and unparliamentarily

It was worth noting that after the incident, Hon Fancy Korir left the precincts of the County Assembly while Hon. Haron Rotich proceeded to the chambers for the afternoon plenary session.

In his closing remarks, the witness recommended that the members should be taken through the provisions of the Powers and Privileges Act to deter such occurrences in future and enhance decorum within and without the precincts of the County Assembly.

(b) Gilbert Kirui's summary statement

The witness appeared before the committee and under oath gave the below account of the events of 19th September 2023

Witness account

The witness informed the committee that he recalled that on 19th September at about 3 pm at the County Assembly parking lot, he witnessed a physical altercation between Honourable Haron Rotich and Hon. Fancy Korir. The incident happened when Hon. Haron Rotich, who is also the County Assembly's chief whip, was exercising his duty by whipping members into the Chambers for the afternoon session since the bell had been rang.

Mr. Gilbert Kirui heard the two members exchanging very abusive words in the local dialect which eventually led to a physical fight. The witness swiftly moved to the scene of the incident and separated the two Hon. Members and was later joined by his colleagues, Mr. Maritim and Mr. Kosonei. He later reported the incident to the offices of the clerk and Speaker in writing.

The witness confirmed to the committee that none of the two Honourable members was armed neither was anyone physically hurt during the incident. However language used was abusive and unparliamentarily.

From the witness's account, the committee noted that there were other witnesses at the scene of the incident namely; Hon. Anita Mibey, former Members of County Assembly known as Hon. Geoffrey Bii and Hon. Jackson Kikwai, Clifford who is a cleaner at the Assembly and two other people he could not recall by name.

In his closing remarks, the witness urged the committee to recommend that all the Honourable members be trained on the provisions of the Powers and Privileges Act and the Standing Orders.

(c) Kenneth Kosoney's summary statement

The witness appeared before the committee and under oath gave the below account of the events of 19th September 2023

Witness account

The witness informed the committee that on 19th September 2023 while in his office at around 14.40 hours, he heard a commotion outside the car park but could not clearly see because there was a vehicle parked outside his window which belonged to Hon. Magerer.

He therefore got out of his office and saw Hon. Fancy Korir and Hon. Haron Rotich fighting. He immediately intervened by shielding Hon. Fancy Korir while Clifford (the Cleaner) shielded Hon. Haron Rotich on the other side. Thereafter, he inquired why the two Hon. Members were fighting and Hon. Fancy told the witness that the matter was historical but political in nature.

The witness further confirmed to the committee that none of the two Honourable members was armed neither was anyone physically hurt or destruction of property during the incident. However, the language used was abusive and unparliamentarily.

From the witness account, the committee confirmed that there were other witnesses at the scene of incident namely; Hon Bavina Serem.

In his closing remarks, the witness requested the following to avert future conflicts;

- Vehicles to be searched by the security officers at the gate.
- Speaker's rules should be enforced and members sensitized on the same.
- Enhance safety through installation of metal detectors at all entry and exit points
- Conduct refresher course for all members on security and safety
- Honourable members to embrace security and safety measures deployed.
- Construct a holding arena for visitors.

(d) Hon Haron Rotich's summary statement

The witness appeared before the committee and under oath gave the below account of the events of 19th September 2023

Hon Haron Rotich's account of events

On Tuesday, 19th September, 2023 at around 15.30 hours the Honourable member was whipping members at the car park to attend the afternoon session where he came into contact with Honourable members including Hon. Beatrice Chepkemoi, Hon. Martin Cheruiyot, Hon Vincent Korir who was conversing with former Hon. Members of the County Assembly and then proceeded to the chambers for the afternoon session. He also met with Hon Fancy Korir where he pleaded with her to proceed to the chambers and she agreed. The witness proceeded to the chambers where he realised that there was no quorum.

He went back to the car park to whip honourable members where he found Honourable Hezron Kipngeno and Hon. Vincent. It was at this point that Hon. Fancy Korir pounced on him and attacked him physically by blows. Luckily there were other members including Hon. Dominic Mutai and Hon. Anita Mibey who screamed. The Serjeant-At -Arms intervened as the Hon. Haron Rotich was trying to defend himself against Hon. Fancy Korir. Thereafter he left for the chambers as Hon Fancy Korir left the precincts of the County Assembly.

Hon. Haron Rotich informed the committee that Hon. Fancy was armed with a metal-like ring worn on her for fingers.

The witness further informed the members that Hon Fancy Korir and himself had never had any differences prior to the incident. However, the witness confirmed that Hon. Fancy was not properly dressed to attend the afternoon plenary session but was properly dressed in the morning session. On further inquiry; Hon. Haron Rotich was informed that Hon. Fancy was preparing to visit fire tragedy victims in Kunyak ward.

The witness confirmed to the committee that Hon. Fancy used abusive language towards him. He further informed the members that after the incident, he was physically and emotionally tortured. However, he thanked the members for the consolation after the incident..

In his closing remarks, Hon. Haron urged the members of county assembly to share their problems whenever they have any and undergo training leadership and integrity act.

After the submissions, the Speaker encouraged Hon. Haron Rotich to lead by example since the incident had a negative impact on the image of the County Assembly. He further reminded him of the leadership and integrity code that he signed on 20th September 2022. The chairman finally thanked him for attending and giving an account of the occurrence on 19th September, 2023

(e) Hon Fancy Korir's summary Statement

The witness appeared before the committee and under oath gave the below account of the events of 19th September 2023

Hon Fancy Korir's account of events

The witness informed the committee that she recalled that on 19th September 2023 she attended the morning session and thereafter went back to her office.

She was called back to the County business by Hon Bavina Serem to accompany her to Kunyak ward to visit fire tragedy victims. The honourable members travelled using the official vehicle.

Hon. Fancy went back to her house to dress properly for the journey due to the terrain in Kunyak.

At around 2.32 pm Hon Fancy came to the County Assembly, parked her car and took her packed lunch while sitting in the car. Suddenly the Majority whip came her vehicle while shouting in what seemed to be profiling her tribally. She then lowered her car windows and told Hon. Haron that she was not attending the afternoon session because of the visit to Kunyak and also she was not appropriately dressed for the session.

It was at this point that Hon Haron accused her of being rude and that she would serve her a 'letter'. He then left and came back after about ten minutes. While Hon. Anita was alighting from her car, Hon Fancy and Hon. Haron engaged in a verbal altercation which led to a physical fight.

Hon. Fancy informed the committee that the language used was abusive and unparliamentarily.

On whether there had been any differences before the incident, she confirmed that Hon. Haron had previously abused her but was able to forgive him. Hon Fancy further told the committee that the nature of their difference was political in nature where Hon Haron accused her of not being an indigenous of Belgut sub- County.

Hon Fancy informed the committee that after the incident, she had visited Hon Haron's office for reconciliation where she confirmed that she had forgiven Hon. Haron.

In her closing remarks, the witness urged the committee to recommend that all the Honourable members undergo counselling ,get trained on the Powers and Privileges Act and a bonding exercise be done.

Procedural Fairness

The Committee was guided by principles of procedural fairness in considering the incident report submitted to the office of the speaker. Indetermining whether the Members were guilty or

innocent, the Committee applied principles of procedural fairness at all stages.

Accordingly, and in the interest of fairness, the members accused of breach of the code of conduct and breach of privilege was given an opportunity to be heard in person.

Disciplinary process and sanctions for breach of the Code of Conduct

Section 16(e) of the Act provides that the Committee may find a Member to be in breach of privilege if the Member –

(e) conducts himself or herself in a manner which, in the opinion of the Committee of Powers and Privileges, is intended, or is likely to reflect adversely on the dignity or integrity of County Assembly or of the Members or to be contrary to the best interest of County Assembly or its Members.

Section 17(1) of the Act provides that –

(1) The County Assembly shall have all the powers necessary for enquiring into and pronouncing upon an act or any matter constituting breach of privilege in terms of Section 16.

Section 41(1) of the Leadership and Integrity Act provides that –

“... A breach of the Code amounts to misconduct for which the State Officer may be subjected to disciplinary proceedings”

Accordingly, the Committee’s inquiry was focused on making a determination as to whether the claims raised at the incident reports prepared by the Serjeant at arms and the head of security on alleged unethical conduct by the said Honourable Members did constitute breach of privilege, hence warranting the sanctions prescribed in section 17(3) of the County Assembly Powers and Privileges Act.

Section 17(3) of the County Assembly Powers and Privileges Act, 2017 provides that:

(3) Where the County Assembly finds that a Member has committed a breach of privilege, the County Assembly may, in addition to any other penalty to which the Member may be liable under this Act or any other law, impose any or more of the following penalties—

(a) a formal warning;

(b) a reprimand;

(c) an order to apologize to the House or a person in a manner to be recommended by the Committee of Powers and Privileges;

(d) the withholding, for a specific period of time, of the member’s right to the use or enjoyment of any specified facility provided to Members by a county assembly;

(e) the removal or suspension for a specified period of time of the Member from any County Assembly position occupied by the Member;

(f) such fine in terms of the Member's monthly salary and allowances as the House may determine;

(g) the suspension of the Member for such period as the House may decide, whether or not County Assembly or any of its committees is scheduled to meet during that period;

(h) Vacation of seat pursuant to Articles 75(2) (b) and 194(1) (c) of the Constitution.

Article 75(2) (b) and 194 (1)(c) of the Constitution referred to in paragraph (h) above provides as follows –

75(2) A person who contravenes clause (1), or Article 76, 77 or 78 (2) –

(a) shall be subject to the applicable disciplinary procedure for the relevant office; and

(b) may, in accordance with the disciplinary procedure referred to in paragraph (a), be dismissed or otherwise removed from office.

194 (1) The office of a member of County Assembly becomes vacant –

(c) if the member is otherwise removed from office under this Constitution or legislation enacted under Article 80;

The aforementioned provisions formed the basis upon which the Committee premised its observations, findings and recommendations.

Observations, Findings and Recommendations

1. Observations and Findings

Having read the incident reports and adduced the oral evidence by all the witnesses and the Honourable Members the Committee observed –

- (1) that the scuffle between the Hon. Fancy Korir and the Hon. Haron Rotich reflected adversely on the dignity and integrity of the County Assembly and its Members in terms of section 16(e) of the County Assembly Powers and Privileges Act, 2017;
- (2) that the two Members engaged in a scuffle in public and full glare of the members of the staff and other members of the county assembly hence subjecting the dignity and integrity of the House and its Members to public opprobrium;
- (3) that the two Members acknowledged that exchange of abusive words was of unethical conduct and not befitting an honorable member;

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- (4) that both members on 20th September 2022 when they were both sworn in as members of the county assembly, they both signed to the general leadership and integrity code which signified their commitment to adhere to the Leadership and Integrity Code; and
- (5) That both members being house party leaders conducted themselves in a way that doesn't meet the leadership ethics threshold as is stipulated in Chapter 6 of the Constitution.

In light of the foregoing, the Committee finds that the Hon. Haron Rotich and Hon. Fancy Korir conducted themselves in a manner that reflected adversely on the dignity and integrity of the County Assembly and its Members, and that their actions were a breach of privilege and punishable in accordance with Section 41 of the Leadership and Integrity Act, 2012 and Section 17(3) of the County Assembly Powers and Privileges Act, 2017.

2. Recommendations

In consideration of the above observations and findings, the Committee recommends that the House -

- (1) pursuant to section 17(3)(b) of the County Assembly Powers and Privileges Act, 2017, reprimands the Hon Haron Rotich and Hon. Fancy Korir for conducting themselves in a manner that reflected adversely on the dignity and integrity of the County Assembly and its Members, contrary to section 16(e) of the County Assembly Powers and Privileges Act, 2017; and
- (2) pursuant to section 17(3)(c) of the County Assembly Powers and Privileges Act, 2017, orders the Hon. Haron Rotich and Hon. Fancy Korir to apologize to the House and the Members for conducting themselves in a manner that reflected adversely on the dignity and integrity of the County Assembly and its Members contrary to section 16(e) of the County Assembly Powers and Privileges Act, 2017.

Pursuant to section 17(3) (c) of the County Assembly Powers and Privileges Act, 2017, the committee issues a formal warning to the Hon. Haron Rotich and Hon. Fancy Korir and should they violate any rules of the County Assembly Powers and Privileges Act, 2017, then they shall both cease to hold any leadership position for the remainder of the term.

Attached Hon. Speaker are the apologies from both Hon. Haron Rotich and Hon. Fancy Korir, I think the members will refer to the apologies attached; I therefore called upon Hon. Anita Mibei to second the report.

The Deputy Speaker (Hon Eric Bett): Hon. Anita, please second and please confirm to his House if you screamed during the incident, on a lighter note.

Hon. Anita Mibei (Member Chemosot Ward): Thank you Hon. Speaker for this opportunity to second the report of the Committee on Powers and Privileges on its inquiry on the Motion on the conduct of Hon. Haron Rotich and Hon. Fancy Korir and to establish breach of conduct, having been one of the members of powers and privileges committee we engaged the two honourable members on their conduct as provided and its clear from the recorded statements on account of events from witnesses and from the honourable members themselves, that I mentioned somewhere that I was screaming and I don't remember screaming loudly that someone could record but Hon. Speaker, it happens and I think this comes where an interesting part where Hon. Haron Rotich mentioned that he was physically and mentally tortured.

I just want to apologise on behalf of the women for having you go through that Hon. Haron Rotich. I don't have much to say Hon. Speaker just want to second this and looking into the recommendations based on the observations and findings which gives the honourable members an opportunity to apologise and also to the committee to issue a formal warnings to both honourable members and should they violate the rules of County Assembly Powers and Privileges Act 2017, then they both cease to hold any leadership position for the remainder of the term. I think Hon. Speaker, I want to stress on that, since we come here to this house and we only say that it's a house of rules and orders and we want to reiterate that and encourage honourable members of this house to support this report. Thank you Mr. Speaker, Sir.

The Deputy Speaker (Hon Eric Bett): Thank you so much.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

The Deputy Speaker (Hon Eric Bett): Honourable Members, we have come to the end our session this afternoon and there being no other business this assembly stands adjourned till tomorrow Wednesday 9:30 in the morning, thank you.

[The house rose at 4.10 p.m.]