

KERICHO COUNTY ASSEMBLY

THE HANSARD

SPECIAL SITTING

(Convened vide Kenya Gazette No. 11100 of 8th August 2025)

Third Assembly

Fourth Session

Friday 15th August, 2025

(The House met at 10.45 a.m.)

(The Speaker (Hon. (Dr.) Patrick Mutai) in the chair)

PRAYERS

The Speaker (Hon. (Dr.) Patrick Mutai): I never heard anyone saying Amen. Is it because His Excellency the Governor is around? Good morning Honourable Members and His Excellency the Governor. Good morning to you and your Legal team.

I know you are sitting in unfamiliar place but nevertheless, you are most welcome. I can see that they have squeezed you. I hope you are safe.

I have seen my friend, Katwa Kigen, he is around. Nevertheless, Honourable Members, we are going to proceed with the Order of Business of the day. Order number one!

Next order!

COMMUNICATION FROM THE CHAIR

ARSON ATTACK INCIDENT AT THE COUNTY ASSEMBLY PREMISES

The Speaker (Hon. (Dr.) Patrick Mutai): I have been informed by the Clerk of the County Assembly that there is an incident that occurred in the Assembly today early morning at around 4 a.m. Unidentified persons threw a Molotov cocktail, also known as a petrol bomb, which landed on the Assembly roof with an intent of burning down the Assembly. Luckily, our security officers were able to put out the fire on time. We have since filed a complaint with the National Police Service and investigations are ongoing.

Honourable members, I urge the Director of Criminal Investigations (DCI) to speed up investigations so that the arsonists are apprehended. Honourable Members, I wish to condemn this act with the strongest terms possible. The County Assembly is an independent institution as per the Constitution and nobody should interfere with its role.

It is important to note that there is need for the leaders to be held accountable for their actions and respect independence of constitutional bodies, including this County Assembly.

PROCEDURE FOR CONDUCT OF BUSINESS DURING THE IMPEACHMENT PROCEEDINGS

Honourable Members, I have the second communication. It relates to the Procedure for Conduct of the Business under Order Number Eight and you have your Order Papers and I wish to convey it as follows on the procedure for conduct of today's sitting and as such, the following sequence will be observed:

Number one, upon being satisfied to the compliance by the provisions of Standing Order number 73, the mover of today's Motion Honourable Kiprotich Rogony, will take the floor to move his Motion and make the necessary contributions and or debate on his Motion.

Number two, thereafter, the mover of the Motion will call a seconder to second his Motion. The seconder may second and may make his or her contribution to the Motion. Number three, Honourable Members, I will then propose the Question in terms of the Motion in line with the provisions of Standing Order number 65 (1) but instead of immediately opening the floor of the Honourable Members to make their debate, I will invite His Excellency the Governor, either by himself or by counsel if present, which I have seen they are present, to make any representations that he or she may have as per the Standing Order Number 74 (1b).

Honourable Members will thereafter be allowed to debate after the first opportunity for response is accorded to His Excellency the Governor. Honourable Members, should His Excellency the Governor forego this opportunity, members will proceed to make their debate on the Motion in line with the provisions of the Standing Orders.

Number five, thereafter, His Excellency the Governor will again be accorded the opportunity to respond to the debate of the Honourable Members in line with the provisions of the standing orders number 75 (3) before the mover of the Motion is called upon to reply.

Number six, the mover will then be called upon to reply and thereafter I will put the Question in terms of the Motion in line with the provisions of Standing Order number 75 (3). Honourable Members, number Seven, however this being a Motion that requires a threshold of two-thirds of members, honourable members will take a vote as will be guided by the Standing Orders and thereafter I will announce the results of the vote. This House is accordingly guided.

Clerk, Next Order! Next!

SPECIAL MOTION

PROPOSED REMOVAL BY IMPEACHMENT OF HON. DR. ERICK MUTAI, GOVERNOR OF KERICHO COUNTY

The Speaker (Hon. (Dr.) Patrick Mutai): Honourable Members, the provisions of Standing Order Number 75 provides that: ‘When the Order of the Motion is read, the Speaker shall refuse to allow the Member to move the Motion unless the Speaker is satisfied that one, the Motion shall specify the grounds and particulars upon which the proposed Motion is made. Two, the proposed Motion is signed by the member, and three, the member is supported by at least a third of all members of the Assembly to move the Motion.

To this end, Honourable Members, I have with me the Motion as approved by the Office of Clerk and my office. I can confirm that the same was scheduled by the House Business Committee and this sitting is properly convened as per Gazette Notice Number 11100 dated 7th August, 2025. Honourable members, I am therefore persuaded that the attached list is duly prepared and the signatures contained therein exceed the provided one-third threshold.

Consequently, I therefore direct the mover of the Motion, the Honourable Kiprotich Rogony to take the floor and move the Motion. Please note the Honourable Kiprotich Rogony, the mover, you will read the Motion verbatim as well as you shall be making your contribution at the same time.

Well guided? Then you can proceed!

Hon. Kiprotich Rogony (Member for Sigowet Ward): Thank you, Mr. Speaker. Mr. Speaker, I'm guided by your directive. Mr. Speaker, I rise to move a Motion, being the proposed removal from office of the Governor for Kericho County, Honourable Dr. Eric Kipkoech Mutai, by impeachment. Honourable Speaker, I beg, with the support of the Members of the County Assembly of Kericho, that is, the County Assembly, whose names and signatures I have annexed hereto as Annexure 1, to move the Motion for impeachment of His Excellency Honourable Eric Kipkoech Mutai, the Governor of Kericho County for...

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Order, Honourable Rogony! Just as a reminder, because of the magnitude and the weight of this matter, I'm being reminded by the Honourable Leader of the Majority that Members, if you don't have a hard copy, you can, of

course, access the Motion via the usual application that we normally use. I'm told it has already been forwarded to Honourable Members. So please, kindly follow from that platform.

Honourable Rogony, you can now continue!

Hon. Kiprotich Rogony (Member for Sigowet Ward): Thank you, Mr. Speaker, for the communication. Let me begin. Honourable Speaker, I beg, with the support of the Members of the County Assembly of Kericho, the County Assembly, whose names and signatures I have annexed hereto as Annexure 1, to move the Motion for the impeachment of His Excellency...

(Hon. Paul Bii spoke off record)

The Speaker (Hon. (Dr.) Patrick Mutai): Honourable Paul Bii, is that a Point of Information or a Point of Order? Order, Honourable Bii!

(Hon. Paull Bii spoke off record)

The Chair is on the mic. Order, Honourable Paul Bii! Is it a Point of Information or a Point of Order? It seems you are not sure.

The Speaker (Hon. (Dr.) Patrick Mutai): Proceed, Honourable Rogony! Honourable Members, I don't want to... because you know His Excellency the Governor is here and our legal experts. You know what the Standing Orders provide. I don't want to remind you. If it is a Point of Information, unless that member wants to be informed and secondly, if it's a Point of Order, let me just remind you, because you are starting the debate, you quote the Standing Order violated. Let us follow those rules. Honourable Members, refer to your Standing Orders kindly, please, as we give to Honourable Kiprotich to proceed.

Hon. Kiprotich Rogony (Member for Sigowet Ward): Mr. Speaker, and I will request, so that you protect me from unnecessary interruptions. The member doesn't even know the Standing Order number under which he is raising the Point of Order.

Mr. Speaker, I beg with the support of the Members of the County Assembly of Kericho, that is, the County Assembly, whose names and signatures I have annexed hereto as annexure one, to move the Motion for the impeachment of His Excellency Honourable Eric Kiprotich Mutai, the Governor of Kericho for (i) gross violation of the Constitution of Kenya, (ii) gross violation of various National and County laws, (iii) Serious reasons for believing that the Governor has committed crimes under the national law, (iv) Abuse of office, and (v) gross misconduct.

The specific grounds of the Motion are organised thematically as (i) outlined below, and (ii) elaborated in the ensuing pages of this Motion. Mr. Speaker, Sir, the evidence in support of

the Motion is set out in (i) my affidavit in support of this Motion duly sworn on 5th August 2025, (ii) the exhibits annexed to my Affidavit in support of the Motion, (iii) the witness statements and affidavits to be presented at the hearing of this Motion. Further, the Affidavit presented herewith verifies the accuracy and reliability of the exhibits to the Motion.

Mr. Speaker, **WHEREAS:**

1. Article 2 of the Constitution of Kenya 2010, herein the Constitution restates the supremacy of the Constitution as the supreme law of the Republic and binds all persons and state organs at both levels of Government;
2. Article 10 of the Constitution, Section 3 and 16 of the Leadership and Integrity Act, 2012 and Section 9, 10, and 12 of the Public Officers Ethics Act, 2003 establish, among others, the rule of law, democracy, human dignity, courtesy, respect, social justice, inclusiveness, equality, human rights, probity, professionalism, non-discrimination, protection of the marginalized, good governance, transparency, and accountability as part of the national values and principles of governance;
3. Articles 10, 73, and 75 of the Constitution require State Officers at all times, whether in public or private life, to behave in a manner that *inter alia*;-
 - i. Brings honour to the nation and dignity of the office that a State Officer holds;
 - ii. Portrays selfless service based solely on the public interest demonstrated by honesty in execution of public duties and declaration of any personal interest that may conflict with public interest;
 - iii. Ensures decisions made by the State Officer are not influenced by nepotism, favouritism, and improper motives; demonstrates discipline and commitment in service to the people, and;
 - iv. Avoids demeaning the office that the State Officer holds.
4. By dint of section 11 of the Leadership and Integrity Act, 2012, enjoins the Governor as a State Officer to treat members of the public and other public officers with courtesy and respect, and further, by dint of section 34 of the Leadership and Integrity Act, 2012, the Governor being a State Officer is precluded from bullying any person by engaging in a behaviour that is vindictive, cruel, malicious, humiliating, and is intended to undermine a person.
5. Article 73 (2) (d) and (e) of the Constitution provides for accountability of a State Officer to the public for all decisions made in exercise of the powers of the office they hold and that accountability is a critical principle of leadership and integrity;

6. Articles 10, 232, 235, and 236 of the Constitution and Sections 59, 59A, 60, 62, 63, 64, and 65 of the County Governments Act, 2012 provides for the values and principles of public service and establish an elaborate framework for establishment of county public offices and the recruitment, employment, and dismissal of county public officers;
7. Article 179 (4) Of the Constitution reaffirms the Governor's position as the Chief Executive of the County hence, the Constitution and the law vests primary responsibility for decision making and ensuring the well-being of the County on the Governor. This is a strong expression of the County Governor's commitment and expectation to provide effective leadership, strategic vision, and direction to the County in ensuring efficient and prudent use of public resources for the good of the County.
8. Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order 70 and 70A of the Standing Orders of the County Assembly of Kericho provides for the impeachment of the Governor on grounds of gross violation of the Constitution, gross violation of other written laws, where there are serious reasons for believing that the County Governor has committed crimes under national or international law, gross misconduct and abuse of office;
9. Article 201, 205, and 207 of the Constitution forms a constitutional basis that guide the counties in raising and utilizing public finances. In particular, Article 207 established the County Revenue Fund and clearly stipulates that money shall not be withdrawn from the Revenue Fund unless the Controller of Budget has approved;
10. Section 30 (3) of the County Governments Act obligates the Governor to provide leadership in County governance, be accountable for management and use of county resources, and to promote, amongst others, good governance and competitiveness of the County;
11. The Governor has, in various instances, failed to take charge and reign on the rot, corruption, and unethical practices in the County. Instead, the Governor has deliberately aided, abetted, condoned, and encouraged the misuse, misappropriation, misallocation, wanton theft, and pilferage of County finances;
12. The Governor has, in multiple occasions, directly and indirectly engaged in acts and conduct which severally and collectively constitutes a gross violation of the Constitution, gross violation of other written laws, gross misconduct, and abuse of office. Mr. Speaker, we will be demonstrating most of this because we have the

evidence so that we consolidate our grounds for the impeachment of the Governor before us.

13. By his acts and conduct, the Governor has exposed the Office of the Governor, the Assembly, and the people of Kericho to ridicule, embarrassment, shame, and disrepute;
14. The conduct of the Governor has been scandalous and embarrassing to the high office of the County Governor, an office held in public trust and whose authority ought to be exercised in a manner consistent with the purpose and objects of the Constitution. Mr. Speaker, Article 174 is clear on how even a Governor ought to conduct his Business in management of this County. Unfortunately, Mr. Speaker, more often than not, the Governor has continuously violated such an Article and Mr. Speaker, it's unfortunate!
15. The conduct of the Governor has made it impossible for the County to be governed as it ought to be, compromised service delivery, and jeopardized the functions of both arms of the County Government of Kericho, and it has therefore become untenable for the Governor to continue being in office;
16. The Governor has variously committed constitutional wrongs that subvert the structure of Government, and undermine the integrity of the office and even the Constitution itself. The significant effects of the conduct, that is, undermining the integrity of office, disregard of constitutional duties and oath of office, arrogation of power, and abuse of the governmental process has had an adverse impact on the running and administration of Kericho County Government; and
17. The Governor's continued stay in office has and will continue to undermine effective service delivery to the detriment of the people of Kericho County, in whose trust the Governor holds the office.

Mr. Speaker, Sir, the Assembly resolves to impeach the Governor under Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order No. 74 of the Kericho County Assembly Standing Orders on the following grounds:

- a) Gross violation of the Constitution and other laws. Mr. Speaker, gross violation of the Constitution of the Republic of Kenya 2010, the County Governments Act, 2012, the Public Procurement and Asset Disposal Act, the Public Finance Management Act, 2012, and the Kericho County Laws.
1. Misappropriation and Misallocation of County Finances

On various occasions since his election as a Governor and subsequent assumption of office, the Governor has engaged in various acts of gross violation of Articles 10, 183, and 201 of the Constitution, Sections 102 and 109 of the Public Finance Management Act, CAP 412A, and the provisions of the Kericho County Rating Act, No. 5 of 2019 as follows:

- i. Fictitious payment of works, goods and services;-
 - 1) Mr. Speaker, between January 2025 and July 2025, the governor engaged in gross violation of Articles 10, 183, 201, 207, and 208 of the Constitution, and Sections 102, 109, and 110 of the Public Finance Management Act, 2012, and Section 30 (3) (f) of the County Government Act, 2012. The Governor aided, abetted, and or condoned the fictitious payments of goods, services and works which were neither delivered nor done occasioning the County the loss of Kenya Shillings 85,704,522.90 in;
 - a) Services which were not rendered and or partially done, e.g. the maintenance of 15 residential houses in Kipkelion West Sub-County at a cost of 2.999 Million.

Mr. Speaker, the Report by the Ad-hoc Committee that just concluded its Business Chaired by the Hon. Albert Kipkoech, was able to visit the site. The contractor was paid very early in the year, around February. By the time they went to visit the site, works had not been done, only partial works had been done and the contractor has been paid fully. In this County, Mr. Speaker, even before you start working, you're already paid. It is illegal, it is wrong. We have contractors, Mr. Speaker, who've rendered services to this County and they have never been paid, case in point, I know of contractors whose family members are unwell and they have never been paid for works they have already done. But here is a contractor who has not done anything and the County Government of Kericho, because by virtue of Article 179 (4) and County Governments Act Section 30 (3) (f) places the Governor as the authority in this County. When this happens, the Governor is squarely responsible, Mr. Speaker.

- b) Goods not delivered including Soya Beans, Maize Germ, Sunflower seed cake, and Cotton seed cake, alleged to have been supplied for Kenya Shillings 14,980,640 and this, Mr. Speaker, even my own Ward is affected. I have a Cooperative Society called Kosiastany where around April, some 100 bags of these materials were supplied and even the Chairman of the society was not aware and when the Committee looking into this matter paid a visit, it was shocking. We were expecting 35 Tonnes of these raw materials but what was supplied, Mr. Speaker, is hardly 10 Tonnes. They cannot explain the remaining Tonnes. And number two, Mr. Speaker, this particular supplier was already paid in full. Mr. Speaker, this is illegal, and this is wrong and the Governor cannot in any way challenge this.

Another society called Torochtany in Kapsaos Ward was affected. When the Committee visited, the supplier even tried at night to sneak the raw materials. Mr. Speaker, this is the height of impunity which we will never condone as an Assembly and Mr. Speaker, we are doing our work. The corruption that has gone beyond reasonable limits in this County ought to be stopped.

Mr. Speaker, there is even one society in Litein where the Hon. Vincent Kirui comes from, called Kibagenge. I'm made to know it was closed close to two years ago. It's not operational and the allegations are that the same society was supplied with these raw materials. There is also Cherobu in Cheboin Ward again, even the Honourable Francis Terer was a member of this committee and he established that we lost these raw materials and the member has the audacity at the moment to take a photo outside there to claim we cannot fight for all these corruption cases. Mr. Speaker, we will show the members of the public what has happened in this County.

- c) Overpriced goods including sodas, alleged to have been bought for about Kenya Shillings 500 per 300 ML bottle and a bale of tissue paper alleged to have been bought for Kenya Shillings 2,750 per bale of 10 tissue papers and a hand towel priced at Kenya Shillings 3,600. Mr. Speaker, we watched live when the committee looked into this. In these same Chambers, the Chief Officer (CO) in charge of Water, who was grilled confirmed that indeed, he kept on saying 'noted Chair', meaning he agreed to the allegations that were posed before him.

Mr. Speaker, how do you erase because we had the HANSARD? Later on, they are claiming, 'there was an error, we didn't supply everything.' The question is, when the committee requested you to supply all documents relating to the transactions of such things, what happened? Then you come here and tell us the soda was 100! Even if it was 125 shillings, that is still on a higher side. Where do you buy a soda for 100 shillings in this County? Mr. Speaker, a hand towel for 3,600 shillings is unheard of!

- d) Works, goods, and services alleged to have been procured for Kenya Shillings 5,172,715.60 from companies including Mengro Products Ltd., Hildama Construction and Supplies Ltd., Brissack Constructions and Supplies Ltd., Prospera Ventures Ltd. and IBM Pro Construction Ltd. without any supporting documents. Mr. Speaker, initially the Committee was investigating 80 million shillings that was lost. In the process, they discovered an additional Five Million that was paid to the contractors and there are no supporting documents.

Mr. Speaker, and I'm happy the Governor is here today, because the Committee went an extra mile to request for these documentations. There is not a single supporting document and Mr. Speaker, this is illegal because you paid for something that was never supplied or done. Mr. Speaker, losing five million shillings-this can build or can do a water project that will benefit more than 500 households-and we cannot as a

County, allow this to happen and that is why we are saying, Mr. Speaker, this time around, Your Excellency, without ill-will, you must answer to the charges because at this point in time, we want to fight for the people of Kericho and number e) Mr. Speaker;

- e) Payments of contractors from the retention account for the works done more than five years ago, some of which companies had already been paid and therefore misappropriating County funds through double payments. Mr. Speaker, if indeed the committee, through its Report, was able to uncover this, how on earth will you pay for a company that had already been paid the retention funds? In fact, Mr. Speaker, the Chairman and the Committee requested for the Retention Register because it was going to prove who had already been paid and who had not been paid.

Mr. Speaker, I can give you a funny account. In my own Ward, there is a road that was done and within two months, the contractor had already been paid. The road is not complete and the retention money was again being processed. It is unimaginable! Mr. Speaker, we will definitely prove so that we know who to hold. Even before we go to that officer, first of all the Governor as a Chief Executive of this County and where there is a mess, we begin with the head, who is the Chief Executive.

- 2) Some of the goods, services, and works were procured without following the procurement process. No tender opening committees were formed contrary to Section 78 of the Public Procurement and Asset Disposal Act, 2015 as read together with Regulation No. 25 of the Public Procurement and Asset Disposal Regulations, 2020. Similarly, there were no professional opinions done to the accounting officers contrary to Section 84 of the Public Procurement and Asset Disposal Act, 2015. In this case, Mr. Speaker, there was a funny scenario where a contractor was awarded works and within three days, even without a Professional Opinion being given, the contractor had already been given an award letter and even an Local Service Order (LSO). There was one, which even made me to laugh, Mr. Speaker, where Hon. Hezron Ngetich was questioning the CO for water, where an award letter was given later when LSO had already been given out. Which one comes first? Because you produce an LSO once you have an award letter. But then an award letter was given three weeks later, but then the LSO had already been printed. These are the many irregularities we have in this County.
- 3) There was deliberate circumvention of competitive tendering of the same goods, services, and works by splitting contracts to suit the Request for Quotation method, thus violating Section 54 of the Public Procurement and Asset Disposal Act, 2015 as read together with Regulation 43 of the Public Procurement and Asset Disposal Regulations, 2020 and this was very clear during the interrogation of the COs who appeared before the Ad-hoc Committee on Fictitious Payments.
- 4) Most of the goods, services and works were procured outside the approved budget as required under Section 44 (2) (a) of the Public Procurement and Asset Disposal Act, 2015.

- 5) The documents used by the departments were not clear and did not bear references to the procurement requirements, provision of dates especially invoices generated and signatures of the respective officers. There was, therefore, a blatant violation of the provision of Regulation 68 of the Public Procurement and Asset Disposal Regulations 2020.
- 6) No market survey was conducted as required under Regulation 43(4) of the Public Procurement and Asset Disposal Regulations 2020. The contractors, therefore, supplied goods with exorbitant prices, contrary to Section 54. (2) of the Public Procurement and Asset Disposal Act, 2015. Case in point is the case of the sodas and the tissue papers because, Mr. Speaker, in a nutshell, they should have conducted the market survey before giving those suppliers the requisite documentation for them to supply to the County Government of Kericho.
- 7) All of the subject goods, services and works were paid for in advance, yet the County has accumulated pending bills over the last three years of close to Kenya shillings 1.1 Billion, which have been verified and are yet to be paid from the time the Governor assumed office. And, Mr. Speaker, the Controller of Budget in the Report has continually accused the County Government of Kericho for failing to give a payment plan with regards to the pending bills. Mr. Speaker, as I said before, we've lost contractors. There are contractors, and Honourable Peter Kemoi can tell you, assets have been sold for what they supplied and delivered to this County but they have never been paid and here we have a contractor who even before he or she goes to the site, he or she has already been given Eight Million Shillings.

Let me give you a case in point. In Kunyak Ward where we have the Governor establishing a very good Health Centre worth more than 50 million, even before the contractor scratched the ground, Eight Million Shillings was already paid. How was the certificate raised? We are going to request the Chairman Implementation Committee to swear an Affidavit because this is the team that went to site. The contractor was arriving, he delivered the materials. Later on, around four days later, they gave a pictorial of some building that they are already doing well in. Mr. Speaker, it is wrong! There is something they are building here at the Referral Hospital. If you look at the certificates they have raised, it is close to more than a hundred Million. For what? That is not worth a hundred Million. It is wrong!

There are contractors who've suffered. They have huge pending bills that they have never been paid yet, under the advice of the Governor, some of these contractors are paid in advance. We do not know why. Think about this! People were supplying the raw materials to our various Cooperative Societies. They were paid in February and they started supplying bit by bit in the month of June. How on earth can that happen? Mr. Speaker, we've got to stand by authority and help these contractors get their fair share and they should be rewarded for what they have done and anybody who's not done anything should not be paid.

- 8) The Report of the Ad-hoc Committee on the Alleged Fictitious Payments tabled before the Assembly on 5th August 2025 made pertinent and damning findings and recommendations that point to the deliberate failure to act, neglect of duty and even conspiracy on the part of the Governor, to wit;
- a) Documents shared with the Ad-hoc committee by the departmental heads called to testify were not accompanied by ETIMS invoice. This lends credence to the suspicion that the documents may have been prepared to cover up the theft after the whistle was blown. And this was evident. Mr. Speaker, I was not part of the committee, but we followed because it was a matter of county interest. You could imagine, you're requesting for them to give you documents, they are not. Later on, they claim we gave documents in bits. What happens for a properly documented work? If you are supposed to bring an invoice, why delay? And then later on, talk about the invoice was there. And Mr. Speaker, in so many, we have reports here which we've annexed as part of our evidence. In some instances, Mr. Speaker, you could inform them that we need this, they cannot give you. So that makes it that the whole thing that is being done is full of suspicion.
- b) The payments were made in advance before goods, services and works were delivered or done, and as at the date of tabling of the Report, some of those goods, services, and works remained undelivered to date. And that is the truth. Case in point is the raw materials meant for the various Cooperative Societies. If you look at the list, it was between 27 and 34 Tonnes but what was delivered to the various Cooperative Societies is hardly more than 10 Tonnes and I'm happy, Mr. Speaker, because the CECM in charge of Agriculture was talking in one of the radio stations that most of these Cooperative Societies do not have stores. Then why order 35 Tonnes of raw materials yet you know they can only store 10 tonnes and you pay for the 35 Tonnes. How do you want us to treat you? That is thuggery, that is theft in broad daylight. And you want us to defend the theft of the public resources for this County.
- c) Documents that were used to process payments bore signatures that could not be authenticated. Subsequently, certain officers whose signatures appear in the said documents have denounced the documents. And Mr. Speaker, we are grateful for these gallant officers of this County. This is a scenario where somebody uses somebody's signature to claim the payment. When the whistle blower came and raised an alarm, some of those officers said we cannot go down, yet we know who signed for these documents. We will follow up, Mr. Speaker. And that is why we began by saying, let us deal with the Governor first before the due process is followed for the other officers.
- d) The gaps highlighted in the report point to serious governance concerns and weak internal controls in Kericho County that the appointing authority, that is, the Governor, policy makers, Accounting Officers, and indeed all the officers entrusted to deliver services to the County have failed to do so as required by law.
- e) There was an intention to defraud the County and violations of the Constitution 2010, the Public Finance Management Act, 2012, the County Governments Act, 2012, the

Leadership and Integrity Act, the Powers and Privileges (County Assemblies) Act, the Public Procurement and Asset Disposal Act, 2015. If you look at the whole process, Mr. Speaker, it is in violation of every single law. Therefore, we feel that for quite a long time, the County Government of Kericho has never respected the law. And we are talking about a serious government as this where the Governor at his disposal has Advisors paid for by the taxpayers' money of this County. We have the Economic Advisor, we have the Legal Advisor and we have the Political Affairs Advisor. All of them are not paid for by the Governor but by the taxpayers of this County. Why are these officers under the watch of this Governor making such serious mistakes?

9. Under Article 179 of the Constitution and Section 30 (3) (f) of the County Governments Act, 2012, the Governor has the overall responsibility of being accountable to the management and use of County resources. Your Excellency, Mr. Speaker, this squarely puts the Governor right in the crime scene because you oversee a government that has no single structure that cannot be accountable to the people who elected him.

10. It is a matter of public notoriety that when the whistle was blown on these fictitious payments, the Governor, on 26th of July 2025, while attending a function at Kamolok Village in Cheboin Ward, rubbished the claims and called for stern action against the whistle blower. This shows someone who is either unaware of the happenings in the County or was deeply involved in the scandal. And Mr. Speaker, at this point in time, I'll request that our ICT team, we have two videos clips; a clip where the Governor was so happy with the Ad-hoc Committee members, led by the Honourable Paul Chirchir, Hon. Albert Kipkoech, Hon. Cheruiyot Bett our Deputy Speaker, Honourable Hezron but immediately after that, Mr. Speaker, the Governor again retracted...

(The video clip was played)

Mr. Speaker, that is the video clip where the Governor was talking in Cheboin Ward in a funeral. I'm aware the Honourable Member from Cheboin Ward was present. The Honourable Paul Chirchir was present. You can play, then can we see.

(The video clip was played)

Thank you! Mr. Speaker, on that day the Governor was very confident...

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Remember in this House, we have even guests here who may not have understood your clip and so you probably translate a bit so that we can understand. Personally, yours truly, the Chair, may not even be understanding that language too. So, please clarify.

Hon. Kiprotich Rogony (Member for Sigowet Ward): Thank you, Mr. Speaker, for the guidance. And I also thought, Mr. Speaker, you'll use this opportunity to guide the Governor because he's here to defend himself and when you're in this House, you don't clap. You simply just stay still because you are the accused before the House.

The Speaker (Hon. (Dr.) Patrick Mutai): Order, order, Honourable Member! Order! Don't also assume the responsibilities of the Chair. And you know, the Speaker is always blind.

Hon. Kiprotich Rogony (Member for Sigowet Ward): Guided!

The Speaker (Hon. (Dr.) Patrick Mutai): So, please continue.

Hon. Kiprotich Rogony (Member for Sigowet Ward): I'm guided, Mr. Speaker. Mr. Speaker, the Governor, in that function was praising the Committee led by the Honourable Chair, Honourable Albert Kipkoech. The Governor confirmed that immediately the findings of the Report are tabled, he will implement those findings to the latter. Mr. Speaker, when the report was tabled, now there is the next clip. Can you play for us? Look at the reactions of the Governor.

(The Video clip was played)

Thank you, Mr. Speaker. I think, Mr. Speaker, at that point only, the clips that you've seen here, points a man who is a master of double speak. That you can say this here and you say something else next. You know, Mr. Speaker, I expected the Governor, when the Report was tabled, when the findings of the Report was tabled despite the fact that we had already raised an impeachment Motion, he should have acted in good faith. Because you cannot have faith in Honourable Albert Kipkoech this minute and in the evening you are talking bad about him.

Mr. Speaker, I'm telling, that is why I'm saying, the governor even went an extra mile. It is not in that clip. He rubbished his own deputy governor, who became the whistle blower. Mr. Speaker, we are grateful for Engineer Fred Kirui, the Deputy Governor of this County because without him, we would not have known what has happened in our County. Mr. Speaker, allow me to go to number, Roman number two.

- ii. Misappropriation of National Agricultural Value Chain Development Project, (NAVCDP) Funds

11. Mr. Speaker, on various dates between the year 2023 and 2025, the Governor has violated the provisions of Article 10, 183, 201, 207, and 208 of the Constitution and sections 48 and 159 of the Public Finance Management Act, 2012 and Section 30 (3)(f) of the County Governments Act, 2012 by aiding, abetting, condoning, and or overseeing the massive looting, pilferage, misappropriation, and misallocation of NAVCDP funds amounting to over Kenya shillings 351 Million as at 10th June, 2025.

Mr. Speaker, I want to inform the House, that for the two Financial Years, the First Financial Year, the County Government of Kericho got 151 Million shillings through the Fund. These are World Bank funded projects and in Financial Year 2024/2025, we got 200 Million Shillings that brings to a total of 351 Million Shillings. Mr. Speaker, as of 10th of June, 2025, County Government of Kericho had already used 281 Million, 266 Million being from the kitty and 15 Million being the contribution by the County Government of Kericho. So the total amount was 351. We will establish

shortly how much is pending or yet to be dispersed, and Mr. Speaker, this Fund was meant to build five value chains from coffee industry all the way to pyrethrum but Mr. Speaker, I'll in the process highlight what has happened in all our 30 Wards especially with regards to the Fund.

12. From the Report of the Committee of Agriculture, Livestock, Fisheries, and Cooperative Management, Tourism, and Wildlife on the Implementation Status of the National Agriculture Value Chain Development Project (NAVCDP) in Kericho tabled in the County Assembly on 6th August 2025, the County Assembly noted the following discrepancies in the use of the fund:

- a) The expenditure was used for Farmers' Cooperative Societies (Farmer Producer Organizations) found only in 19 out of 30 Wards in Kericho. This implies that the funds that were meant for the Agripreneurs whose role was to enumerate farmers and organize them into Savings and Credit Cooperative Societies (SACCOS) was not adequately utilized.
- b) Each Ward SACCO was meant to get Kenya shillings one Million, yet the committee found out of the 19 SACCOs under the program, only seven were underlined have ever received financial support since the inception of the Fund.
- c) It is further indicated in the Report that some SACCO received nominal support in kind in form of office furniture and some farm inputs while others have never received any support from the Fund.
- d) Even those SACCO and farmer producer organization which received support in kind did not receive delivery notes when the furniture computers and other supplies were delivered and they cannot therefore ascertain the price source and therefore quality of what was supplied.
- e) The procurement of furniture and equipment under NAVCDP program was conducted centrally with minimal involvement of key stakeholders. This does not undermine the principle of transparency in procurement, decision-making and lack of ownership, but also created room for pilferage and misappropriation of the fund.

Mr. Speaker, I am not a member of, any of the two committees that visited the various wards, but I can tell this House that through the fund, despite the fact that we expended more than 266 Million or 281 Million, some Wards do not have offices, some Wards have never been funded, some of those SACCOs have never received anything. The point is Mr. Speaker, I want the Governor, when he defends himself, he should be able to tell us where the 281 Million has gone, and Mr. Speaker, we are also going to use, the Courts, because we were supposed to get a statement from the bank account where this Fund is in but unfortunately, the Office of the Clerk was not able to be given that despite the fact that we wrote to the

bank. Perhaps Mr. Speaker, we will be getting this even as we prosecute this matter elsewhere. Lastly Mr. Speaker, there are a number of Wards that do not even have offices despite the fact that this County is getting huge amounts from the World Bank. Mr. Speaker, this Financial Year alone, we are getting 231 Million, that is already captured in the County Allocation of Revenue Act (CARA) Act. If the County Government of Kericho led by Dr. Eric Mutai cannot explain the 281 Million, what will happen to 231 Million that is coming this Financial Year?

Mr. Speaker,

13. The office furniture and equipment supplied under NAVCDP program are largely of substandard quality. There was therefore no value for money and compliance with the Public Procurement and Asset Disposal Act, 2015 particularly section 124 which obligates the procuring entity to select Quality and Cost-Based Selection (QCBS) method as the preferred method to be used to evaluate proposals.

Mr. Speaker, in some Wards like Seretut/Cheptororiet the one where Hon. Haroun Rotich, our Chief Whip is represents, the cabinet, because through this programme, anything that is applied has specifications, we were able to establish that even the cabinet itself is broken. Now the computers supplied to a number of these SACCOs which have already benefited, that's around, they are not even more than 10, most of those computers, costed 120,000 shillings but they are refurbished. Mr. Speaker, we will in due time, even produce some of those laptops because it is important for us to prove that the County Government of Kericho is misusing donor funds. These are the people who've come to help our County and instead of us appreciating their effort, we are misusing what they have given us.

Mr. Speaker,

14. The manner in which the few projects which were implemented were done show that they were done without following the Project Implementation Manual published by World Bank to guide the implementation of the projects and Mr. Speaker, that was even the guiding principle. You can imagine, we already have an Implementation Manual but instead of those enforcing this and following the due process, they went overboard. In fact, Mr. Speaker, when I said, there were so many withdrawals, which were unnecessary and which we will prove when we get the statements, people thought we're joking. So Mr. Speaker, the Manual was disregarded, the person who is mandatory in the whole transaction is the Coordinator and then we have the Project Accountant and then we have the Chief Officer. Those are the three signatories, Mr. Speaker and we'll soon know who has been ordering the withdrawals of this fund and for what purpose,

15. The Governor shirked his overall responsibility under Article 179 (4) of the Constitution and Section 30(3)(f) of the County Government's Act, 2012 to be

accountable for the management and use of County resources. There is evidence that the Governor has been ordering withdrawals from the fund for reasons other than those for which the fund was created by the donor. Evidence of this shall be availed at the hearing and the consideration of this Motion. The mover will as well be asking the Assembly to issue an order under Article 195 (2) (b) of the Constitution and Section 33F of the County Governments Act 2012 to be accountable for the management and use of County resources. Number 16...

The Speaker (Hon. (Dr.) Patrick Mutai): Honourable Rogony, take your seat first. You know the Governor is here as accused. There is what we normally say, whoever alleges must prove. So, I expect you as you continue debating, you should be proving not saying 'we will in future.' So, please be guided because he is here already so that he can answer to all those charges. Please be guided accordingly Hon. Kiprotich.

Hon. Kiprotich Rogony (Member for Sigowet Ward): Thank you, Mr. Speaker. I stand guided. So,

16. There is evidence that the Governor has been ordering withdrawals from the Fund for reasons other than those for which the Fund was created by the donor. Evidence of this shall be availed at the hearing and consideration of this Motion. The mover will as well be asking the Assembly to issue an order under Article 195(2) (B) of the Constitution and Section 27(1) (C) and 2 of the County Assemblies Powers and Privileges Act, 2017, compelling the relevant banks where the fund was drawn from to furnish this House with the Bank Statements showing the withdrawals of the fund from 2023 to date. And that is what we did Mr. Speaker. Unfortunately, they were not able to supply us with the Statements.

Mr. Speaker, we will use another opportunity, perhaps through the Courts, for us to get the statements because analysing the statements will vindicate my assertion with regards to the withdrawal of this Fund, Mr. Speaker.

III) Misappropriation of funds and unfair distribution of projects under the Financing Locally Led climate action FLLoCA Fund. Again, Mr. Speaker, this is a donor funded project by the same institution, the World Bank.

17. On various dates between 2023 and 2025, the Governor has violated the provisions of Article 10, 179, 183, 201, 207, and 208 of the Constitution and Sections 102 and 107 of the Public Finance Management Act 2012 and Sections 33(F) of the County Government Act 2012 by presiding over unfair, skewed, and nepotistic distribution of projects under FLLoCA funds in prudent use, misappropriation, and misallocation of FLLoCA funds as follows:

a) Skewed and unfair distribution of projects under the fund with the Governor's home ward, namely Chemosot Ward, alone getting projects worth Kenya Shillings 21, 701, 590 while

there are many other Wards, not only in other sub-counties, but even in Bureti sub-county, which received not a single project under the Fund. This nepotically skewed distribution of projects under the Fund violates the national values and principles of governance under Article 10 of the Constitution, and in particular, the values of equity, non-discrimination, equality, good governance, integrity, transparency, and accountability.

The principle of Public Finance under Chapter 12 of the Constitution, as well as the provisions of Sections 102 and 107 of the Public Finance Management Act, which enjoins the Governor to ensure fiscal responsibility adherence to the values and principles of the Constitution in the management of the county funds. Mr. Speaker, this is even very interesting, because the guidelines from this particular donor fund, they are supposed to roll out three projects in three key sectors. One is environment, number two is agriculture, and number three is water.

Mr. Speaker, what is so shocking, and it cannot be a coincidence, is a ward getting all the three projects in one financial year. While there is a ward like Kipchebor, in fact, let me use the Bureti one, Mr. Speaker. We have the member of County Assembly representing Litein with zero project in flock, but her neighbour has gotten all the four, agriculture, environment, and water, amounting to KSh.21 million.

The source of this information is the Report from the Department of Water. Mr. Speaker, I will play a clip up there to show that the Governor, where he or she feels that a particular MCA supports the Governor, that particular Ward is given more projects.

(Hon. Anita Mibey stood in her place)

You know, Hon. Anita is like my mother. Mr. Speaker, I'm making my case. You will have an opportunity to prosecute your issue. I respect her.

The Speaker (Hon. (Dr.) Patrick Mutai): Order Hon. Rogony! Unless she accepts and waits, or she's on a Point of Order? Quote the Point of Order!

Hon. Kiprotich Rogony (Member for Sigowet Ward): Mr. Speaker, I don't know! Pursuant to which Standing Order is she rising?

The Speaker (Hon. (Dr.) Patrick Mutai): Let's give her an opportunity. Yes, proceed now Hon. Anita. You can take your seat, Hon. Rogony!

Hon. Anita Mibey (Member for Chemosot Ward): Thank you, Mr. Speaker, Sir, for this opportunity to be able to be on Point of Order. Standing Order 101 that talks about: 'upon a Motion, other than a Motion by way of amendment to a Question proposed by the Speaker, a member may second by rising in his or her place and signify acquaintance by bowing the

head. A member shall reserve same rights of speech as a member would have had other members have seconded some Motion.

Mr. Speaker, allow me to interject and ask for support or evidence of the four or three departments that the mover of this Motion has talked about having my Ward benefited. Because, Mr. Speaker, Sir, being a representative of the people of Chemosot and all of us in this House, Mr. Speaker, Sir, I know that the FLLoCA project went through a Committee that approved all the projects to be done. Mr. Speaker, Sir, for the Motion mover to talk about Chemosot being a beneficiary and not look into what other committees from other Wards provided for them not to qualify, Mr. Speaker, Sir, this is not fair.

Thank you!

The Speaker (Hon. (Dr.) Patrick Mutai): All right. Honourable Members, I don't want to embarrass you when I say you refer to our Standing Orders. Honourable Anita, of course, you will have an opportunity to maybe raise those issues in the debate because you've actually quoted 101, which you have a right of speech. At the same time, I know you have also, Hon. Kiprotich Rogony Standing Order number 98, which actually I want to believe you are the one building on Responsibility for Statements of Fact. So let us address the issues when that time comes so that we also avoid moving back and forth.

So, let's proceed Hon. Rogony!

Hon. Kiprotich Rogony (Member for Sigowet Ward): Thank you, Mr. Speaker. I was reminded that she quoted the wrong Standing Order. But then, Mr. Speaker, I want to beg that there is a clip that I wish to be played where the Honourable Member herself is addressing the public. This was in Kusumek in her Ward during the homecoming ceremony of the area director, one Mr. Langat. The ICT team!

(The Video clip played)

Thank you Mr. Speaker. If we played that clip to the end, the Honourable Member is already even trying to say that the neighbouring member of the Assembly, that is, Honourable Vincent Kirui..

The Speaker (Hon. (Dr.) Patrick Mutai): Honourable Kiprotich Rogony can can you just play it to the end, please?

Hon. Kiprotich Rogony (Member for Sigowet Ward): Okay, proceed!

(Clip played)

Mr. Speaker, let me translate for the sake of those who might not understand. Honourable Anita is telling the members of the public what she is able to get from the Governor. You know, more than what she has in her own budget. Mr. Speaker, she even goes an extra mile and says that she is going to ensure that she will request on behalf of the Member of the Assembly representing Litein and the neighbouring Wards.

Mr. Speaker, in short, we have what we call schedule. If the Honourable Anita gets more projects than what is budgeted for a Ward, that means that is what we call the skewed development engineered by the Governor because one of the most favourite MCAs for the Governor is Honourable Anita. I know because maybe that is where the Governor resides and she is his MCA. But again, I'm aware Honourable for Vincent Kirui, is where the Governor comes from. I wish the very same treatment Honourable Anita gets is the very same treatment the people of Litein get because that is what we need. Mr. Speaker, I can confirm that I have had issues with the Governor in the manner in which projects are distributed.

In the previous financial year, I lost Ksh.10 Million worth of roads because perhaps I moved the previous impeachment. In this Financial Year that has come to an end, works from the committee on Pending Bills, where I sat as a Vice Chair and Honourable Vincent Korir was the Chair. I lost close to KSh.13 million without explanation, Mr. Speaker.

That is the money that goes to a Ward like that one we've talked about. Mr. Speaker, that is wrong because one, in law there is what we call *jural correlative* (where we have a right, there is a duty). The people I represent have a right to water, to roads and anything. It is the duty of the Governor to ensure the people of Sigowet are given all those things because they voted for us. Mr. Speaker, through this Fund, I can confirm, and we have the Report here, that Honourable Anita alone benefited in all the four projects in one Financial Year.

We also have Honourable Dominic Mutai who is a very good friend of the Governor. He ended up getting close to two projects from FLLoCA, both Environment and Water. Now, Mr. Speaker, where would you get that when you are Honourable Simon Koskei?

The Speaker (Hon. (Dr.) Patrick Mutai): Order, Order, Honourable Kiprotich Rogony! You know, when you make such allegations, you have to substantiate whether Honourable (Dr.) Naaman Rop is related to the Governor. I don't know how you will prove it.

Hon. Kiprotich Rogony (Member for Sigowet Ward): Mr. Speaker, you know, I come from the same sub-county as Dr. Naaman Rop, and he's my closest friend.

The Speaker (Hon. (Dr.) Patrick Mutai): Order! We want Honourable Members... It's important to substantiate such an allegation because the Governor is here. And, yes, if you can substantiate... can you substantiate?

Hon. Kiprotich Rogony (Member for Sigowet Ward): Mr. Speaker, because this is a House of Rules and Procedures, Pursuant to Standing Order No. 98, 'Statement of Fact.' The Honourable Dr. Naaman Rop is seated in this House. He can either confirm or deny. If he denies, I will withdraw and apologize. If he confirms...

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Take your seat. Honourable Dr. Naaman Rop, there is an allegation here that you need to talk about. Please, Honourable Dr. Naaman, the floor is yours. The only professor, Your Excellency, this is the only professor that we have in this House, An associate professor!

Hon. (Dr.) Naaman Rop (Member for Soin Ward): Honourable Speaker, Sir, I think we are digressing from the critical Motion that is before the floor of the House. How I wish we give the mover of the Motion time to continue with the critical matters that are being discussed and then the other peripheral matters will be discussed later on.

The Speaker (Hon. (Dr.) Patrick Mutai): Order! You either confirm or... you know, as far as I understand, Honourable Dr. Naaman, you don't guide the Chair on how to guide the House. So respond to the allegations.

Hon. (Dr.) Naaman Rop (Member for Soin Ward): Honourable Speaker, Sir, my relationships, whether close or distant are only meant for the family issues. Anything that is for the public can be meant for the public.

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Order Hon. (Dr.) Naaman! It is either 'Yes' or 'No.' You don't have to explain because, remember, the Honourable Kiprotich Rogony, if you will not accept it, then he will need to substantiate by the Standing Orders. So, no relationship?

Hon. (Dr.) Naaman Rop (Member for Soin Ward): No!

The Speaker (Hon. (Dr.) Patrick Mutai): All right!

So, Honourable Kiprotich Rogony, no relationship! So, you better withdraw your remarks and I order the HANSARD to strike it off.

Hon. Kiprotich Rogony (Member for Sigowet Ward): Mr. Speaker, I will withdraw and apologize. But there is a clip that I will not be able to play here where the Honourable Member was addressing the members of the public.

The Speaker (Hon. (Dr.) Patrick Mutai): Order! That is now overtaken by events. Kiprotich Rogony, proceed!

Hon. Kiprotich Rogony (Member for Sigowet Ward): Thank you, Mr. Speaker. So, I was saying, in Soin Ward, the Ward got three projects from the Fund. Again, that is in violation of the guidelines of the fund. The Honourable Speaker, let me just highlight some Wards. The Honourable Simon Koskei of Kunyak Ward got nothing from the project in the two subsequent Financial Years. We are going to the third one. Mr. Speaker, the Honourable Philip Rono, MCA representing Kamasian and who is our Majority Leader, got nothing. The Honourable Hezron Kipngeno, got nothing from the Fund, the Ward is Chilchila.

Honourable Speaker, in Bureti, Cheplanget Ward where the Governor comes from got nothing from the Fund despite the fact that we've gone through the two Financial Years. Mr. Speaker, that is why I'm saying...

The Speaker (Hon. (Dr.) Patrick Mutai): Order, Kiprotich Rogony! There is a Point of Order. Take your seat. It is from the Honourable Member for Cheplanget Ward.

Hon. Kibet Bosuben (Member for Cheplanget Ward): Thank you, Mr. Speaker, Sir, for giving me this opportunity to stand on a Point of Order number 98 on 'Statements of Facts.' I'm lucky to have been a member to the Committee on Environment and the FLLoCA gave my Ward a project: they supplied avocados worth Ksh.2.9 Million shillings. So, just like you have said, Mr. Speaker that he who alleges must prove. Let Honourable Rogony prove or visit the FLLoCA projects before he tables a statement which is not normal. I don't think what Honourable Rogony is saying is true. And what he said now proves that everything he's going to say is pure lies. Thank you, Mr. Speaker!

The Speaker (Hon. (Dr.) Patrick Mutai): All right, Honourable Rogony, you have heard the Honourable Kibet Bosuben.

Hon. Kiprotich Rogony (Member for Sigowet Ward): Thank you, Mr. Speaker. The Report is out and I'll be able to share with the member.

The Speaker (Hon. (Dr.) Patrick Mutai): Is it part of the evidence that is here?

Hon. Kiprotich Rogony (Member for Sigowet Ward): Yeah, it is part of the evidence.

The Speaker (Hon. (Dr.) Patrick Mutai): That you have already attached here?

Hon. Kiprotich Rogony (Member for Sigowet Ward): Yes. In fact, in the Report, up to Six Wards except Kamasian is not captured. But Cheplanget is one of the Wards which did not benefit. Now that the member has confirmed he got avocados, allow me to proceed, Mr. Speaker.

(Laughter)

The Speaker (Hon. (Dr.) Patrick Mutai): Order, Honourable members, so that we may not waste a lot of time, I'll direct that Honourable Kiprotich Rogony you to stick to the very issues that are in this substantive Motion and even as you make your contribution, make reference to it so that we don't have a back and forth.

Hon. Kiprotich Rogony (Member for Sigowet Ward): Thank you, Mr. Speaker

b) The Joint Committee on Water and Sanitation and Environment, Energy and Forestry and Natural Resources.

In the Report on the Implementation Status of FLLoCA programs noted that that's projects under the fund namely, Chemamul Water Project in Kabianga Ward, Water and Environment Project in Seretut/Cheptorriet Ward, Torochtany Cooperative Society Milk Cooling Plant in Kapsaos Ward, Soliat Water Tree Nursery Establishment Project in Soliat Ward, Ndongomare borehole Water Project and Lelaitich Water Project in Soin Ward are marked as 100% complete, yet there are either defects in their works, incomplete and substandard works. Mr. Speaker, in some of these projects, the payment is already 100% yet some of them are not complete, others have defects.

18) As a result of this unfair distribution of projects, Wards like, and from the Report of the Committee on Water and Sanitation, Environment, Energy and Forestry and Natural Resources, Mr. Speaker, I sit in Environment and we paid a visit to a number of Wards. Wards like Cheplanget, Litein, Chaik, Kipchebor, Chilchila and Kunyak did not get even a single project in all the categories under the Fund, namely Environment, Agriculture and Water.

IV). Misappropriation of County funds under the *Equalizer Kazi Mtaani*.

This one, Mr. Speaker, is very interesting because the Honourable Paul Bii was the Chairperson of this Ad-hoc Committee, I sat as a Vice chair.

19) On or about 14th of February 2023, Mr. Speaker, it's a typo; it's supposed to be 14th of February 2023, not 31st of August. 31st August is when we did the Report. The Governor engaged in gross violation of Articles 10, 183, 201, 207 and 208 of the Constitution and Sections 102, 109 and 110 of the Public Finance Management Act, 2012 by launching a program dubbed *Equalizer Kazi Mtaani* Initiative and drawing County funds towards the initiative without legislation to anchor the initiative, public participation, prior approval of the County Assembly and the Controller of Budget and prior approval of the Budget and Appropriations Committee approval.

- 20) Mr. Speaker, under the Fund, a total of Kenya shillings 39 Million were paid without proper tendering, Local Service Orders and for the services which were not delivered.
- 21) The County Assembly's Report on the Ad-hoc Committee on *Kazi Mtaani Project* pointed out various violations of the Constitution and the law in the rolling out and implementation of the initiative. However, the Governor deliberately disregarded the Report and it has hitherto not been implemented.
- 22) The deliberate failure, omission and unwillingness to implement the Report of the County Assembly on *Equalizer Kazi Mtaani Initiative* undermines devolution, the doctrine of separation of powers and is therefore unethical to the values and principles of governance under Article 10 of the Constitution, the objects of devolution under Article 174 of the Constitution. Mr. Speaker, as I said, this was yet a very good initiative but it had no legislation and there was no policy. And, Mr. Speaker, it is unfortunate because I sat with the Honourable Paul Bii and the committee. People were given jobs but there was not a single documentation.

Mr. Speaker, in Kericho County, that is, the Kericho Municipality, nine companies were given the tenders without a single documentation. In Litein Municipality, Six companies were given the works. Mr. Speaker, for Litein, from the Report and we have the reports here, the then acting Municipal Manager, Isaac Bosuben, and the board attempted to do some documentations but of course not a single LSO was generated but all those contractors were paid. In fact, there was a funny case, Mr. Speaker, where a contractor who was given a job to do in Brooke was claiming a pending bill of close to Ksh. 2.7 million Shillings. When we enquired from her, because we had to call them to ascertain their works, the lady could not even tell where she was given a place to work.

Mr. Speaker, the program was supposed to run for six months. The County Government of Kericho, led by the Governor, through the two municipalities, allowed the programme to run for close to a year, drawing all the development funds meant for the two municipalities in the first financial year and the subsequent financial year. And, Mr. Speaker, we will prove, when we called on the staff, led by the former CECM and who is now an employee in this Assembly, one *Wakili* Brian Langat, they were unable even to tell us who got the document.

How will you pay a contractor without even an LSO? Mr. Speaker, to date, it has never been resolved. And this one, Your Excellency, will actually pin you down because, one, we did a Report, not a single coin was recovered from those fictitious payments that were made to the various contractors. Let me give you the last shocking revelation.

Mr. Speaker, there was a contractor who appeared-the only contractor who appeared before this committee-he had two companies. One was pre-qualified and the other one was not pre-qualified. But then the fellow was paid for both. In Litein, there was a contractor with two

companies and he was paid for the works. Lastly, a funny scenario, Mr. Speaker, a contractor was given a job in Kapsaos, Kapsoit and Kapsuser, he gave a list of labourers who were working in Kapsaos which was used for Kapsoit and Kapsuser. How on earth is that possible? How will you take somebody who works in Kapsaos to go to Kapsoit and then finally to go to Kapsuser? So the list that was generated, Mr. Speaker, and was only meant to account for the money paid to that contractor. Mr. Speaker, we lost 39 million shillings and I'm happy because the Report will vindicate the committee that sat to investigate the entire ordeal.

V) Misappropriation of funds under the Strategic Intervention Project, that is, the SIPs.

23) On various dates during the financial year 2024/2025, the Governor engaged in violation of Articles 10, 183, 201, 207 and 208 of the Constitution and Sections 102, 109 and 110 of the Public Finance Management Act, 2012 by overseeing misappropriation of various projects under the Strategic Intervention Projects (SIPs) Fund.

24) For instance, the project of upgrading of Kunyak Dispensary to Health Centre, which is retender project for the construction and renovation of various facilities within the Health Centre by MS Belitra Enterprises Limited for Kenya Shillings, 44,756,846.

A total of Kenya Shillings, 8,575,186 has been paid for no works done. Indeed, the County Assemblies Committee on Implementation visited the site. They found that the contractor had only supplied materials, contrary to the Finance Department's Report to the Assembly that the kitchen and staff house was at the walling stage, while the MCH is at the slab level. And this, Mr. Speaker, the Chairman can swear an affidavit because this is the committee that visited the site, they found that the contractor had only supplied materials contrary to the Finance Department's Report to the Assembly that kitchen and staff house was at the walling stage, while the MCH is at the slab level, which was not true, Mr. Speaker. Nothing was there, but the contractor claimed to have done that.

vi. Other violations of the Constitution and the law.

25) The Present and former County Executive Committee members and Chief Officers have variously reported coercion by the Governor to make financial allocations for Governor's own use from the funds allocated to their respective departments and which funds were required to remit through the Governor's Personal Assistant. Mr. Speaker, the Governor holds a record in this County having fired ten County Executive Committee Members since he was elected and five Chief Officers since he was sworn into office in 2022 some of which were even done without a due process.

Mr. Speaker, one of the CECMs Honourable Eric Koech, and we have the Affidavit and we even have the MPESA statements, you will be able to see that in so many occasions he was

able to send money to the Governor himself and to his aides, Lenny and the other gentlemen. Mr. Speaker, this confirms that the Governor has in so many occasions forced his own employees to remit some of those monies through the PAs and some of his staff.

26. Violation of Article 201 (a), (d) and (e) of the Constitution of Kenya 2010 on principles of public finance management and Article 226 as read with Article 227 of the Constitution by presiding over glaring irregularities evidenced by:

- a) Irregular award of contracts and evasion of accountability;
- b) Wilful interfering in the procurement process and the award of tenders;
- c) Skewed tender awards to various contractors at inflated rate and in collusion with fraudulent contractors and suppliers;
- d) Irregular implementation and unfair distribution of various programmes in the County, and
- e) Intentionally and negligently presiding over massive theft of County Public Funds as evidenced by the Auditor General's report for the preceding financial years, which have raised red flags over various projects.

And Mr. Speaker, some of this we've proven earlier on in a number of those other grounds.

27. On 15th August 2023, the Governor compensated the victims of Londiani accident from the County Emergency Fund to cover up for the funds raised by the public and misappropriated by a committee he had formed to steer the fund drive and without cogent explanation of how the funds publicly raised for the victims had been expended. Mr. Speaker, the violation is using the county money to pay for the victims of Londiani accident, despite the fact that there was a fundraiser that had been conducted to support the victims and to pay for their hospital bills.

EVIDENCE OF THE GOVERNOR'S ENGAGEMENT, CONNIVANCE AND COMPLICITY IN THE AFOREMENTIONED ACTS OF MISAPPROPRIATION, MISALLOCATION AND ILLEGAL DRAWINGS OF THE COUNTY REVENUE AND COUNTY FINANCES IS TO BE FOUND IN;-

- i. Report of the Ad-hoc Committee on the Alleged Fictitious Payments, that is, KCA Exhibit number one;
- ii. A bundle of sample vouchers, payment requisitions, delivery notes, LSOs etc. on the payments made-Kericho County Assembly Exhibit number two;
- iii. Joint Committee Report of the County Assembly on the Implementation Status of National Agriculture Value Chain Development Project (NAVCDP) in Kericho County- Kericho County Assembly Exhibit number three;
- iv. World Bank Project Implementation Manual for NAVCDP-Kericho County Exhibit number four;

- v. Joint Committee Report on the Implementation Status of FLLoCA programs-Kericho County Assembly Exhibit number five;
- vi. Report on the Ad-hoc Committee on *Kazi Mtaani Project*-Kericho County Assembly Exhibit number six.
- vii. Committee on Implementation Report on the Motion of Strategic Intervention Projects- Kericho County Assembly Exhibit number seven;
- viii. A bundle of vouchers for the payment of various projects under the Strategic Intervention Projects-Kericho County Assembly Exhibit number eight.
- ix. Affidavits of Mr. Eric Koech-Kericho County Assembly Exhibit number nine. This is a former CEC who has a lot of transactions to the Governor.
- x. Video clips marked KAV-01 and KAV-02. This, Mr. Speaker, is one where the Governor was addressing the public in Kamolok village just recently, and another one is where he talked about, “I nowadays have money. I used not to have money”, because we have to revisit that, Mr. Speaker.

Misappropriating and or abetting misappropriation of the funds publicly raised for the victims of Londiani accident

- a) On various dates between 4th July 2023 and 9th July 2023, the Governor grossly violated the provisions of Articles 10, 73 and 75 of the Constitution and Sections 29 and 34 of the Leadership and Integrity Act, 2012 by:
 - i. Overseeing misappropriation of funds for the victims of horrendous Londiani junction tragedy, accident tragedy, in which over Kenya Shillings nine million of the public funds were lost;
 - ii. Reneging on his undertaking to implement the Report of the County Assembly's Ad-hoc Committee formed to probe the misappropriation of funds meant for the victims of the accident. There is evidence that the Governor filed a suit and or supported a suit by those implicated in the Report of the County Assembly's Ad-hoc Committee in Kericho ELRC Petition number E006 of 2023, that is, Dr. Wesley K. Bor and 5 others vs. the Governor, Kericho County Government and others and Kericho ELRC Petition No. E014 of 2023, that is, Victor Tum and Others vs. the Governor, Kericho County Government & Others.
 - iii. Being personally and directly complicit in the flawed award of direct tenders for service providers during the fundraiser and requiem mass of the victims of the accident.
 - iv. The County Governor has in his regard committed numerous and various acts in the course of his duties that are contrary to and in violation of Constitution and laws of Kenya. These include:
 - I. The authenticity of various payments made cannot be confirmed. The fact that the exact amount of money expended from the sum collected during

the fundraiser points to impropriety and suggests a clear fraud on those whom the funds ought to have benefited.

- II. A total of Kenya shillings 13, 682, 660 was collected at the fundraiser. A sum of Kenya shillings Four Hundred and Twenty-Three Thousand (423,000) was purportedly expended as Pastors' facilitation, transport refund, field preparation, lunches and refreshments, printing, publishing and radio announcements. Other payments that were approved from the fund were the Kericho County Referral Hospital who were allocated Kenya Shillings Two Million Thirty-Seven Thousand Five Hundred and Twenty-Four (2,037,524); Londiani Hospital Kenya shillings One Million Five Hundred and Thirty-Four, One Hundred and Ninety (1,534,190); Supertrix Limited-Kenya shillings Two Million Nine Hundred and Forty-Five Thousand (2,945,000); Supershine Limited Kenya shillings Four Hundred and Eleven Thousand (411,000); Rays Hotel Kenya shillings One Hundred Thousand (100,000); County Commissioner's fuel Kenya shillings Three Hundred Thousand (300,000) etc.
- III. That when Kenyans from all walks of life voluntarily made contributions to aid the victims of the tragedy, it was never intended or anticipated that the funds would be misappropriated with the blessings of the Governor whom had a higher calling to ensure the money is accounted for to the last coin and on whom the people bestowed their trust.
- IV. The Governor issued contradictory statements in so far as the use of the fund is concerned. The contradictory statements point to his being complicit in the matter.
- V. While the Governor is on record indicating that the medical bills for all the victims would be waived and taken care of by the County Government it is not clear why money had to be paid out of the fund collected to various public hospitals against the express and unequivocal representations of the Governor.

Mr. Speaker, we have the clips and before even we play those clips, this was the most unfortunate incident that happened in July. Mr. Speaker, I know you come from Kipkelion East and quite a number of times you pass by Londiani Junction. Mr. Speaker, look at those people who conduct their businesses there; those selling maize, those selling some food produce, the *bodaboda* fellows around that centre. Mr. Speaker, these are the people who are trying to make the least out of what they sell. Think of those selling maize *choma*, Mr. Speaker. The much that particular person can make out of that is 10 shillings per maize cob. Or I don't know what we call that, the maize *choma*. But then, Mr. Speaker, when the accident came, these are the people who could not afford even the medical bills. The fundraiser was hurriedly done and the members of the public gave their monies in kind. First of all, Mr. Speaker, immediately the accident happened, the former Deputy President landed in the site and I think other senior officials in this government also gave some amounts in

advance. Rigathi Gachagua himself gave Kshs 2 Million shillings, the same day. Mr. Speaker, it is unheard of for the County Government, led by the Governor, Dr. Eric Mutai to misuse those monies that were meant to benefit the victims of that accident.

I want to play a video, Mr. Speaker, beginning with when the whistle-blower came on board, that is one Eng. Fred Kirui and raised the issue of misuse of those funds. Mr. Speaker, you formed another committee that was chaired by one Honourable Moses Rotich the Member for Tendeno/Sorget Ward. And it came as a result of a Statement from the Honourable Vincent Korir. Mr. Speaker, when you formed the Ad-hoc committee, the governor called a Press Conference right in front of his office and, Mr. Speaker, he committed that he was going to act on the Report. I want you to play that video shortly.

Mr. Speaker that is when the Governor came out immediately you formed the Ad-hoc committee after the Statement was raised. In fact, there is a common phrase, Mr. Speaker, where the Governor claimed in our local language, '*Mongetu chito*' meaning he was not going to spare anyone who was accused of stealing the funds.

Mr. Speaker, I want you to play the next clip, when now the Report of the Committee that was looking into the fictitious payments from the kitty. And we will have two clips; there is one clip where the Governor claims that he was going to foot all the bills; the medical bills, the tent and any other cost by the County Government of Kericho and that the money raised from the fundraiser was only meant to be shared among the victims of the Londiani accident.

I want you to play that clip where the Governor called a Press Conference calling the committee led by the Honourable Moses Rotich a funeral committee.

(Video Clip was played)

Mr. Speaker if I had an opportunity to play the entire clip, you would be able to pick that one because of time, Mr. Speaker, the Governor even went an extra mile and said that my hands are tied. You know, there are officers in this County Government who are accused of mishandling that money. One of the recommendations from the committee was that they be disciplined. Disciplining them means either they were going to be surcharged or made to repay the money that was paid to them.

The Governor came before the members of the public and said that he had no powers to discipline the Chief Officers and other officers who were mentioned. Mr. Speaker, I'm talking about the Governor who contradicts himself in so many occasions. And number two; this is a Governor who demeaned an Honourable Committee that was looking into issues of the victims of Londiani accident. Mr. Speaker, calling the Ad-hoc committee that was looking into Londiani accident compensation a 'Funeral Committee' is something that I'm worried about because one, that act alone amounts to violation of the contents of the Constitution and

Mr. Speaker that is why I still insist before this House, Your Excellency, there is no choice, but when the time comes for us to vote, you need to exit this County, I mean, the Governor has to go, Mr. Speaker.

- i. By his acts of omission and commission, the Governor has grossly violated the provisions of Article 75 of the Constitution which demands that a State Officer shall whether in private or in public behave in a manner that avoids conflict of interest between personal interests and public or official interest or compromises public interest in favour of personal interest.
- ii. By overseeing the misappropriation of the funds aimed at assisting the victims of the accident, the Governor violated Article 73 (2) which demands from him selfless service based solely on public interest demonstrated by honesty in execution of his duties, accountability to the public for decisions and actions and discipline and commitment in service.
- iii. By allowing himself to be a master of doublespeak in such grave matter that shook the conscience of the nation, the Governor violated Article 73 (1) (a) (ii), (iii) of the Constitution which demands that he at all times demonstrate respect to the people and bring honour and dignity to the office he holds.
- iv. By allowing himself and senior officials close to him to benefit from the funds, the Governor violated article 76 (2) (b) of the Constitution which prohibits a state officer from accepting a benefit in circumstances that compromise the integrity of the state officer.
- v. By failing to ensure that decision-making in the executive office of the County Governor are not influenced by corruption, nepotism and other callous and improper motives, the Governor has failed to exercise objectivity and impartiality thus violating Article 73 (2) (b) of the Constitution of Kenya 2010.

Evidence of the Governor's engagement, connivance and complicity in the acts of misappropriating and or abetting misappropriation of publicly raised funds is to be found in:

- i. The Report on the Investigation of Londiani Accident Victims Fundraising held on 4th July 2024, KCA exhibit number 10, and the Report is here Mr. Speaker.
- ii. Affidavits filed by the Governor in Kericho ELCR petition number E014 of 2023 KCA exhibit number 11 and video clips numbered KCA V3, KCA V4 and KCA V5. Mr. Speaker, those are the clips that we played and we will get to play now the one that, I don't know whether the team was able to present it here, but we have the one where the Governor continues to contradict himself in the whole incident.

And Mr. Speaker, lastly, when the committee sat in this House, there was an accountant from the referral hospital who appeared before the committee. The Governor had indicated that the County Government of Kericho was going to foot all the medical bills. The County Government of Nakuru, led by Governor Susan Kihika paid for all the victims of the accident. So there was nothing the County Government of Kericho was paying. But from the Report generated from the County Executive led by the Governor, the County Referral Hospital accountant was called to ensure he comes up with the bills purposely for the Governor to account on how the money was used, Mr. Speaker, in one of these clips- I want you to go to Exhibit Number One- Is that number one? Yes, that one! Sorry, go to number four. That one!

(Video clip was played)

Let's be patient. It's almost getting to where we want.

Sorry, Mr. Speaker. What I want is, or maybe I can explain on what is there. The Governor was making his commitment that the County Government of Kericho was going to foot all the medical bills for the victims and the tent and anything that was going to be used throughout the whole exercise. Mr. Speaker, unfortunately, from the Reports, the County Government of Kericho led by the Governor was able to pay Supertrix 2.945 Million Shillings.

Mr. Speaker, the County Government of Kericho again budgeted for Londiani Sub-county Hospital and our Kericho Referral Hospital and without blinking an eye, they also budgeted for the Nakuru PGH Hospital and Molo Sub-county Hospital. Mr. Speaker, why would you budget for what you had claimed the County Government of Kericho was going to pay? Why would you use the same Fund to meet the expenses which you had authoritatively stated in that clip that the County Government of Kericho was going to foot Mr. Speaker? In the whole exercise, the Governor was trying to account for the misuse of the Fund that was meant to be paid to the victims of the accident. We will, of course, get a clearer video of that evidence we are adducing because it is important.

This is where we will not let the Governor go because when we went to Senate last time, Mr. Speaker, our case was not heard because of what most of our members know. So, we are going to produce this as evidence. The Governor had the overall responsibility to ensure the Fund was used prudently to benefit the victims.

Later on, Mr. Speaker, the Governor, and I want to believe in his own replying Affidavit, is going to prove how he was able to retrieve or to get back the money that he eventually used to pay to the victims. However, Mr. Speaker, to date, there are victims of that accident who claim they have never been paid to date. Mr. Speaker, it is wrong, it is immoral even to steal from the people who lost their loved ones.

The Speaker (Hon. (Dr.) Patrick Mutai): Order Hon. Rogony! Now that you have played a clip that is not flowing, not clear and not audible, ensure you perhaps hand over to the Office of the Clerk, a clear one that is flowing so that we can also share with the Governor. Proceed!

Hon. Kiprotich Rogony (Member for Sigowet ward): I stand guided, Mr. Speaker.

b) Abuse of office:-

a) Illegal appointments and unlawful dismissal and transfers and usurpation of the constitutional and statutory functions of the County Public Service.

The Governor has variously engaged in:

- i. Gross misconduct;
- ii. Gross violation of Articles 10, 73, 75, 232, 235, and 236 of the Constitution;
- iii. Gross violation of Section 17 of the Public Officer Ethics Act, Section 55, 59, 59A, 60, 62, 63, 64, and 65 of the County Governments Act, Section 4 of the Public Appointments (County Assemblies) Approval Act of 2017 and variously abused his office by:

a. Skewed and competitive and nepotic appointments of the county employees of various cadres. For instance, the governor recently hired his own brother, one Victor Mutai, as a revenue clerk. Similarly, the governor's personal assistant, assistant's wife, one Chepkirui Mercy who was recently hired as a nurse on contract basis was confirmed, yet there are a number of nursing staff who have been serving on contract for long without confirmation.

b. Illegally appointing one Mrs. Alice Bett, now a judge of the High Court as the County Attorney, when there was a substantive office holder, an act of which the Employment and Labour Relations Court Honourable Lady Justice Wasilwa affirmed was irregular and unprocedural and unlawful in *Sang vs. Governor Kericho County & 2 others*. Petition E-001 of 2023. In that case, the Governor was found by the court to be in gross violation of Article 73 and 232 of the Constitution. His actions found to be illegal and unconstitutional and ordered to pay costs of Kenya Shillings 2 Million and costs personally.

The Governor has therefore been already adjudged to be in gross violation of the law and all the Assembly and the Senate and this is very interesting Mr. Speaker because one, the Governor was taken through the justice system and the judge ruled that the governor violated Article 73 and 232 of the Constitution and that means, Mr. Speaker, if the Governor has been found to have violated the Constitution, you know he stands adjudged.

In this instance, Mr. Speaker, the Governor even doesn't need to be brought to this House to be impeached. If a resident in this County was able to bring a petition, definitely the Governor would cease holding office because one, why would you hire somebody when there is an office holder and the petitioner successfully petitioned through the Courts and the Governor was ruled to have violated the law and even being ordered to pay Kenya Shillings 2 million personally was enough proof by the Courts that the Governor was found to have abused office.

- c. Causing the advertisement of the positions of doctors, nurses, Early Childhood Education (ECDE) teachers just to endear himself politically when he knew the County Government did not have capacity to hire. The applicants were subsequently not shortlisted or the alleged vacancies filled up and this is what came up I think around 2023. We have the advert Mr. Speaker, where so many positions were advertised and they were never filled. It is only recently when the health workers were successfully recruited but then the other cadres in education and all the other positions have never been filled up. For Revenue Clerks, the other day we appropriated as a House and of course in consultation with the County Executive and we were able to hire 30 of them.

Mr. Speaker, the other positions that were advertised were never filled to date. The replacement of ECDE teachers has never been done despite the fact that the Governor through his authority in writing to the County Public Service Board for advertisement. People applied for the positions but they were never shortlisted or interviewed. Of course Mr. Speaker, that is wrong.

- d. Illegally deploying health staff by Notice dated 22nd July 2024 without any justification, authority and involvement of County Public Service Board, thus creating a crisis in the health sector and this was very interesting Mr. Speaker because one, the Governor instructed the then County Secretary for a number of transfers which were reversed when the Committee on Health led by the Honourable Eric Bii intervened. Of course Mr. Speaker, the duty pursuant to County Governments Act Section 69 and 72 which vests the authority to the various Chief Officers within the department to do the transfers and 72 is for the County Secretary to do the transfers across the departments. In that case Mr. Speaker, the then County Secretary did transfers arbitrarily which was chaotic. A number of the staff lost morale and had it not been for the Committee on Health to intervene,

perhaps Mr. Speaker, service delivery was going to be hampered in this County.

- e. Since his assumption of office, the Governor has dismissed a total of 10 County Executive Committee Members, Six Chief Officers, two Chiefs of Staff among other senior county staff without any cause or reason, thus exposing the County to protracted litigation and the risk of huge compensation in damages. The Governor has perpetuated this firing spree not for any reason but as a show of might, power and authority and that is where the abuse lies. Mr. Speaker, the worst one was last year in December where the County Executive Committee Members, Six of them, were fired via a *Facebook* post by the Governor. In fact, he quoted Section 40 of the County Governments Act and that particular Section has already been repealed by the Senate. Mr. Speaker, using a law that is non-existent to fire CECMs is something that we need to worry about and you know Mr. Speaker, we have a number of staff who've lost their jobs without any cause.

Mr. Speaker, I know of CECs who are very young, as young as the Governor. Some of them are going through problems now. Their families are broken. The Governor has never considered even a single thought about such employees. Mr. Speaker, why would he just wake up one morning, dismiss the CECMs and when he's asked why, there was an instance and I'm happy your Excellency you are here, where I was calling him to request him not to fire this particular officer. He told me that he was the appointing authority. That was a phone conversation! Then Mr. Speaker, I wonder why you would hire somebody who had a job, a well-paying job and four months down the line, you fire that particular individual. A case in point is Malel Kipruto, who was the Teacher's Service Commission (TSC) Director in Turkana. The Governor implored on him to come and take up the job in the County Government. This individual went through four departments within four months. He was hired, Mr. Speaker, and as you are aware I'm a member of the Appointments Committee. When the name of one Malel Kipruto came to this House, he was the CECM in charge of Public Service Management. Hardly one month later, he was taken to ICT, a month and a half later, he was in charge of Lands. How will this particular officer learn the ropes to be able to offer services to this County?

Mr. Speaker, the Governor has continued to abuse office by firing left-right-centre the officers whom he proposed through this House for them to be hired. This is the height of impunity that the Governor has continued to show ever since he was elected.

Evidence of the Governor's engagement, connivance, complicity in the foregoing acts of illegal appointments, unlawful dismissal and transfers, and usurpation of the constitutional and statutory functions of the County Organs is to be found in:

- i. Judgment of the Employment and Labour Relations Court in Kericho in the case of *Collins Sang vs. Governor, Kericho County & 2 Others*, Petition E-001 of 2023, and it was confirmed in 2024, that is, *KEELRC-Kericho County Assembly Exhibit number 12*;
- ii. A bundle of notices from the Governor dismissing the CECs, COs, and other staff- Kericho County Assembly Exhibit number 13;
- iii. Copies of bundles of sample court documents filed in various cases- Kericho County Assembly Exhibit number 14.

Subversion, discrediting, and impeding of the oversight role of the County Assembly

1. On September 13, 2024, the Governor engaged in (i) gross misconduct, and (ii) grossly violated the provisions of Articles 10, 73, 75, 174, and 185 (3) of the Constitution, and abused his office by writing to the Speaker purporting to direct the Speaker on, *inter alia*, the timelines the Speaker should give the Chief Officers who are summoned by the Assembly for questioning in exercise of the Assembly's oversight mandate.

Evidence of the Governor's engagement, connivance, and complicity in the foregoing acts of subversion, discrediting, and impeding of the oversight role of the County Assembly is to be found in:

- i. A letter by the Governor dated 20th August, 2024 addressed to the Speaker of the County Assembly of Kericho- Kericho County Assembly Exhibit number 15.
- ii. A letter from the Speaker to the Governor dated 3rd September, 2024- Kericho County Assembly Exhibit number 16.

Evidence of the Governor's engagements, connivance, and complicity in the foregoing acts of subversion, discrediting and impeding of the oversight role of the County Assembly is to be found in:

- A letter by the Governor dated 20th August 2024 addressed to the Speaker of the County Assembly of Kericho-KCA Exhibit number 15, and
- A letter from the Speaker to the Governor dated 3rd September 2024-KCA Exhibit number 16. In this instance, Mr. Speaker, and remember we had initiated a process of

calling the CECMs and COs to answer to any issue that we have in this House. The Governor wrote back to us. In fact, in a funny scenario, one time the Governor ordered for a meeting in Nakuru when we had already delivered letters to them to appear before this House. That was a case of trying to evade answering to the questions some of the members had raised in the various departments.

Mr. Speaker, we are mandated by law to exercise our oversight role and one of them is to interview most of these County Executive Members. We might not interview the Governor but it is the people he's given jobs that we were interested in. But unfortunately, Mr. Speaker, the Governor had audacity to write to you, telling you that you don't need to summon them to the Assembly to answer to the questions, and that was wrong.

I'm happy because you replied that we have the mandate as an Assembly to do the role that the people gave us.

GROSS MISCONDUCT

1. Bullying, incitement, vilification of people and County staff.
 - a) On various occasions, the Governor has repeatedly engaged in (i) Gross misconduct, and (ii) Gross violation of the provisions of Articles 10, 73, and 75 of the Constitution, and Sections 29 and 34 of the Leadership and Integrity Act by:
 - i. The Governor has been operating with impunity as though he is above the law. On the second day of being sworn in office, the Governor led a mob to invade a private land owned by one Mr. Josiah Kiplangat Kogo within Kericho town and tore down the fence. The Governor has since designated the land as an illegal dump site operated by the County Government without the consent of the registered proprietor, National Environmental Management Authority (NEMA) approval, Gazettement by the County designating the parcel as a dump site and in total disregard of a Court Order issued by the Environment and Land Court in Kericho in *ELC Petition No. E001 of 2022-Josiah Kiplangat Kogo vs. the County Government of Kericho*.

The Governor has also obstructed the enforcement of the orders by the police administration. The actions are illegal, contemptuous to the authority and dignity of the Court and the rule of law, unethical and demeaning the office that the Governor holds. Further, as a result of the illegal actions of the Governor, the County was condemned to pay costs.

Mr. Speaker, we have the clip and before we play, this is a case where the Governor again lost. The proprietor of the parcel of land went to court and this was funny, Mr. Speaker, so that you know it is wrong to get it wrong from the word go. This is day two after swearing in. The Governor led a mob, tore down the fence of that particular proprietor. Even if the he knew that the land is claimed to belong to the County, there is a due process. You don't repossess illegally, make it a dump side without any approval. Mr. Speaker, I want the ICT officer to play that particular video clip.

(Video clip was played)

Mr. Speaker, you can clearly see the Governor. In fact, he was shouting at one of the people who must have been working elsewhere around the land and forcefully instructing him or her to bring that jembe. I don't know what he was going to do with the jembe.

But then, Mr. Speaker, you can see clearly that he was even already misusing the powers given to him by the people of Kericho. Governor Susan Kihika visited Nakuru PGH to look at the state of the hospital and we also saw one Governor Sakaja going to Pumwani Hospital to see the mothers who were giving birth and who had already given birth.

Our Governor was acting in bad faith. Already and his actions are in contravention of Chapter Six. I mean the integrity of the Governor was already in question just two days after he was elected. Tell me, Mr. Speaker, why this Governor should continue holding office even with a judgement rendered by the Courts that he was in violation of the Constitution, that he forcefully entered into somebody else land and made it a dumpsite without any approval, Mr. Speaker. That is why I'm here to say, Hon. Members that giving him an opportunity to continue, I do not know how this County will be run until 2027.

- ii. None of the dismissed CECs, CEOs, Chiefs of Staff and other senior County staff were given fair administrative action, that is, due process and hearing thus violating the provisions of Article 41, fair Labour Practices, Article 47, fair Administrative Action, and Article 51, fair Hearing, of the Constitution. Mr. Speaker, remember, even if you were to fire a CEC or a CO, then you should be able to have accusations against them. I've seen CECs in other counties go to Court and win the cases. I do not know for Kericho because, a case in point, Mr. Speaker, is the December 23rd one, where the Governor just updated a *Facebook* post, and days later, he came up with letters of dismissal.

The grounds to date are not known, but we will then prove because they are our witnesses now. Mr. Speaker, in the case of Eric Koech and the other three, the Governor actually messed up with their reputation. I want to bring to your attention, Mr. Speaker, Engineer Eric Koech is

a village boy who went to school at Kakibey, Kapkaburu Primary, Kakibey Secondary as a day scholar, scored an A- from that small school, went to Kenyatta University, got the best grade. He worked, because before even joining us, he had worked for Water Trust Fund. This is a young man who had ambitions. Now, firing him with a phrase of incompetence rendered the life of that young man useless.

Mr. Speaker, and this is a Governor who wants to be given a chance, yet whenever he has authority, he has never given a chance to anybody who works for him and that is why Mr. Speaker, his continued to run the affairs of this County is untenable and I want to beseech Members. When the time comes, let us act with a lot of feelings to the many who've gone through the hard times through the leadership of this Governor.

- iii. The Governor has persistently intimidated, molested, and harassed County officers who do not sing to his tune leaving officers jittery and creating an atmosphere of fear, uncertainty, and despondency in the county and thus creating a toxic work environment. This violates the provisions of Sections 11 and 13 of the Leadership and Integrity Act, 2012.
- iv. The Governor has persistently used divisive and unbecoming language which undermines the office he holds contrary to Section 8 of the Leadership and Integrity Act, 2012.
- v. The acts of the Governor enumerated above have collectively brought dishonour and disrepute into the Office of the Governor in violation of the Article 6 of the Constitution and Leadership and Integrity Act, 2012.

Evidence of the Governor's engagement, connivance and complicity in the preceding acts of incitement, vilification, and indecent sexual conduct were found in:

- a. Affidavit of Josiah Kiplangat Kogo sworn in on 23rd September, 2023 in support of Notice-KCA-Exhibit 17;
- b. Judgment of the ELC in *ELC Petition No. E001 of 2022- Joseah Kiplangat Kogo vs. County Government of Kericho-KCA-Exhibit Number 18*;
- c. Number nine, we have the video clips and Mr. Speaker you've been able to see one.

So, Mr. Speaker, to that far, we've come to the end of the Motion and before I call on the seconder, I want to tell the Governor who is before us, that pursuant to Standing Orders of this County Assembly and Article 50 (1) of the Constitution on fair hearing, it is important that the Governor knows that on various dates ever since he was elected, his actions has brought us this far.

Mr. Speaker, there is a clip there that we will get a clear on where the Governor admitted while they were installing the new Managing Director of Kericho Water and Sanitation Company (KEWASCO), admitted in public and in camera that in Londiani case, funds were lost. I'm waiting to see his reply to the Affidavits because it's confirmed in series and you know he claimed I was still young then, now that I have now known how to run the County. This is somebody who's confirmed his own wrongdoings. I want to ask the members, let us vote with conscience.

We will save this County and the County Government of Kericho will vindicate our actions in future and for the generations to come. To this, Mr. Speaker, I beg to move the Motion and the seconder of the Motion is Honourable Vincent Korir, the MCA representing Londiani Ward. Thank you, Mr. Speaker!

The Speaker (Hon. (Dr.) Patrick Mutai): Alright, thank you, the Honourable Kiprotich Rogony, before Honourable Vincent Korir, takes to the floor, is the Deputy Speaker, first panellist, Honourable Philip, yes, you can come over, as the Honourable Vincent Korir, you take the floor, you second the motion.

(The Hon. Philip Mutai took the Chair)

Hon. Vincent Korir (Member for Londiani ward): Thank you very much, Mr. Speaker, for giving me this opportunity to second the Motion. Before I second the Motion, Mr. Speaker, I would like to contribute on what my colleague has stated that this Motion is not only historical, it is also going to have a test of integrity to this House, a test of integrity to the Members, a test of integrity to the Governor before us and everyone else who has been entrusted with an office.

Mr. Speaker, the issue of leadership as is in this Motion, is that we are testing the leadership, being accountable and we are discussing the issue of accountability. We want to look at the issue of accountability of the resources of the people of Kericho County and upholding the Constitution and rule of law. Mr. Speaker, the Constitution of Kenya 2010, Article 73, states clearly on accountability, rule of law, service to the public, interest of the public over personal interest and Mr. Speaker, the Constitution also gives us a mandate under Article 181 read together with Section 33 of County Government Act, this Article gives this House a mandate and authority to act whenever there is abuse of office, whenever there is gross misconduct on the part of Governor and even any other leader. It's also states on the actions that can be taken if there is breach of leadership.

Mr. Speaker, this Motion also will clearly test us as members of this House because when you hear about the issues of fictitious payments, as a representative of the people of Londiani, I will not tolerate a farmer who woke up very early in the morning, as I stated before when the Notice of this Motion was being tabled, that I cannot tolerate the farmer who woke up to queue behind us and to support us to be given under supply of goods and services, yet they are supposed to get fair share of their resources and the revenue and taxes that we are appropriating in this House. Mr. Speaker, I will not tolerate that as a member.

Mr. Speaker, there are issues that have been touched on regarding corruption; there are issues of fake tenders, there are issues of inflated projects, there are issues, Mr. Speaker, of impunity. Last time, I don't have a word to call this because fictitious payments will attract even the worst names like thuggery, theft and robbery because that's not what we should entertain as a House. Mr. Speaker, consequently when you breach these laws, for instance, for the Governor, the law says you will be impeached, for a Public Officer, you will be disqualified. You will still be prosecuted and the assets should be recovered. That is what the law says.

Mr. Speaker, on the issue of leadership, it is not just a constitutional requirement. It is a test of a character of a person and our silence in this House, Mr. Speaker, will not absolve us. The people are watching. History will judge us and if money was stolen, then it means there is a hospital that is lacking drugs, there is a road that is not being repaired and there is a *mama mboga* now, currently, who is suffering out there because they have not received the drugs.

There is a farmer who has not received the services that are required. Mr. Speaker, as a House, we have that mandate to interrogate these issues. That is why we have the Report on the Pending Bills. We have the Reports of Auditor General. We have the Reports of Fictitious Payments. We have the Report on Londiani Accident Victims. We have deliberated as a House because we are doing the oversight, the role that we are mandated to do. And I believe today is the day because for the Governor, all these reports, I believe they normally say documents have facts and facts don't lie and I believe whatever was documented here had facts and we cannot divert attention to try and blame any other person.

What I saw in the clips played by my colleague here where the Governor was praising the committee and giving them good names and later when the facts came out, the names of committee members changed to other names-name calling. We want to believe that in this House, we want to see facts. Mr. Speaker, on the fictitious payments, the 85 Million Shillings lost, I'm very sad because a contractor was paid way in advance before even the services were rendered. Where on earth can someone do this? When we have genuine contractors who have done excellent job and they have never been paid for a very long period of time. They are still waiting to be paid. I want to thank the whistle-blower because if the whistle-blower could not have mentioned all this, then it means whatever was being supplied to Torochtany last week,

could not have been supplied. Whatever was supposed to be supplied to Ruskebe that is in our Sub-county could not have been supplied. Then, it means whistle-blowers are very important! We should thank the whistle-blower for giving us this information as a House and we took the right step of investigating-looking at the documents and it was done in public.

It was all over in our social media. Everybody who has interest will have followed and even some of the members of the public told me, before the fictitious payments were being done, already the public had a report of their own and they could be able to analyse the Report. So it means, Mr. Speaker, these issues of gross misconduct, gross violation of the constitution is a test of our leadership, and today the Governor is before us.

You see, I was elected by the people of Londiani, and I know my mandate is to do oversight and representation. That doesn't affect the friendship between the Governor and the MCA but we have to put you in check and balance and that is our role. It is not anything to do with politics. It is not anything to do with personal differences, but I'm doing my mandate as the area Member of County Assembly from Londiani and I'm representing that person who queued to elect us.

Honourable members, it is not that we are the best in leadership. There are others who could have been elected but people trusted us; they given us trust to elect us to represent them and that is the mandate that I'm going to discharge. Honourable Governor, your Excellency, the issues mentioned, I'll leave alone the issue of all those stories. Let's pick one point of the housing in Kipkelion where a contractor, when there was a whistle-blower that was done, a contractor rushed at night. If it was not for the members of the public, then the contractor could have rushed there to do some job, so that it can appear that work was going on. Yet, there was nothing going on, money already was paid long, long way ago.

Honourable Members, it is our duty, and we are being watched not only in our County, but also across the country, but it is our duty. If we fail today to send His Excellency Governor Mutai home, then we are giving a leeway to the Governors to assume that if they have some political support or small support, then it is their way to continue with corruption.

(The Speaker took the Chair)

We will never allow that Mr. Speaker! When you talk of the issue of the 10 dismissed CECs, Six Cos and two Chiefs of Staff, then my question is: is it a coincidence? It cannot be a coincidence, Mr. Speaker, Sir. This alone, and I want to actually speak to the Governor, that when there are rats in your store and they are raiding your maize that you have harvested for your children, you don't call people to come and burn the store plus the maize and the rats. You will kill the rats and you remain with the store and the maize.

Mr. Speaker, you see, there are doctrines: there is the doctrine of leadership where a leader or if you are the head in authority, you are held liable for whatever your staff are doing. That is the doctrine of leadership. If I'm a manager and there's a supervisor who has done repeatedly

some issues, for example stealing, then it means I'm the problem and it's me who's supposed to step down or resign or be sacked. So it is to you, your Excellency the Governor.

On the issue of Londiani accident and this is so touching to me because this is in the area where I come from. I managed to witness whatever happened during that day and actually, I don't want to describe the events that took place. The saddest of all is when the fundraising was done; I was part and parcel of the fundraiser. We contributed and eventually the money was lost. To me, that money was supposed to be helping those victims who had already died. Some died and some were injured and to my surprise, there was also a whistle-blower during that time, and true to the reality, the money was lost and it was misused when there's a family who were waiting to bury their victims, and you see, members of the public could not do a fundraising since they knew that already there was a fundraising held nationally. It took time for that family- and I remember because I was a member of the Ad-hoc committee-we went through the committee, looked at the details and shocking enough, the promises that were made by the Governor to waive the bills was never realised. In the real sense, that money was used in a different way. If you can go into the details, then it is shocking because some of the finer details could not even match while some of the expenditures could not tally. The officers who were called here to come and answer to the questions, some could even cry and even they wanted to be seen in camera because there were issues that were being done behind the camera.

Mr. Speaker, in this House, as the Assembly, we must act and the action is today and any member who is here should be convinced beyond doubt because this Report has facts. Mr. Speaker, the issue of *Kazi Mtaani*, I remember in May 2024, there were some five companies that were mentioned adversely in the programme. I'm was a member of the last committee and as a committee member, we looked at the Reports and truly, you could find that there were so many irregularities that happened in this programme. Some of the people who were recruited were never even paid. Some of the companies were not pre-qualified and currently, there is a Preliminary Report from the EACC which show that truly funds were used in an irregular manner and the companies-seven of them-were actually involved in misappropriation of the funds. This is a loss of funds Mr. Speaker, Sir. We are called to serve the people. We are serving the Constitution and God.

Mr. Speaker, as I submit and as I second, I would like to urge this House that today, having convened to debate on this Motion, that with your conviction, with the facts before us, that we do the necessary and vote to remove the Governor of Kericho County from office so that we can continue to uphold leadership and integrity as required. Mr. Speaker, I don't want to continue much, but I would like to say that I am standing with the people and I'm standing for justice. I second, Mr. Speaker! Thank you very much.

The Speaker (Hon. (Dr) Patrick Mutai): Alright, thank you the Honourable Vincent Korir. Honourable Members, now the Motion has been moved and seconded. I now propose the Question.

(Question proposed)

Thank you, Honourable Members, for your patience. Before we begin to debate on the Motion that is now before this House, it is a fundamental principle in law that an accused person has the right to be heard and to face the accuser on the allegations before them.

Indeed, this is the essence of Article 47 and 50 of our Constitution. To this end I will now invite His Excellency the Governor of Kericho County whether by himself or by counsel to take the floor and make his submissions to the grounds and particulars of the Motion before this honourable Assembly for a period not exceeding two hours. We have two hours but this is how we are going to use our two hours your Excellency and your team: One and a half hours and now and then we I will open the floor for Honourable Members to contribute and then I will give you 30 minutes to probably to respond to the issues that have been raised by the Honourable Members of this Assembly.

So Honourable Governor, please note that, as we can see, I don't know what time it is. What is the time now? So it's 1.50 p.m.! So we have one and a half hours for your submissions. Should you use one and a half hours, that is okay; should you use less minutes, that will be better for some of us because I'm even told the Governor and myself had requested that we take a cup of tea because we have really sat here from morning but nevertheless we will give you one and a half hours and then 30 minutes at the end to make it two hours as per our Standing Orders. You'll take to the floor and make the submissions to the grounds and particulars of the Motion before this honourable Assembly for a period not exceeding two hours.

The two hours shall be split into two: first shall be one and a half hours after proposed and the last 30 minutes before the mover of the Motion is called upon to reply.

Honourable Members, please note that His Excellency the Governor submitted his response yesterday the 14th August 2025 at 8.50 a.m. The said response was delivered by David Kirui the Acting Principal Administration Officer. Upon perusal of the response by the Office of the Clerk noted some pages were unclear or missing and communicated the same to the said officer. The missing and unclear pages are: pages 29, 30, 31, 32, 52, 56, 57, 71, 72, 80, 81, 83, 128, 143, 166, 167, 168, 172, 173, 206, 211, 212, 213, 216, 235, 236, 262, 265 and 311. Only pages 29 and 30 was submitted to the office E-mail Address. The Office of the Clerk has made several requests to have clear copies of the pages to no avail. I don't know what is the current position? Clerk, do you have all these pages now?

(The Clerk consulted the Speaker)

Not yet! His Excellency the Governor there is a challenge there for the missing and unclear pages and I think your team had been notified. I want to note that Katwa Kigen, maybe you will speak about it when you will be presenting.

Now Honourable Members, this is the high time we will allow the Governor to make his submissions for a period not exceeding one and a half hours. This time includes time allocated to his Counsels on Record. If more than one Counsel on Record the counsels will share the time. I hope that is in order. So we need to administer the oath starting with His Excellency the Governor and then I don't know the Lead Counsel whether every counsel will be speaking

So, Governor first!

Joash Mitei Kirui (Counsel for H.E the Governor): Good afternoon Mr. Speaker and your Excellency the Governor.

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Just a bit. Order! It's okay you can proceed with your submissions and you will probably introduce your team for the purpose of record. Continue!

Joash Mitei Kirui: Thank you Mr. Speaker, Sir. My name is Joash Mitei Kirui, an Advocate of the High Court. Mine is just to introduce our team. We have His Excellency the Governor Kericho County, we have Senior Counsel Katwa Kigen, we have Advocate Evanson Kirui and Advocate Joy Kawagen. Again, with that, I would wish to welcome Senior Counsel Katwa. Welcome!

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Good afternoon Mr. Speaker, Sir, and the Honourable MCAs.

The Speaker (Hon. (Dr.) Patrick Mutai): Good afternoon Katwa Kigen. Sorry I don't have a copy here with me. I guess it's because of the challenges that we had. So can I get a copy because I'll be following it keenly? Copy of your responses. There was submission that you had submitted that we received

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Could I proceed in the meantime?

The Speaker (Hon. (Dr.) Patrick Mutai): If you can be kind enough, I have a copy. If you have more than two, as we wait for the other copies to be provided-the one with the written

submission from the Governor. Yes, just a copy; I will use it and then I will give it back to you. Sorry thank you! We can proceed!

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Thank you Mr. Speaker, Sir, and I trust you will give me a discount of the minutes.

The Speaker (Hon. (Dr.) Patrick Mutai): Yeah, sure!

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Mr. Speaker, Sir, I have three preliminary issues I wanted to raise with you and seek your direction subsequent to which, we will go into the body of our case. Mr. Speaker, Sir, the Governor was served with an Order emanating from Kericho High Court Case Number 10 of 2025, which Order was targeting these proceedings in the words that the moving of the Motion, the seconding of the Motion, the consideration of the Motion should be stayed.

The Governor was not the mover of that suit; he is an interested party and the Order has just been served on him. We would like to know what your directions are, whether notwithstanding the issuance of those orders we are to proceed. We are prepared to proceed Mr. Speaker, Sir, if we must. We just want to have raised the point that the orders exist and that you give us directions if you would like us to proceed that notwithstanding, and the aspect or the point that we are proceeding under protest in the face of the Orders be on HANSARD. That's the first direction I very kindly request for your directions on.

On the second one Mr. Speaker, Sir, is the contents of the Motion as moved by my friend Mr. Rogony. At page six of the Motion says this Mr. Speaker Sir: *'The Assembly resolves to impeach the Governor under Article 181 of the Constitution, Section 33 of the County Governments Act and Standing Order number 70 and 70A.'* I place a premium on the use of the provisions of Standing Order number 70A, Mr. Speaker, Sir, that Standing Order number 70A is to the effect that subsection one: *'A Motion by any member for the removal of a County Governor by impeachment may be reintroduced in the County Assembly on the expiry of 90 days from the date of a vote by the Senate.'*

Subsection two: *'Despite paragraph one, a Motion for removal of the County Governor by impeachment may be reintroduced in the County Assembly on other grounds other than the initial grounds that were highlighted in the previous impeachment proceedings...'* and my emphasis is in the subsection two Mr. Speaker, Sir. So, I was making reference to Standing Order 70A (2) which says that none of the things and I just want to put emphasis on the words used by the your Standing Orders that were highlighted. It's not a question of whether they were determined, whether they were considered. It's just grounds that were highlighted in the previous impeachment, Mr. Speaker, Sir, half or slightly more than half of the issues moved by Honourable Rogony in terms of both the subject matter and the annexures in support were issues that were dealt with by this Assembly in the impeachment proceedings of

September 2024. They are namely *Kazi Mtaani* initiative; exactly the same contentions, exactly the same annexures. The other one is the issue of Londiani accident, the same issues the same annexures. The other issue is the issue of the staff, the alleged unlawful dismissals, transfers and related issues and the same Affidavit is being used in these proceedings in support of that, and lastly, is the issue of the alleged subversion of the County Assembly.

Those five issues Mr. Speaker, Sir, were directly mentioned in the previous impeachment proceedings, were directly grounds that were highlighted in previous impeachment proceedings and Mr. Speaker, Sir, I would like your directions on whether you are calling on us, notwithstanding the provisions of that Standing Order to have to respond to that or we should assume that being faithful to their Standing Orders, you do not require of us to have to respond to that.

The last issue I seek your directions on Mr. Speaker, Sir, is that your Standing Orders number 96 requires that you should not engage in discussions of matters that are *sub-judice*, being that there are matters that are in Court, particularly Standing Order number 96 (1) and 96 (2) which are to the effect that: '*Subject to paragraph 5 no member shall refer to any particular matter which is sub-judice or which by the operation of any written law is secret.* So we are not talking about it being secret, we are limited to the issue of being *sub-judice*. Then subparagraph (2) '*a matter shall be considered to be sub-judice when it refers to an active criminal or civil proceedings in Court.*'

Mr. Speaker, Sir, when Mr. Rogony was moving the Motion at a certain point, he very explicitly said, yeah these cases are in Court and I have particular reference to the contents of the Motion page 16, 19, 20, 21 and 22 which not only includes the cases but also refers to Court documents and so Mr. Speaker, Sir, I would like to know whether or not withstanding the provisions of Standing Order number 96, you are requiring us to discuss the issues that are in Court. With that Mr. Speaker, Sir, just so that it's clear, I will request the Honourable Governor to say something then I will go into our defence. Thank you, Mr. Speaker, Sir.

Thank you so much Katwa! The Honourable Governor, say something before I...

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Mr. Speaker, Sir, we were requesting for your directions before H.E Governor.

(The Speaker (Hon. (Dr.) Patrick Mutai): Okay, thank you Katwa.

(The Leader of Majority rose on a Point of Order)

The Leader of Majority, what is your Point of Order?

Hon. Philip Rono (Leader of Majority and Member for Kamasian Ward): Thank you very much Mr. Speaker. I'm rising on the same Standing Order number 96. Mr. Speaker, since the Senior Counsel decided to refer to the previous matter or to the previous impeachment that was conducted in this House, and subsequently landed in the Senate; Number one, I remember the Senior Counsel Katwa Kigen, that time Mr. Speaker, filed a Preliminary Objection and through the ruling of the Senate Speaker Honourable Kingi, Mr. Speaker, on the issues of Court injunctions, I'm aware that indeed we were sent back to this House and the Motion was unable to be discussed in the floor of the House Mr. Speaker because of one, the Preliminary Objections that Mr. Katwa Kigen, the Senior Counsel had filed with the Senate and during the ruling of the Senate Speaker, ruled based on the Supreme Court ruling that a process of a County Assembly, of a National Assembly and that of the Senate, Mr. Speaker cannot be enjoined and by that Mr. Speaker, I don't see Senior Counsel Kigen challenging the findings and the ruling of the Supreme Court at that time. So even before we -and I'm not trying to guide you Mr. Speaker on the matter- but since he decided to refer to the previous matters that were in the Senate, he is the one that did file the Preliminary Objection at that time Mr. Speaker and the ruling was made and it was referred to the previous ruling of a Supreme Court Mr. Speaker. So I was just informing the House. Thank you very much Mr. Speaker.

(The Speaker (Hon. (Dr.) Patrick Mutai): Okay, thank you, Leader of Majority. Thank you so much Lead Counsel Katwa Kigen on the issues that you have raised. Number one is on the matter you have mentioned of a Court Order, which we are not in receipt of and therefore I am limited even to respond to it and maybe just to guide you a bit, is that we have our County Assembly Powers and Privileges Act, that is, CAP 265C on service of civil process and to that effect, none has been served before us, and maybe you can just refer to that. I don't need to read to it and so on that matter we shall just proceed because we can't admit for instance, maybe you have it here, we can't admit any strange documents at the moment in this House because we are already discussing and debating the Motion. I don't even want to talk about what the Leader of Majority has spoken about on the matter of the ruling made in the Senate on the issue of injunctioning parliamentary process.

(Applause)

I don't want to speak about that because I think as a Lead counsel and of course you know as a Senior Counsel in this Republic, you know you know the ruling of the Supreme Court on that matter because we are in the midst of a process that is ongoing.

Secondly is on the issue of the Motion mover on Standing Order number 70A. Of course as you can see under number 8, the Motion mover relied heavily on Article 181 and Section 33 as well as the Standing Order number 70 and 70A; so they are two. Katwa you've chosen only to rely on 70A by opposing it, but you have not considered 70. Nevertheless, we also appreciate the fact that you were with us last time until the Senate and as you know clearly is

that what the Leader of Majority has raised is true; the Senate didn't even get a chance to prosecute the matters that have been raised in that impeachment. They took a vote because you raised a Preliminary Objection on matters numbers which actually, the case was not even opened for discussion. Nevertheless, the Standing Orders also, as you can see, uses the word 'may' and you may underline that 'may' and not 'shall.'

(Applause)

I think those are the things that we small things that we need to look at. Then on the matter of *sub judice*, now because we have addressed the issue of Court Order, then is overtaken by event now because we have not received any Court Order. So we would have even loved to address it in a different manner but as at now we cannot talk of something that has not even been received. I've not even heard about it personally and in fact I've just heard about it now when you just took to the floor Katwa. Let it be on record! So, I think I'll just direct you to proceed to your main submissions so that we can proceed and also save time before we give it to the Governor.

So, do you still want me to give to the Governor or I give it to you so that you can proceed to the main submissions?

The Speaker (Hon. (Dr.) Patrick Mutai): Okay thank you! His Excellency the Governor, probably you can step forward here.

The Governor (His Excellency (Dr.) Erick Mutai): Thank you so much Mr. Speaker, Sir...

The Speaker (Hon. (Dr.) Patrick Mutai): Your Excellency, you need to take an oath. Clerk, administer the oath!

(The oath was administered to H.E the Governor (Dr.) Eric Mutai)

The Speaker (Hon. Dr. Patrick Mutai): Thank you so much your Excellency. Now you can proceed with your submissions.

The Governor (His Excellency (Dr.) Erick Mutai): Thank you so much Mr. Speaker. Thank you so much for this great time this afternoon and with a lot of humility, unlike the previous impeachment Mr. Speaker, I was not there in person, but because this is a second impeachment happening in a row in Kericho County-the previous Governor was impeached once-this one of Kericho County has been impeached the first time and this is the second time, I thought I would like to come and listen also to debates, contribute and also provide the facts that pertains this County because the matters beforehand Mr. Speaker are grave issues that are of importance to the great people of Kericho County that they elected us to be able to serve them.

Secondly Mr. Speaker I'm very happy that my persistent accuser Mr. Rogony today did not put anybody in *buibui* and it's an improvement from the previous impeachment. Mr. Speaker, I was looking around when he was presenting videos, I thought I would see suddenly a *buibui* and we were not prepared for that Mr. Speaker, but I'm happy that today he has improved a bit from the previous one which is very good for all of us because we're not discussing real substantive issues.

(Laughter)

Number three Mr. Speaker is to really appreciate your kind gesture. Since we came to this House, you've received us very well. The debate has proceeded very well and I think this is a strength of maturity in the democracy of a nation where we can disagree to agree and at the end of the day we're able to debate on facts and even provide proper directions for the County Government that the Lord has blessed us under his direction.

Number four Mr. Speaker, I would just like to make some few observations that, as it is, and the matters before us at hand the matters that has been raised substantially here, I received the reports of this House after the impeachment has been tabled. A discussion was made in this House on the Ad-hoc Committee on Fictitious Payment. Mr. Speaker, Sir, it's just the following day after the discussion, that I was able to receive the documents at around 4 a.m. and the Notice of Impeachment Motion was tabled in this House at around 2 p.m.

Mr. Speaker, on the Committee Report on NAVCDP and the report on FLLOCA, very great reports! These were debated long after the Impeachment Notice has been given Mr. Speaker and the reports were then submitted to me way after the notice of impeachment has been done Mr. Speaker. In all human possibility I had not even had a chance to go through the reports Mr. Speaker, but when I was waiting for the reports to work on it, already an Impeachment Motion had been tabled in this great House.

I say this Mr. Speaker not because we don't want to adduce to the fact, but just to let the people of Kericho understand that when we will get to a point of saying that the Governor had not acted in the Report it is good to know that these reports came way even after the Impeachment Notice has been done and this was substantially is forming part of the grounds of the impeachment that has been made Mr. Speaker. It is only fair in natural justice to be able to provide like this Report that have come to me in good time, read the report, interpret it and then come out to the public to indicate or write to this Honourable Assembly on the steps that the Governor intends to do based on the reports. I've looked into the reports that has given me around 28 days to be able to implement Mr. Speaker, but the impeachment came even before the half day began Mr. Speaker.

Thirdly Mr. Speaker, I am committed to this great Assembly and great members here and the people of Kericho to go or having gone through the Report, to do the following: Number one, to be able to act on the same Report in totality within the distributed framework that was given by this House, that is, and still remains my commitment towards the given reports. Mr. Speaker, to demonstrate our commitment in solving these matters, funds embezzlement is not a political question; it is criminal question in nature. I have indicated times and above that corruption is what has taken Africa back and is what has destroyed nations. My commitment is demonstrated by the fact that the Ethics and Anti-corruption Commission (EACC) and Directorate of Criminal Investigations (DCI) has taken seize of the matter. As a County Government we have already submitted the documents to EACC and the DCI who have been sent to come and prosecute this matter within also the relevant structures which portrays what this great Assembly has done. Our commitment is to fully implement, corporate with the Agencies to ensure that the same is done and justice is served and given to the people of Kericho.

Mr. Speaker matters have been raised on the inconsistencies of the Governor on this matter. One such matter is my speech at Cheborgee whom it says I glorify the Committee, the Committee which I held in very high esteem and also seems to be provide the same direction. It is then in my view that if we listened to the entire of that clip, I did indicate that those who are found culpable must face the law, and it is a commitment that I have. I don't have the instruments of investigation; probably this House has, the EACC has and the DCI but the Governor does not have the instruments and he relies on the Report that has been given to me.

Mr. Speaker I also rose because my Lead counsel will use the least time we have and we promise, Speaker, we will not even take one and a half minutes because I really need the tea. It's been one week of agony and pressure and we will really take the tea Mr. Speaker and I know when Cheruiyot Bett and my good friends will take the floor here, some of the things they'll say here may force pressure to go up a bit Mr. Speaker...

(Laughter)

and I would like to... safely hide me in your office Mr. Speaker.

Secondly Mr. Speaker, questions have arose on the imbalanced distribution of works in this County. My chief accuser who is also my good friend Honourable Rogony didn't report to this House that a few weeks ago he was doing a road in his Ward Mr. Speaker. I thought he was going to tell his people that he has just done a road and so many others. I was also anticipating my chief accuser to indicate to the seconder of the Motion my good friend and my age mate Vincent Korir that at this home, Londiani, Jagoror Water Project which is going approximately 80 Million shillings funded by FLLoCA is almost 90% completion or almost

done and we are planning even for his Excellency President to come and commission because one of the best in this area.

My good friend Honourable Rogony, my chief accuser equally says that my friend Naaman, and he claims he is my relative, and I don't want to discuss the substance because we were not here to discuss relatives and cousins and brothers and sisters but he didn't also mention that Saos Water Project which is in the Ward of Honourable Kaplelartet, *Mheshimiwa Maji*, Kapsasur Water Project and bordering his own ward, is actually funded by the FLLoCA Project Mr. Speaker, and he didn't mention that he is my relative or *Mweshimiwa Maji* but he was very quick to say that Naaman is my relative and therefore a water project is being done in his ward but the same Kapsasur water project which is being done in his own ward was not very kind enough to say that this water project he is going to share is done. Those are the few things I need to raise.

Mr. Speaker, the Honourable Member and they say that Mheshimiwa Dominic of Kabianga is my friend. Mr. Speaker, my chief accuser in the same breath didn't realise that at a place called Kiplengwe somewhere in Kedowa/Kimugul, Mr. Speaker, a key FLLoCA Water Project is being done in that area at the cost of 17 Million Shillings and it is in the Ward of my good friend which we just inspected today, Mheshimiwa Sigilai, Honourable Speaker. That is not Chemosot Ward! And I'm happy that the chief accuser didn't say that the member is my friend. So because he's my enemy using his own terms, it means that the project is again being done in his Ward and it's a very good thing, Mheshimiwa Speaker, Sir. Mr. Speaker, the question that the Governor is unbalanced in distribution of works is far-fetched. Today we are building a facility at Sosiot, upgrading Sosiot Hospital to be level 4 hospital and we are doing a project worth 158 million. I'm very happy again that my chief accuser didn't mention, Mr. Speaker.

(Loud consultations)

(Hon. Paul Chirchir spoke off-record)

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Order! I want us to allow the Governor to make his submission.

(Applause)

And then at some point in time when Katwa with his team are done, I will allow the Point of Order.

The Governor (His Excellency (Dr.) Erick Mutai): Thank you! So, the Honourable Rogony, Mr. Speaker, the Motion mover and which...

(Several Hon. Members spoke off-record)

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Perhaps, you know the Governor is standing where he is for the first time.

(Laughter)

The Governor (His Excellency (Dr.) Erick Mutai): Thank you for your grace, Mr. Speaker.

The Speaker (Hon. (Dr.) Patrick Mutai): I think they want you to refer Honourable Rogony the Motion mover as 'Honourable'.

The Governor (His Excellency Dr. Erick Mutai): Thank you for your grace, Mr. Speaker. I refrain from that and apologize. And Mr. Speaker, Honourable Rogony, the motion mover didn't indicate, that in Honourable Siele's place, we are building a facility but he also indicated that he's my friend, but we are doing a facility there today. Mr. Speaker, Sir, what I'm trying to build on, in fact, the Mheshimiwa Honourable Cheruiyot Bett of Ainamoi, the other day, courtesy of FLLoCA Project, we were giving our dairy goats with him and Ainamoi is not Chemosot Ward and the Motion mover correctly did indicate that we are doing something. So the accusation of the Governor that he has not balanced the Ward, I want to believe in the history of devolution this is the time that we are speaking life to many of the wards across this County. Mr. Speaker, because I don't want to dwell with him so much, because I know that my, and you'll forgive me because I don't know the practises of this House and its lucky for me, I've not been an MCA or a Member of Parliament, I've just been in the County Executive.

I would also just like to mention a few things and this is for the clarity of the County. When we mention that the Governor has sacked CECMs and CO's, we need to have facts. The Governor has no powers to even sack a single CO in the first place. The process of sacking a CO is either through resigning or through the process in the Public Service Board. Those powers, and you have been in the County Executive yourself, Mr. Speaker, thank God, rests with the institutional bodies that are independent. In Kericho County, I would like to see a letter today being tabled that indicates the Governor signing that I have sacked this CO on this date and this date, Mr. Speaker, Sir because the rest remains just wishful thinking. As the CECMs, Mr. Speaker, the internal processes as the appointing authority, lies within the appointing authority. We were at Naivasha, there were discussions with the joint cabinet, there were demonstrations of performance across the County, and in the process, the appointing authority in its wisdom and the powers bestowed by the great people of the County, because CECMs are representatives of the Governor at that level, was able to make some directions on the same. Mr. Speaker, I want to say this: If the Governor is going to be impeached for having sacked CECs or changed COs, this great House that we are in today, Mr. Speaker, have also had three Majority Leaders in a short span of time. There was Honourable Vincent, whom I sent to Egypt to tour the pyramids.

(Laughter)

He came back, he said it was *Mteja*. Mr. Speaker, in the same breath, my good friend and my compatriot, my good friend Paul Chirchir 'Tarimbo' holding briefly for him before Gachagua decided to make the current Majority Leader, the leader of this House, Mr. Speaker! Who is supposed to be impeached in this matter, because what is good for the goose must be good for the gander?

(Laughter)

Mr. Speaker, the great House we are today, and I'm proud to be here, have had different committees at different levels, at different transitions, different Chairs of committees in the places. The Governor has never challenged anybody because the powers of the House cannot be challenged by anybody. It is vested on you, Mr. Speaker, and the Constitution vests powers on you and the Members. The latest of those casualties is my good friend, Honourable *Kimarus*, Mr. Speaker, who was a Chair for Roads the other day, but now is home. But who is going to be impeached now on all these things? So what I'm trying to say is that...

The Speaker (Hon. (Dr.) Patrick Mutai): For the purpose of record, because we are on HANSARD, I guess you must have been referring to Honourable Gilbert Ngetich.

(Laughter)

The Governor (His Excellency (Dr.) Erick Mutai): Just like I said, Mr. Speaker, you're being graceful to me because I'm in this House today. So what I'm just saying is that institutions have their strengths, institutions have their powers that cannot be challenged by anybody. In this same case, the institution of the County Governor's Office also, the people vested powers on him on matters he sees, and the Public Service Board have also been given such other responsibilities. Mr. Speaker, Sir, I saw something interesting in this Motion. One very interesting thing is the Governor is accused to have employed his brother and the wife of his staff.

Mr. Speaker, you've been in the County Executive. The Governor has no absolute role in the employment and recruitment and promotions of the staff of the County. The power is vested on the Public Service Board, which is a constitutional independent body. If the Governor is facing an impeachment because he's accused of maybe nepotism, Mr. Speaker, then I'll ask myself the same question. The wife of my good friend Hon. Paul Chirchir is a staff in our County. Who is supposed to be impeached, Mr. Speaker?

Mr. Speaker, many members here have their spouses working in the County Government of Kericho. I've even confirmed them because they are noble citizens of this country who have gone to school and they deserve employment, Mr. Speaker, Sir. These things were happening when some of the members were seated in this same House as members of this House.

Mr. Speaker, when I came as a Governor, we confirmed them and we are working with them because they deserve jobs in this County. Mr. Speaker, on the matter of whether the Governor has employed anybody, the question rests with the Public Service Board of Kericho County, which is an independent body. In the same way, Mr. Speaker, we can't challenge that so-and-so has a relative working here, just in the same way in this Assembly that is the County Assembly Service Board. And in the County Assembly Service Board, Kenyans and people of Kericho County apply for a job. In one way or the other, there can be a coincidence that they can be relative of so-and-so. That, Mr. Speaker, is something that I think the question provides for the same.

Lastly, Mr. Speaker, I wish to say this: As a Governor of this County, I regret that we are in this situation. There is a Devolution Conference, a key event happening for this nation at Homabay. It was my sincere hope, it would give us a chance to prepare. Mr. Speaker, we are having the last financial cycle of the second last Financial Year. It has always been my desire that we resolve our issues because impeachment is always the last resort when issues cannot be resolved.

However, I wish to deny any wrongdoing. My Senior counsel will come and demonstrate the hyped stories of sodas, the hyped stories of tissue papers which was choreographed and planned to whip public emotions. He will come and demonstrate that in a short while, Mr. Speaker. I don't want to do this, not for anything but for posterity. For posterity because if another impeachment will come to this House we would not want to treat a Governor based on innuendos, on malice, but we would want the same to apply that the law stands on its here and this place because as it is, I haven't seen statements, Mr. Speaker, that the Governor withdrew funds of NAVCDP. Mr. Speaker, you have been the CECM, Finance for those years in Kericho County. The Governor has no role in withdrawing funds. He doesn't have the accounting rights at all the times. And the statements that have been made by the Motion mover is that he is going to provide the financial statements in future but an impeachment is being discussed today as you wait for documents from the bank to be provided in future. Mr. Speaker, we need to be balanced in our thoughts. That's where issues are, we give fair justice where it deserves.

The matter of Londiani will equally be dealt with by the Senior Counsel and I know we'll exhaustively discuss those details. But I wish to say, finally, that the process is ongoing. I just want to also request this great Assembly that whether the impeachment becomes successful or not, because God knows the fate of everybody. We are here today; we are not there

tomorrow. We are sitting today as *Waheshimiwa* of Kericho County elected by the people who will not be there forever. People have been in this House, they have gone.

I want to quote Senior Counsel James Orengo: that when my time comes to go, I'll always go with my head high knowing that I've done great for the people of Kericho County even with a short time and I've done it with my heart and passionately with my heart and I am not guilty and I'm not afraid. I have summoned my soul for the last one week and asked myself what is happening and I know that I am not a perfect person. I'm not an angel. I make mistakes just like any other person but out of all this, Mr. Speaker, let's do some few things for Kericho County. The Public Service Board is not in place. The names are in this great Assembly. These are institutions that needs to operate and run. When you make recommendations that the COs should face the Public Service Board or recommendations that take the CO to the Public Service Board. The work of the Governor is just to write to the Public Service Board. In the absence of a functional Public Service Board, Mr. Speaker, the same will not be realized unless we'll be forcing again another illegality to happen so that it forms another ground for impeachment. And looking at the energy of the Motion mover, having moved this for the second time, I don't know if we'll survive this. Maybe we'll have energy for a third one, but it's my prayer that the Lord will lead us into green pastures.

Lastly, Mr. Speaker, as we do this, I still invite the Honourable Members of the great County Assembly of Kericho that all is not lost. We have a County that has been given by us by the people of Kericho. We have just a year or two to finish on what our people asked us to do. It's an assignment that cannot happen in the place of wrangles and disagreements.

I invite the great County Assembly of Kericho that there comes a time again when we can look into ourselves, hold our hands, look ourselves into our face, forgive one another, and move forward to a prosperous County. I'm ready to work with every member of the County Assembly. Whether this Motion will be defeated here, whether it will go to the Senate and we will come back, whether it will be defeated in the Senate or it will move and go to Courts and come back with our whole process, all these things, I still want to say I harbour no grudge to anybody, including the Motion mover.

I extend my hand that we are ready to work together, build this County together, for the grace that at any time that God has given us. With those remarks, Mr. Speaker, I would wish to end by inviting lawyer Katwa Kigen and also request you, Mr. Speaker, for that cup of tea you had proposed because the energy levels are going down on me. Thank you so much.

And lastly before, yes, Mr. Speaker, just lastly, I beseech of you, Mr. Speaker, with your grace. We are going to progress with this Motion and finally vote. So many issues have been raised, that there is an E-system, E-procurement, and it's good to say this in public, that there is an E-system. The Standing Orders provide that you can vote electronically, we can vote

through acclamation, we can vote through Roll call. Mr. Speaker, all I beseech you of your good office, if there is one thing lying between me and death, it's fairness. Just fairness!

When it comes to voting, let it be transparent. If we will feel, and request you, Mr. Speaker, that we do a roll call voting and people will stand up and say that my name is so and so, I want the Governor to go home, I will smile, Mr. Speaker. If this one says this and this, I'll equally smile and at the end of the day, if I may go, let me go with fairness because the democratic rights of every individual.

Thank you, Mr. Speaker, and looking forward for the cup of tea under your grace. Thank you so much.

The Speaker (Hon. (Dr.) Patrick Mutai): Alright, thank you so much, His Excellency, the Governor, for your submissions and responses. Katwa, before you proceed, I think I want to, of course, from the submissions by the Governor, because of the time that we have...I hope Katwa, I know you are keen. I have realized that the Governor has handled a number of the allegations that have been raised by the Motion mover. He has addressed them. Probably, of course, if you have something to add on it, that is in order. But if you feel that he has answered sufficiently, then that is also okay. So, thank you for that, Governor, and you may proceed to have your cup of tea as your counsel may continue with the submissions and then you will also join us before I open the floor for the members to contribute, if that is in order. So, proceed, Katwa!

Senior Council Katwa Kigen: Thank you very much, Mr. Speaker, sir. The governor will sit in for just a few minutes, then we can go for the much sought for tea. I would like to start by saying that we will supply, it looks like this process might take the whole day, we will supply by 2 p.m. the pages that have been referred to.

We will make sure that by 2 p.m. on Monday, they have been supplied the request for that accommodation, and we appreciate the indulgence on that.

The Speaker (Hon. Dr. Patrick Mutai): That is okay.

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Thank you very much. We take on board the point that you make that you are not aware of the Orders. As I indicated, we are also Interested Parties, we were also sued, it's not so much that we filed the suit and so whoever filed the suit will probably take up the issue. So, I would like to leave that issue there.

You invited my attention to the Powers and Privileges Act, I have looked at it, I am aware of its provisions. On the issue of whether or not we can proceed to discuss issues that were discussed previously, probably just one more, let me just retrace one minute. On the issue of

the Court Orders, we just want to be on record on the HANSARD that we are proceeding under protest in the face of the fact that we have no choice.

We cannot deny ourselves the opportunity to be heard and so notwithstanding the existence of the orders, in view of your directions, we will proceed. Now, discussing the issue of the previous impeachment grounds, Mr. Speaker, I know when you made the point, it was very popular with my good friend, Honourable Rogony, but you are wrong, Mr. Speaker, Sir. The wording of that section is that a Motion may be brought after 90 days. *'However, notwithstanding that, a Motion for removal of a Governor by impeachment may be reintroduced'*, so the latitude, the discretion is in whether or not it will be brought. It is not discretion as to whether or not you can rely on the grounds that were there previously. That one you are wrong, Mr. Speaker, Sir.

The Speaker (Hon. (Dr.) Patrick Mutai): I was referring to two, yes, on the matter, on 'may'.

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): The Motion for the removal of a Governor by impeachment may be reintroduced, and that is the only place where the word 'may' is used in that Standing Order. 'May be reintroduced in the County Assembly on other grounds other than...', so it is absolute, 'other than.' It is exclusive. It doesn't allow for any room to bring back Londiani, bring back *Kazi Mtaani*, bring back the affidavit of Kogo and other staff members. It doesn't allow for that, Mr. Speaker, Sir.

And the other important words that are used in that is that grounds that were highlighted in the previous impeachment. Now, I appreciate the point made by Honourable Rogony that this issue was not discussed on merit, and Mr. Speaker, Sir, also in giving you directions, you seem to be going back to the same point saying that the Preliminary Objection had the effect of having not allowed the issue to proceed. But as pointed out to me by my colleague, Mr. Evans, highlighting is what is done in this floor, in this House.

The fact of moving the Motion, the fact of discussing in this House is the aspect of highlighting so that the moment you have exhausted the point of highlighting, you cannot bring it back. It doesn't matter what happened in the Senate. It only matters that it has been a subject that was highlighted in moving the Motion. It is a subject that was highlighted in discussions on the floor, and it was debated on, and it was voted on in this Assembly. For those reasons, Mr. Speaker, Sir, I would like to say that with the greatest respect, the Assembly would be mistaken to allow and entertain issues relating to the previous Motion.

The Speaker (Hon. (Dr.) Patrick Mutai): I already actually made a ruling that we proceed despite that. I only allowed you to protest a bit, but you ought to proceed.

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Yes, I just wanted to have said that so that it is on record and just in case you change your mind, Mr. Speaker, Sir. Okay, I'll proceed. Okay, thank you, Mr. Speaker, Sir.

Now, Mr. Speaker, Sir, there is an issue that my client has very particularly said I should mention before he goes for this extremely important cup of tea of his. It is the issue of the voting, Mr. Speaker, Sir. My client comes from a very uncomfortable position that the information we have is that the voting system was installed last night specifically targeted to the handling of this process. Both the timing and the hurry, makes us very uncomfortable.

We also have information, Mr. Speaker, Sir, that some votes belonging to some people supporting him, that is Amos Birir, Martin, Edna, and Dominic have already been manipulated.

(Loud consultations)

Yes, order. We just want to be on record as protesting right from the word go. Sorry, sorry, Mr. Speaker.

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Order! Order Katwa! I will still refer you back to our Standing Order number 98, the 'Responsibility for Statement of Facts.' Of course, you have mentioned that already on the matter of voting, which I don't even know how you know, unless you have been guided, because we're still prosecuting the matter, debating. When that time comes, I will be giving a ruling on how voting is done.

But of course, our Standing Orders are very clear on the aspect of speculation. Let us not speculate because you see, when we say there is a vote already cast in the name of the Honourable Dominic as mentioned by Katwa, then I don't know now what will happen should that not be the case when voting will be done. Of course, and remember that this is a House of facts. I know Katwa is not a Member of Parliament or whether he has been a Member of Parliament before or a Member of County Assembly. Probably he will understand that whatever he mentions, he needs to substantiate. Even the issues of procuring the system and all those things, those are in-house issues that only perhaps the administration can be able to confirm and I don't think it's in the right place. It's not the right forum to debate on how was this, what, how the system was procured, when was the system procured. Who knows even whether there is a system? I don't know.

Those are some of the things, Katwa, that makes me not to allow us to continue discussing on the matter of voting, because we'll get there, and we are guided by our Standing Orders.

(Hon. Mathew Korir stood on a Point of Order)

What is the Point of Order Honourable Mathew? Do we have other mics, so that we don't keep on moving?

Hon. Mathew Korir (Member for Chaik Ward): Thank you, Mr. Speaker. I rise on the Point of Order under Standing Order number 98, 'Responsibility for the Statements of Fact.'

Mr. Speaker, the moment His Excellency the Governor was given an opportunity, he pleaded to you, Mr. Speaker, and the whole House, that he won't care. Is it possible also for the Honourable Katwa Kigen to give us the facts that the members have voted already, Mr. Speaker? This is a matter that members of the public needs to know, Mr. Speaker. Mr. Speaker, if you can just allow me, to cross over so that I can face Katwa Kigen..

Mr. Speaker, this is a matter that we are discussing about the resources belonging to Kericho residents, Mr. Speaker. We are discussing the issue of 85 million that was paid before anything was done to the people of this County. We want, and I request, Mr. Speaker, using Standing Order number one, you give Katwa Kigen to give us out how the voting was done, and by who, Mr. Speaker.

We are discussing here an issue that someone was paid 2.9 Million shillings, Mr. Speaker, so that to supply Soya. Mr. Speaker, Katwa Kigen, I know you might be practising in a different field where you need to be paid so that you can do the work, but in this country, in this world, where on earth that can contractor be lend money by the government so that they can do the work? So, Mr. Speaker, we want also Katwa Kigen, I know that you have gone all the way to the International Criminal Court (ICC), but this is a different setup that we want to know where 85 Million went.

(Loud Consultations)

(Hon. Cheruiyot Bett stood in his place)

The Speaker (Hon. (Dr.) Patrick Mutai): All right! Order, Honourable Members! Honourable Cheruiyot Bett, What is your Point of Order?

Hon. Cheruiyot Bett (Member for Ainamoi Ward): Mr. Speaker, thank you for giving the people of Ainamoi an opportunity to be represented. Mr. Speaker, I also rise on the same Standing Order. You know, Mr. Speaker, what we are discussing here is very serious allegations that were levelled against our Governor. Mr. Speaker, you know the counsel to pick issues from *Facebook* and Mr. Speaker, in fact, I'm even worried. Why is it that they are saying, probably that Members of the County Assembly that are supporting the impeachment because they have already done the voting, Mr. Speaker, or they are, in my view, think they are just preparing our minds, Mr. Speaker maybe because they have also voted against the impeachment. So he needs to substantiate, Mr. Speaker. And the same Standing Order, Mr.

Speaker, 98 (2) says that if the member cannot, because we treat Katwa as a member now because he, he's giving us information; he needs to have those facts. If he doesn't substantiate, Mr. Speaker, with facts, I think you need to make him withdraw and apologize. In case he doesn't, Mr. Speaker, you rule him out of order and of course what normally is done when someone refuses to apologize, throw him outside the County Assembly, Mr. Speaker.

(Hon. Gilbert Ngetich rose on a Point of Order)

The Speaker (Hon. (Dr.) Patrick Mutai): Order Honourable Cheruiyot Bett! There is a Point of Order by Honourable Gilbert Ngetich first. Remember that these points of orders are eating the one and half hours that we had.

Hon. Gilbert Ngetich (Member for Kisiara Ward): Okay, thank you, Mr. Speaker, Sir, for this opportunity. I'm also standing under Standing Order No. 98 on Statements of facts, that although we want to say, Mr. Speaker, Sir, we live in a society where social media is much vibrant and I also saw a photo which was done last night of 34 members who have voted and then we wanted also to know how this 34 was obtained, Mr. Speaker, because even if it is the social media, an honourable member seated in the House wrote it and we also felt threatened that some voting has been done, Mr. Speaker. Thank you!

(Loud consultations)

The Speaker (Hon. (Dr.) Patrick Mutai): Alright! Order, Honourable Members! I'll only give to a chance to two more Members. I'll give to the Honourable Paul Chirchir and then Honourable Eric Bett and then finally, the Leader of Majority, and then I give direction so that we proceed. I don't want us to major on matters that are not in the substantive Motion. Proceed, Hon. Chirchir!

Hon. Paul Chirchir (Member for Kapsoit Ward): Thank you very much Honourable Speaker for giving me an opportunity while I rose on a Point of Order, Mr. Speaker. This is a Special Sitting to discuss very, very weighty matters; matters to do with funds, resources for the County of Kericho. Our Standing Orders, Mr. Speaker, Sir, is very clear and express on the Responsibility for Statement of Fact. Mr. Speaker, Sir, if a member can rise, and especially a senior member like Katwa Kigen, before this House, we have a Mace that is representing the authority of this House, Mr. Speaker, Sir. How can a whole senior member make very serious allegations that maybe some voting has been done? Mr. Speaker, Sir, two things: it's either he substantiates with facts, or if he's unable to substantiate with facts, he apologizes or if he does not do that, Mr. Speaker, Sir, you rule him out of order because, Mr. Speaker, Sir, the whole country is following us.

Mr. Speaker, Sir, how can a whole member, a senior member, rise again and bring serious issues that voting has been done about some 34 members? Mr. Speaker, how do you admit

into this House information? We are a House of rules and procedures. Anything that has not been processed to be admitted in this House is foreign, Mr. Speaker, Sir.

Then I take you back again to the Statement of Facts. Mr. Speaker, the Honourable Gilbert Ngetich, if he is unable to substantiate his allegations of 34, Mr. Speaker, Sir, you better rule him out of order.

Number three, the Honourable Governor, a whole Governor, Mr. Speaker, Sir, can rise and make very serious allegations that the Honourable Rogony, the Motion mover, is doing a road. Mr. Speaker, Sir, there is HANSARD. We are a House that does representation, legislation, and oversight. We do not implement, we do not execute anything, Mr. Speaker, Sir. That is the height of displaying incompetence Mr. Speaker, Sir...

(Applause)

And the Honourable Governor should also withdraw. I also take you back on the Responsibility for Statements of fact. If the Governor is unable to prove or substantiate that the Honourable Rogony is doing a road in his place, then he should also substantiate.

Thirdly, Mr. Speaker, Sir, the Governor has made allegations, very serious allegations, that my spouse is an employee of the County. That I accept. Mr. Speaker, Sir, my spouse was employed in 2010 by the National Government under Economic Stimulus Programme and she has been working. She has risen through the ranks. She's now a senior member, and she is a senior member in terms of Cancer, Mr. Speaker, Sir; She's a Cancer Specialist. So, the Governor, again, I quote, this is a House of rules and procedures. We are guided by the Standing Orders, the Constitution, National laws. If you are unable, again, to substantiate the Honourable Governor, you better withdraw and apologize so that it goes on record that you are saying the truth. Thank you, Mr. Speaker, Sir.

We are guided and we are ready to prosecute this very serious matter on the embezzlement of 85 million, the procurement irregularities, Mr. Speaker, Sir, that this County has continued to perpetrate. Remember yesterday, Mr. Speaker, Sir, the Auditor General's Report put Kericho at number two, that this County has carried out very serious procurement irregularities of 1.9 Billion. The Auditor General is an independent institution mandated to carry out audit and give audit Reports regularly. So, they've given out an Audit Report that County Government of Kericho procurement irregularities of 1.9 billion Mr. Speaker, Sir, has been embezzled. So, we will be prosecuting this very serious matter and we are inviting the country, we're inviting this County to follow us. History will be written today! Today, history will be written. And we want to stand with the people of Kericho.

(Applause)

Finally, Mr. Speaker, Sir, the Responsibility for the Statement of Facts, Standing Order number 98 guides us. Thank you, Mr. Speaker, Sir!

The Speaker (Hon. (Dr.) Patrick Mutai): Alright, thank you! Honourable Eric Bett and then Leader of Majority! Okay, Honourable Leader of Majority and then I will give direction.

Hon. Philip Rono (Leader of Majority and Member for Kamasian Ward): Thank you very much, Mr. Speaker. Mr. Speaker, I think it's high time we guide the discussion and the debate of the House, Mr. Speaker.

One, if we will sit here, Mr. Speaker, discussing what was in the social media; whatever we've seen in the social media is so many, Mr. Speaker to a level that some of my friends here are my friends too in Facebook and maybe they are also my friends in aside being my friends and colleagues in the county assembly of Kericho, Mr. Speaker. Mr. Speaker, if we were to discuss the issue of voting, yesterday and the other day, we've seen sections of Honourable Members of this County Assembly, doing a voice voting, Mr. Speaker, in a hotel somewhere, when there is no official sitting, there is no Mace, there is no Speaker, there is no Motion.

So, Mr. Speaker, if we will go in that direction of saying, I saw this in the social media, you saw this in the social media, Mr. Speaker, social media is widely used by so many people, and therefore it is good to know that this House is guided by, one, the Constitution, number two, the Standing Orders and the County Governments Act, Mr. Speaker. That, if we can confine ourselves to those things, Mr. Speaker, let me remind each and everybody here, that if you are sick, when you attend the hospital you will not ask or you will not prescribe medicines for yourself but you will wait for the doctor...

(Laughter)

...to see you, Mr. Speaker, then prescribe the medicine that you are supposed to take, Mr. Speaker.

Number two, Mr. Speaker, when you are in the field, Mr. Speaker, I'm a football player, number nine. Mr. Speaker, when you are in the field, we have everybody, we have members or players of both teams, Mr. Speaker, and in this case, even looking and hearing the presentations here, Mr. Speaker, you will know that, for a fact, there are teams. Now, when we have a team A and team B, Mr. Speaker, the only person who will give guidance in the playing field is the referee in which, in this case, Mr. Speaker, is one honourable Dr. Patrick Mutai, the Speaker of the County Assembly of Kericho. When it reaches that time, I don't know why we are pre-empting the issues of voting; maybe it will not even reach to that point.

The last one, Mr. Speaker, on electronic voting, I don't know why, when the County Assembly and you see the President, who is also the Party Leader of the United Democratic Party has pronounced himself on people or Kenyans moving from the analogue going digital, I don't know what the problem is. When the County Assembly of Kericho decides to go digital, Mr. Speaker, I don't know why, but I believe the systems, whether they are there or not, Mr. Speaker, are subject to audit, Mr. Speaker. If they find that maybe these things are not going to favour anybody, Mr. Speaker, let us wait, we will challenge at the right time, Mr. Speaker. The issues of voting, I know, after being, maybe this was for a very long time now, Mr. Speaker, it will reach that time, and that time, I believe, the Speaker, according to the traditions of the House, will guide the House at that time. Thank you very much, Mr. Speaker.

The Speaker (Hon. (Dr.) Patrick Mutai): Okay, thank you, the Leader of Majority. I want us to have a way forward so that we don't waste time on non-issues, really, because we are in the midst of a debate. The only thing that I request both parties, the representatives of each section as the Governor, as well as the Honourable Members, is that I think that Standing Order of Responsibility of Facts is very important and so let us just avoid making statements that will require you to substantiate. That means you will be eating on the time that we have allotted to the Governor. So, let me direct this way. Another thing is that there is no way we can anticipate the end process of this debate.

However, I heard the Governor make his submissions very clear that he wanted a fair process. So of course, as you all know, this House only operates using Standing Orders and anything that is outside the Standing Orders will be unfair. You need to note that.

And then secondly, of course, when it comes to that matter which you are raising, it shall be addressed at that point in time. I want us to avoid the dangerous path that we are taking and I kindly request the Katwa, the Lead Counsel, because you know, you mentioned a name that you have information that the Honourable Dominic has been voted 'Yes', I don't know, you said that already a vote has been done. Of course, that is, unless you will prove it, that is, you are out of order, but I'd be very kind not to initiate those procedures that the Honourable Members are suggesting. Perhaps he was just raising his concern and therefore, we'll give it to Katwa to continue but first he has to substantiate or withdraw on the voting because already we are not yet there. I want to believe that there are issues that you can raise after. So, let us avoid these issues Honourable Members, these Points of Orders that really are not necessary at the moment so that we can really prosecute the matter that is here, that have been raised by the Motion mover.

Let's follow the cue of the Governor because H.E the Governor really responded to his issues point by point and that will save us time. Yes, Lead Counsel.

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Mr. Speaker, Sir, will you give me a chance to say something when we get to the issues...

The Speaker (Hon. (Dr.) Patrick Mutai): You substantiate the allegations that you made and then of course if you cannot substantiate, you will have to withdraw and then we close that matter on voting. We cannot discuss matters of voting and we are not yet there.

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Mr. Speaker, Sir, I want to withdraw and apologise what I said.

(Applause)

I seem to be very popular at that point. I know the most vicious people who are against me are my good friends Tarimbo and Mathew...

(Laughter)

Having apologised and withdrawn Mr. Speaker, Sir, I know one of the Members has said that history will be made here, I think it is Hon. Tarimbo...

(Loud consultations)

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Honourable Members, Probably, Katwa may not know all your names but I will be guiding him. Tarimbo is not an official name, the member is known as Hon. Paul Chirchir.

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Yes, so he said history will be made in this sitting today. I think that history is in the sense of impeachment and we want to say that history can only be made if the 18 votes of people who have said that they are not supporting the impeachment are manipulated.

(Loud consultations)

(Hon. Paul Chirchir stood in his place)

The Speaker (Hon. (Dr.) Patrick Mutai): Order Hon. Members! Order! What is it Hon. Paul Chirchir?

Hon. Paul Chirchir (Member for Kapsoit Ward): Mr. Speaker, like before the session began, you pronounced yourself that this sitting is official. Mr. Speaker, Sir, the responsibility for statement of fact is very important. When I said history will be made today, where did I say history will be made by the Governor being impeached? Impeachment is a

process. That process, we are not even at the tail end. So why would you imagine that I'm thinking that that is the position? How does he know that this is how I'll vote? I am waiting for that time to vote after prosecuting this matter.

So, number two, Mr. Speaker, Sir, when he talks about 18, who are these 18? Who are these 16? Who are these 13? Who are they? Any information that is not yet official in this House, Mr. Speaker, Sir, is misleading. When you tell us 18 and no vote has been taken, the Senior Counsel should be guided accordingly. Mr. Speaker, Sir, Responsibility for Statements of Fact: *'A Member shall be responsible for the accuracy of any facts which the member alleges to be true and may be required to substantiate any such facts'*. So let the Senior Counsel substantiate using the right procedure. There are ways of admitting information into this Honourable House. Thank you, Mr. Speaker.

(Loud consultations)

The Speaker (Hon. (Dr.) Patrick Mutai): Order, Honourable Members! Order! If we continue that way, we will lose the direction. Already Katwa had withdrawn the comment on the matter of voting for some Honourable Members and we have agreed that we are not yet there and we cannot anticipate the process. So now, going forward, so that we move forward, there should be no discussion on the matter of voting until when the Chair will give direction at that tail end, so that we proceed there so that we finish. Let's continue!

So Katwa, you can now continue making your submissions. There's the submission by the Governor. I hope it is not on the matter of voting anymore. Yes, let's give time to the Governor. It is his time!

The Governor (His Excellency (Dr.) Erick Mutai): It's not on the matter of voting, because, Mr. Speaker, I recognize I'd already made my submission that I would like to submit to you and your Chair it's a fair process, and I did make that. I actually know the weight of this matter, Mr. Speaker, and that is why we need to ventilate very objectively on the same, Mr. Speaker.

And equally where Hon. Paul Chirchir asked me to withdraw and apologize, I do withdraw and apologize. And at the same time, there are some questions of semantics, Mr. Speaker. When we are saying we're doing a road, you know, the linguistic, the English language is arbitrary in scope and space. So when you say we are doing, there is the act of doing, there is the implications and the implied meaning, Mr. Speaker, according to Noam Chomsky, 1856, Mr. Speaker, Sir. But nonetheless Mr. Speaker there is something...

(Loud consultations)

The Speaker (Hon. (Dr.) Patrick Mutai): Order, order! Let us give him time!

The Governor (His Excellency (Dr.) Erick Mutai): Mr. Speaker, because I know we have limited time, there is an accusation, Mr. Speaker, that had been made, and I thought I forgot to respond, and it's a very important allegation that touches directly on the Office of the Governor.

In the submissions of the Honourable Motion Mover, an indication was made that I rubbished or something to do with the whistle-blower. And I thought because it directly touches on my office, Mr. Speaker, it's important to mention before we go for the cup of tea and you know you are my age, it's good if we take a cup of tea together. Mr. Speaker, the Office of the Governor, as constituted, has the Governor and the Deputy Governor co-joined by the hips. The Deputy Governor cannot be a whistle-blower because he earns a salary to assist the Governor in performing its functions.

Part of the functions is not whistleblowing because the Deputy Governor, and it's important for the people of Kericho to know this, the Deputy Governor has the responsibility of chairing cabinet sub-committees. These are very critical committees because you have been a CECM, Mr. Speaker, which involves processing of materials and guiding the County on even matters discipline. And when I say this, Mr. Speaker, I have noted two concerns that in the Londiani Report, the whistle blower was the Deputy Governor.

In these other reports, on Fictitious Payments, the whistle blower is the Deputy Governor. It is good for this House to make a determination in a fair way that the Governor and the Deputy Governor are elected on the same pair of tickets. Salaries are drawn by the Deputy Governor. My view, Mr. Speaker, as we appreciate even whistleblowing, is that there must be a boundary between malice, political aspirations, and discharge of duties given by the Constitution. The whistle blower in this matter is an interested party because one, he is elected to serve the people of Kericho. In this service, it's about providing governance directions and administrative work to the CECs, the COs, and the staff of Kericho County Government.

So when we say that the Governor found it irresponsible for his Principal Assistant to have uttered such remarks, it is a constitutional matter that must be looked beyond this Assembly because, if today there's a President here, we have the Deputy President. If the Deputy President will come and say, I'm calling for a press conference to make the nation aware that money has been stolen in State House. Mr. Speaker, he's paid money to support the President, advise the President, and guide the President. It's also the same principle within the devolved structures and that is why even as we mention all these debates and concerns, I would wish to mention that as we celebrate the whistle blower, this Assembly must at some point, whether the Governor will be there or not, and I trust God he will guide us on this, be able also to ask the whistle blower, where he was when the money was getting lost. In fact, he could have

been here with me because we are co-joined by the hip, so we don't have to be here to say this.

But however, Mr. Speaker, I'll give you a scenario. You equally have Deputy Speaker in this House. The formation of the County Assembly is that of the Speaker and the Deputy Speaker. It is going to be gross abortion of justice if your Deputy Speaker will call a press conference today outside these precincts and say that the Service Board of the Assembly has stolen this money, or this committee is not working. His business is to come guide you and alert you and sit together as top administrators of the County Assembly. So, it is this, out of this concern that I rose to also make this submission that while we celebrate that there was a whistle blower of this one, then we must also be cognisant of the fact that at the same time, the same whistle blower is co-joined with the Governor to do service for the people of Kericho. Once again, Mr. Speaker, thank you for your grace, and I know that God will give us justice and help us to move forward as one people of Kericho County.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you so much, Governor. I think you have made your point very clear on the matter of whistle blower.

Now, Lead Counsel Katwa Kigen, you proceed in the manner that I had directed so that we save one time. Remember we started at 14.00. I can see it's 15.20.

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Mr. Speaker, Sir, let me address the allegations. Hon. Paul Chirchir has asked me to substantiate the 18, to substantiate the point of history. I can either do it now or at the end of my presentation on the issues. May I start on the issues, Mr. Speaker, Sir, the less contentious ones?

The first allegation that was made against His Excellency the Governor was the issue of the maintenance of the 15 houses at the cost of 2.9 Million. I want to say that our overarching contention, our position generally, on the whole of these allegations are three.

The first one, Mr. Speaker, Sir, is that it cannot be right, as Honourable Rogony said, that the moment an accident occurs somewhere or a death occurs in an hospital or somebody steals one shilling, you rush to the Governor to take responsibility for it. It is our view that it is only when the issue is brought to the attention of the Governor and he fails to act that his responsibility is triggered. It is not in place or in lieu of the responsibility of the individuals. And that is why this Assembly is given powers to call in the CECs and to recommend their removal and your recommendations can result in their actually having to retire from office.

And that is why also there is criminal responsibility for anybody who is culpable for any wrongdoing. There is civil liability for any wrongdoing. There are proceedings also for asset recovery. All those points to the point that the first point of stop is to identify the person who is liable for the wrongdoing and to take him to task on the allegation. It is not correct to say,

as Honourable Rogony said, that you start by knocking out the Governor and then you de-escalate the issue to the person responsible.

Now, the other issue we want to say is that the entirety of the allegations, all the allegations that have been brought here, about 12 of them, in none of them is it said that the Governor either was participating in the tender evaluation or tender award or that he signed the cheques for the payments to any of those contractors or any of those individuals or that he procured any of the services or any of the goods or any of the works. Or that he went to the bank to withdraw money. None of the allegations point to him in person. And so, we just want to put emphasis on the fact that much as this Motion has been coached in a way to suggest that the Governor is personally liable, the truth of it is that the totality of the documents do not point to him in person.

And with that being said, I just want to run through the allegations that have been made and so our defense is mainly based on the material that were given to us by the staff, or rather the material that were given to the Governor by the staff, attendant to the issues raised in the Motion and in the Reports.

The Governor, as he said, could have really cherished an opportunity to be able to act on those reports, Mr. Speaker, Sir. And given an opportunity, he commits to act. And whether that act will entail suspension of anybody, dismissal of anybody, referring somebody to the Public Service Board for disciplinary measures, reporting anybody to the DCI or the EACC, the Honourable Governor is committed to taking action in case any impropriety is found. And for purposes of that, he is committed to studying the Report from this Assembly and doing his own investigation, attendant to which he will take action. He wants the Assembly to be aware that he's committed to doing that. Now, on the issue of the maintenance of 15 houses, at the cost of 2.9 Million shillings, the response of the Governor, as per the records given to him by the staff, is that indeed some work has been done, it's not yet completed, and some works are ongoing. The accuracy of this is an issue that with time he should be able to determine and address.

He also wishes to emphasize that in respect to that issue of the housing, he supplied the document showing what had been supplied, both what had been done on the ground and the materials that had been delivered to the location and the ongoing works. And documents were supplied.

I would like to move on to the next allegation being the late goods that were not delivered, and that is Soya Beans, Maize Germ, Sunflower, Cotton Seed, at the cost of 14 Million and the documents we have and which we are told the Assembly was supplied with is because the whole case rests on the dichotomy of whether payment was made before delivery or delivery was made ahead of payment. And the position of the County staff, that is, the County

Executive is that indeed delivery preceded payment. Payment was made after the delivery of these items, that is, the soya, the maize, the sunflower, the cotton, and so on and so forth.

Now, it is said when the Motion was being moved that a certain tonnage, I remember something like 10,000 tons were found on the ground instead of 30,000 tons. The explanation we have is that these are consumable. It's not like they rest their throughout. They come and the farmers pick them, the cooperatives pick them, and so the mere fact that you do not find them on the ground is not necessarily proof or an indicator that the deliveries were not done.

I would like then to move on to the next issue of overpricing. And we've seen so much on social media about tissue papers that costing Ksh. 2,700 and hand towels that cost Ksh.3,600. The materials that we have that was supplied by the staff and which we are told the Assembly was given were that indeed the tissues, the price of Kshs.2,750 was for 40 bales. 40 bales containing 40 pieces of tissue paper each. So the Kshs.2, 700 is 40 bales times' 40 pieces. So the Kshs.2, 700 is not the cost of one unit. It is the cost, it is 40 multiplied by 40 divided by Kshs.2, 700. On the issue of hand towels, the information and the documents we have in terms of the procurement of those items is that it was Kshs.3, 600 limited to five dozens of the hand towels. So it's not true to say Kshs.3, 600 was for one unit of hand towels, it is related to five dozens. And the documentations on all these issues were supplied and we've supplied the same to this Assembly and as Mr. Speaker, you already observed at the outset, you indicated that indeed we supplied our statement. There are two statements, both dated 13th of August, and then the explanation is at volume two, page 1 to 26 and all the supporting documents, including the documentation relating to these tissue papers, hand towels are at page 28 to 326.

On the issue of works, goods and services that were allegedly not properly procured, our response is that they were properly procured and the documents showing the floating of the tenders, the evaluation of the bids, the award of the tenders, and the payments were supplied. All the documents are in the bundle we have supplied, page 28 to 325 of our documents.

Now, it is also alleged around the same issue that some contracts were split so that they would escape the criteria of a substantive bidding. The committee was given the procurement plans for each of these items. And if you compare the procurement against the procurement plan, it will be noted that none of the procurements was split. Each of them was done as a block as had been anticipated and planned for in the procurement plan.

On the issue of retention, we also want to observe that on that issue of alleged split tenders and incorporating the procurement process, we did our utmost best because we didn't have details of those allegations. There were general allegations. There was no specific case where we were appointed to a specific bid or a specific tender.

On the issue of retention, it is said that some payments were made after five years of works. And we want to say that the law on retention runs for six years. The contracts provide for retention for up to six years. So any claim made within the period of six years is a valid claim on the retention amount. And it is only paid upon satisfaction that any defects that arose have been done.

Other than making the general accusation that payments were made five years down the line relating to retention, which we are saying was right, other than making that general statement, it is not specified anywhere in the allegations that indeed there is a specific case where there was a defect and payment was made for retention before the defect had been rectified. And it is the position of the County Executive that indeed there is no case where there was a defect that had not been rectified by the time of payment. However, as we said, we will be conducting investigations on this.

The Governor will conduct investigations, establishing indeed if there are any cases where there was any impropriety in the payment of retention. And at this point, Mr. Speaker, Sir, with the greatest respect, you will realize that these are the payments you made five years ago. And so we might call you to come and assist us to clarify some of those, if it is actually a substantive issue.

On the documentation, it is alleged that there are lacking documents and some lack, IFMIS in invoices and stamping. We very categorically say that there is nowhere where documents are missing. I know Honourable Rogony said that one of the challenges they had in the course of the committee hearings is that there were instances when the staff was asked to supply documents and they either took too long or they brought the documents in piecemeal.

Our position from the position of the County Executive, the Office of the Governor, is that all the documents are there. They have been supplied in the documents we have supplied in this Assembly. But we would like to make additional explanation on the issue of IFMIS to this effect. All payments that were made were made using the IFMIS system and so the contention made in one of the allegations that indeed some taxes were avoided cannot be true because the IFMIS system itself not only secures the guarantee that the payments are made, but it is also interconnected with KRA and so nobody who has been paid can escape having to pay taxes. And so that allegation that indeed there were instances when parties or contractors escaped having to pay taxes or that they were paid outside IFMIS, we deny completely as we deny the allegation that there are any documentations lacking. And we put anybody saying that the documents are lacking or that there's taxes that were not paid or that payment was made outside IFMIS to strictly prove in that allegation is not specified. There is no specified allegation saying contractor X was paid outside IFMIS or that he escaped paying taxes or that there was an impropriety in terms of that process. And so I would like to raise that contention there.

Around the same issue, Mheshimiwa Rogony in the course of presentation says that there are cases where other people's signatures were used. There is no specific point at which he said person X signature was used by person Y. And if he was applied to that, we would be able to answer to that. I can see Mr. Rogony seems to have an answer to that, probably he will take it when debating.

On the issue of the employment of a brother and a wife of a staff member, His Excellency the Governor had explained, but we would like also to say as part of our defence that the wife of the staff member and the brother of the Governor, if it were to turn out that they were employed, were employed by Public Service Commission-I know that has already been said-but we want to say very emphatically also that, that contention can only be legitimate if it were being said that those people were not qualified to hold those offices. If they are qualified, they are no less entitled to have sought to be employed and there's no wrongdoing in engaging them. And so we would like to have said that on that issue.

On the issue of market survey, it is our contention that everything has been bought within the general market price. And I've already explained the issue of the tissue papers, the issue of the hand towels, and the issue of the sodas. With that explanation in place, it will, I know Honourable Rogony used it as an illustration to show how the blindness to market survey led to acquiring items way out of price. And we are saying that indeed, if you take into account the proper facts, you would realize that they were not way too far of the market price.

We are unaware of the allegations of the Governor having been given irregular advances or having walked into banks to collect money. And the details of that allegation has not been substantiated. Now, I'd like to discuss the two items raised. That is the issue of NAVCDP and FLLoCA together.

Now, the two projects, of course, as we all know, are World Bank projects. My instructions are that FLLoCA, is funded by two donors, that is German Government and World Bank. These projects do not allow for the alleged misappropriation. And the allegation that there were any misappropriations in these projects are completely false from where we sit. We also come from the position that it is very unfortunate to flag out a project, as good projects as this, as part of the impeachment. And it can only be intended to drive out the donors who are supporting these projects when there is no justification.

All these projects are managed by donors. And they are governed by donor controlled regulations. They provide the regulations and they also provide very rigorous audits.

Part of the audits is to the effect that when a program target has been achieved, it is audited before the next phase is engaged. The consequence, therefore, is that if the previous level has not been properly accounted for or has not been properly done, the next phase cannot be

done. And so those checks and balances by the donors are fool-proof against any manipulation and abuse.

We want to emphasize also that other than the complaints raised for purposes of this impeachment, none of the donors has raised any complaint on these projects and equally very important is to say the auditors who audit these donor projects are not the County staff, it is donor auditors. And so if there was any impropriety, those auditors would have picked that up.

And I want to additionally say all those projects are activity-based. They have project fund utilization guidelines. They have annual work plans. And they have budgets assigned to each phase. And so it's not possible, it's not true that there was any money taken away or lost. It is not possible to have taken away any money from those projects without the donors themselves raising complaints. And so our position is that that is a complete red herring. And it is very unfortunate that it is being brought for the purposes of impeachment when it has the collateral effect of driving away these donors from supporting and assisting the residents of Kericho.

On the issue of SACCOs, we want to say it is alleged that 19 out of 30 SACCOs were found to have become eligible for various supports as at the time the committee went on the ground. And that it is also said in the allegations that seven of them are the only ones who have received support. It is also alleged that some of them cannot account for receipt of items supplied to them or that some of the supplies were substandard. I would like to answer all those questions on behalf of the Governor to this effect.

The first one is to say, yes, it is true that 19 out of 30 had qualified. And the reason and explanation is that each of those SACCOs needed to meet some criteria set by both the donor, the National Government, and the County Government for them to qualify to be incorporated in that project. And so it is only those ones who had qualified that were incorporated.

And so the reason why it is 19 rather than 30 is not because anybody was discriminated. It is because of the rigorous criteria processes that are required for them to qualify. Mr. Speaker, in the presentation we've brought here, we've shown that as a result of the efforts of the County Executive, the donors, and this National Government, the remainder 11 SACCOs have now qualified, as we speak.

The Speaker (Hon. (Dr.) Patrick Mutai): I'm sorry. I'll give you an extra 10 minutes because we started at two. It's 3.40 now, I was kind enough because there was some Points of Order here and there.

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): How many minutes did you say it is Mr. Speaker?

The Speaker (Hon. (Dr.) Patrick Mutai): 10 minutes.

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Should I go for 15?

The Speaker (Hon. (Dr.) Patrick Mutai): Alright I'll give you 15.

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Thank you very much, Mr. Speaker, Sir, for that grace. And so our explanation is that the 19 were the ones who had qualified and as we speak today all the wards are represented. The other 11 have, as a result of efforts and enterprise of the County Executive, National Government and the donors have qualified and are in the process of being on-boarded. Now, the issues of procurement, these are donor-funded projects. The standard set by the donors is such that they can only procure some of those, including those laptops being said that they have been refurbished and so on. That is completely false. The standards are set by the donors, including the furniture and so, there is no case where it is possible.

And we wish somebody could come with any of those refurbished laptops or any of those broken seats. And of course, if the seats have been used for a while, they will break. But the point I just want to emphasize is that the standards set by the donors is such that it is not possible to have a case where the standard of the items delivered is less.

As a rider to that also, my instructions are that it is upon the SACCO itself to requisition for what they want. If they want a table, if they want a chair, if they want a walking stick, it is them to say, we are requesting that you supply us with this. If they want an office, it is them to requisition for that and so, it is only supplied to the extent to which they have requested. So, it's not like you wake up one morning and you say you want to distribute tents like it was done this morning in this hall, or that you wake up one morning and you say you want to distribute shorts. It is per the need. It is based on the need of the SACCO, the requisition for it, it is supplied and they acknowledge it. And the position we have is that each of them has records of the receipts of what was supplied to them. Mr. Speaker, in view of the time you've given me, I would like to rest the arguments on those two projects, that's FLLoCA and NAVCDP at that point.

The issue of the projects which are said to be skewed in favour of the areas where His Excellency the Governor comes from, and probably where my good friend Honourable Anita comes from, it would seem like even before Honourable Rogony could let the bird fly, people have already shown that it is not true. It is not true that they are skewed; it is true that they have been spread out. But more to the point and more seriously is that my instructions is that this is a three-year project, 2024/2025 Financial Year, 2025/2026 Financial Year and 2026/2027 Financial Year and by close of the year 2027, everyone will have enjoyed the benefits of these projects. And so the contention that Chemosot is being preferred is not true.

It is also not true that 21 million was spent. The truth is that it is only 16 million that has been spent. The work plans for these projects are such that if it is closely looked at, some of the projects will attract more expenditure than this Chemosot that is being picked on.

There is also reference to some other projects, Torochtany, I think, and Chemamul and my instructions is that the County Executive wishes that there was audience for the people from those areas. They would come and say they are very happy, the project was completed, it was handed over to them, and they are very happy with its performance. And so to say that there is any deficiency in those projects is inaccurate. And there is no skewedness, there is no discrimination.

I know His Excellency was asked to withdraw the contention about the road. The argument on the road was not meant to say that *Mheshimiwa* Rogony was doing the road. The point that was being made is that there is no skewedness. Projects are being run throughout the County. There is no selection or saying it is being taken to where His Excellency's former friend Matthew comes from, and another one is being denied.

On the issue of strategic Intervention projects, Mr. Speaker, I just have three issues to cover. It is said, and I know Honourable Rogony very specifically mentioned this, that indeed no works have been done. On this one, we are ready for any consequence. The instructions we have are that the position we gave the committee is the exact position on the ground, being that the kitchen staff is at the walling level and the MCH is at the slab level.

(Hon. Mathew spoke off record)

The Speaker (Hon. (Dr.) Patrick Mutai): Sorry? No, let's allow Katwa to...

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Yes, but I'm glad that what Matthew is saying. I think it's very true what I'm saying, Mr. Speaker.

We would like to make the general denial that it is not true that there are weak controls at the County Executive, that there are inadequate policies in place, that the accounting systems are wanting, that there is either fraud or intended fraud on the part of the Governor and his office, or that he has made any withdrawals, or that he has committed any coercions or irregular awards, or that he has interfered with any tender awards, or that he is making skewed tenders, or that the projects that are being run under his watch are improperly implemented, or that there is unfair distribution. We deny all those allegations and we know that those allegations are not supported.

Mr. Speaker, Sir, my instructions are to just say that in terms of the Governor's commitment to take action on these projects, on the Report of the Assembly and the results of any investigations he is going to conduct, is that upon it being found that people who are liable to

answer to the Public Service Board being found to be culpable, it would require that they be sent to the Public Service Board. And therefore, my instructions are also to request that the Assembly kindly consider approving the pending issues of the Public Service Board.

In terms of taking action, because I know there were multiple references to action that had been taken on Londiani and *Kazi Mtaani* and so on and so forth, we would like to indicate that between now and the time that the Assembly made their report, EACC were given documents relating to some of these projects. So, it's not correct to say nothing has been done. It is a fact.

I hope, Mr. Speaker, Sir, you're not asking me to substantiate. Anyway, I can substantiate, but that's a fact. It is a fact that indeed EACC have already been to the County and has already handed over some of the documents for EACC to look at. And so, if you have more information, you're welcome to help the Governor to address these issues. And His Excellency requires about 28 days to complete that. Mr. Speaker, Sir, I would think that is all I wanted to say in response to all those issues, and I would like to rest my submissions there.

I thank you very much for the audience you've given me. Mr. Speaker, Sir, you had asked me to substantiate what I said about the history, and that history cannot happen because there are 18 members. If the 18 members can just stand so that we...

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Order! Honourable Katwa. You cannot give direction. In fact, even to the Honourable Members themselves, you know you are out of order! I cannot even expect you to take directives from Katwa. You are out of order, Katwa!

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Mr. Speaker, Sir, I want to thank you for the courtesy you've shown us, the time you have extended for me. I really appreciate it. I thank all the honourable members. Multiple arguments were made about me being part of this Assembly. I accept your adoption of me as member of this Assembly. That's all I want to say. Thank you so much for the courtesy, for the audience. Mr. Speaker, Sir, thank you very much.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you so much, Katwa. Honourable Members, I think we gave the Governor's team, like two hours, I think one hour and 50 minutes. But we all agree that there were a lot of Points of Order. So, the floor now is open for debate and contribution. And thereafter, of course, I will also guide on the other process. Honourable Members, the floor is open for debate and contribution.

The Leader of the Majority! And as we contribute, let us try to confine ourselves to the substantive Motion before us.

Hon. Philip Rono (Leader of Majority and Member for Kamasian Ward): Thank you very much, Mr. Speaker, for the opportunity. Let me also take this opportunity to thank the representatives of His Excellency, the Governor, and the Governor himself. Maybe, Mr. Speaker, before I table my submissions to support the Motion, Mr. Speaker, you will allow me to inform the House of the current incidents that have occurred. Mr. Speaker, I think you've been seeing me going out and coming in, Mr. Speaker. It's because of some very serious emergencies and this will concern the safety of the Honourable Members. Maybe before you decide, before we finish discussing this Motion, it is good to take note that our gate B, Mr. Speaker, I was called upon by the Serjeant-At-Arms together with the security teams that, and I read the statement, Mr. Speaker:

That at around 10.50 a.m. this morning, an unfortunate incident occurred within the precincts of the County Assembly of Kericho. A vehicle registration number KAH075Y, a County Government vehicle, boarded and accompanied by close to 50 goons, Mr. Speaker, driven by known driver, because it's a Government vehicle, Mr. Speaker, rammed into gate B of the Assembly. The vehicle is mounted with public access system, which is only used by the Governor's press team. Assembly officers manning the gate and others working in the kitchen were almost injured, Mr. Speaker, as they scampered for safety.

Over 10 police officers who witnessed first-hand the incident and I wish to thank the National Police Service officers who acted promptly towards the attempt, which aimed at forcing their entry in the Assembly and causing injury to the Honourable Members of the County Assembly as well as the staff. We further wish to thank, especially the DCI Department, Mr. Speaker. They have towed to the police station and the goons have been dispersed and so far, five have been apprehended, and they are in custody, Mr. Speaker.

So it is good for the information of your own safety that this is a weighty matter, that you need to be very careful, even as you move out, because if you see these people trying to come, rammed the gate, Mr. Speaker, and we have the kitchen close to that gate, so it is always good maybe for the Honourable Members and the staff of the County Assembly that even immediately we finish on this, it is a security matter, Mr. Speaker.

Mr. Speaker, allow me now, Mr. Speaker, maybe the concerned committees, since it is a County Government vehicle, Mr. Speaker, we know the issues of work tickets, it is signed always by the Chief Officers, Mr. Speaker, we have the transport officers, and the activities of that vehicle, Mr. Speaker, when it comes to the issue, we need maybe immediately after this, we take the action to that effect because it is something that touches on the lives of the people. Now, Mr. Speaker, in supporting the Motion, the Motion mover has elaborated on so many things.

The key reason why we are here today should not be diverted, Mr. Speaker, and I want to oppose what His Excellency the Governor said about the whistle blower, Mr. Speaker. We

have the right to information, Mr. Speaker, to address and the likes, if the whistle blower is against the corruption, you will not say he should be seated waiting for other agencies to come when he or she has seen that there is a very serious corruption in our County. I'm in the Budget Committee, and many times, Mr. Speaker, we try to get even a small figure, a small amount, Mr. Speaker, to take to our people. The total embezzlement, Mr. Speaker, is close to 85 million which is not a small thing. Mr. Speaker, I'm the Leader of the Majority of this County Assembly, and in this case, Mr. Speaker, our party leader, who is His Excellency the President, while in Homabay pronounced himself on issues of corruption. He talked of coercion and corrupting various committees of different Houses of debate to condone corruption, and indeed, Mr. Speaker, he distanced himself from these issues of corruption

I know each and every individual Member of this County Assembly that when it comes to a matter of corruption, we were elected or selected to this County Assembly to represent the interests of our people and make sure that we do legislation that will take monies to the people. Mr. Speaker, as said by Honourable Matthew, I think it's only the legal department, that at times, you have to do the deposit before you are represented by legal counsels. But when it comes to Government procurements, Mr. Speaker, the only person that is allowed, Mr. Speaker, the Government, Mr. Speaker, in this case, should not pay you before you render services.

Mr. Speaker, the CEC, in charge of Agriculture has been moving around cheating the public, that the issue of Torochtany in Kapsaos Ward that they could not supply the fully as per the Bill of Quantities to Torochtany Cooperative Society, basically because they don't have a store, basically and because some of these raw materials will expire. I was wondering, Mr. Speaker, whether the members of Torochtany Cooperative Society, Mr. Speaker, are feeding one animal or two. I think a cooperative society is such a huge society, and that's why before procuring those things, Mr. Speaker, they must have seen the need and the request from that cooperative society before they supplied those feeds, Mr. Speaker.

Mr. Speaker, this is a case that payments was made around February but the supplies was done immediately the whistle blower blew the whistle and the committee in this House, Mr. Speaker, was formed by yours truly the honourable Majority Leader, Mr. Speaker. Before the members proceeded is when they decided to supply.

Mr. Speaker, even as we try to defend the issues of corruption, it needs extraneous allowance, for honourable members to defend such things. I want to cite honourable Paul Bii, and we were sitting here, he asked me to send the members very fast to Torochtany because things were not going well there including the FLLoCA project that was constructed amounting to 9 Million shillings, Mr. Speaker, yet the cooler there is fake, Mr. Speaker.

Mr. Speaker, the Committee Report that was tabled in this House, Mr. Speaker, was adopted unanimously and I will also refer you to the other committee reports approved in this House.

All the honourable members of this House approved the Report and recognized that actually we had lost money through these dubious methods, Mr. Speaker.

Now, Mr. Speaker, I will wait to see an honourable member who during the debate supported the Report and now since the report formed part of this impeachment, I am waiting, Mr. Speaker. Coercion is there, Mr. Speaker and that's the reason I have been seeing Katwa Kigen here insisting that he wants to see these honourable members, Mr. Speaker. We know corruption can even find its way to this House and so we will be keen to see the Members of this County Assembly, Mr. Speaker, voting to support the corruption, Mr. Speaker.

Katwa Kigen asked for the right, Mr. Speaker, that is his provision but for an honourable member who represents that *mama mboga* who sells on the highway, Mr. Speaker, we collect tax, then we take services back to them. When we see people stealing and we support these honourable members, I am waiting for that time to see these honourable members. That's why yesterday, Mr. Speaker, I said, indeed, and I was quoting that during the election of the Speakers of the County Assembly, which you are among them, Mr. Speaker, I remember there is one notable aspirant for the Speaker's position at that time got close to thirty-one members of this County Assembly to Kisumu but coming to real voting in the House he garnered only 12 votes.. So, I will not be surprised the reason why these people are insisting on different methods of voting, Mr. Speaker, is it because of coercion and corruption has found roots to this House, Mr. Speaker? Therefore, Mr. Speaker, you will allow me, Mr. Speaker...

(Several members consulted loudly)

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Order! Order! I will give you a chance to speak. Leader of the Majority, prosecute your point.

(Loud consultations)

Order honourable members; let's learn to tolerate each other.

Hon. Philip Rono (Member for Kamasian Ward): Mr. Speaker, on the refurbishment of County Council houses which are now the County Government houses, you know the issues of asbestos, and the lawyer, Katwa Kigen, knows their effects. According to research, it has been found that asbestos cause cancer. Mr. Speaker, that's the reason why they are immediately removed we bury them almost eight feet down the ground.

For that reason Mr. Speaker, the Department of Lands saw it good that we refurbished those houses, Mr. Speaker. But to our surprise, Mr. Speaker, people were paid the fireworks were done in Kipkelion town, a sub-County where I come from. Mr. Speaker, when we talk of public participation, we've been doing several public participations, Mr. Speaker. I'm not a

member of Lands Committee, Mr. Speaker, but at times, Mr. Speaker, it beats logic that you purchase a bottle of soda for 2750 shillings. Even the biggest hotels- Five-star hotels-that we know in this country, Mr. Speaker, cannot afford to sell a bottle of soda at a cost of 500 shillings, Mr. Speaker. I don't know now the common man who came for public participation could even take a soda worth Kenya shillings 500 shillings, Mr. Speaker. That's why I say defending this corruption needs strenuous allowance.

In this case, Mr. Speaker, I'll kindly request that whoever will be protecting this corruption, needs to charge the culprits the highest amount because this is the biggest job I've ever seen. I submit, Mr. Speaker. Thank you.

The Speaker (Hon. (Dr.) Patrick Mutai): Alright! Thank you, Leader of the Majority. Of course, I gave you more time because you are the Leader of the Majority.

Now, moving forward, I'll be giving not more than five minutes to a member in that order. Honourable Dominic – no, Honourable Paul Bii and then honourable Dominic.

Let us stick to five minutes. And you restrain yourself to the substance of the Motion. Thank you.

Hon. Paul Bii (Member for Kapsaos Ward): Thank you very much, Honourable Speaker, for allowing me this chance to speak on behalf of the people of Kapsaos Ward because I've been adversely mentioned on the issue and I'll narrow my contribution to the issue at the right time.

Honourable Speaker, it's shocking to see people talking about Torochtany. The person standing before you is the initiator of Torochtany and I'm the area MCA and I know what Torochtany is all about I indeed talked to the Majority Leader that some people visit Torochtany. But I didn't say that there was anything lost there. Indeed, Honourable Speaker, the Report that was tabled by the Ad-hoc Committee did support it in full. But I wanted the Governor to be given time to implement the recommendations made by that committee. It's not about impeaching Governor and that is my stand.

Torochtany, Honourable Speaker, as I stand here, we have about 600 members and initially when we started, we had relocated to someone's quarters and the previous program, that is the Kenya Climate Smart Project funded the society. The society got a feed formulating machine that assisted them to stand. So when the program started and the County Government wanted to supply what was supposed to be taken to Torochtany, and I want to say it clearly here, and I have minutes for the same, if you want me to supply you with minutes of the meeting.

The committee had to sit and decide on where to get the money to build the store. It was not that there was embezzlement of money in Torochtany. Immediately when the store was

completed, Honourable Speaker, the first batch of the supplies went to Torochtany. And when the whistle blower blew the whistle, the next batch was supplied to Torochtany.

Number two, Honourable Speaker, the cooler which was supplied to Torochtany, we are all laymen. We don't understand, you know, what the right cooler is. Now, we had sent the serial numbers to KEBS to confirm if the cooler that is in Torochtany is the right one and, Honourable Speaker, when the day Hon. Members of the Committee visited Torochtany and the KCC fellows, they did confirm that same type of cooler has been supplied to many places in Bomet. And that is why we had to accept, and as we speak right now, Honourable Speaker, the cooler is working and the farmers have supplied milk to same cooler. Kenya Cooperative Creameries (KCC) are collecting milk from the same society as we speak and that is why I said yesterday, or the day before yesterday that the farmers are working very hard. Gentlemen, let's not do politics. You're doing politics. This is politics, pure politics. It's me who understands Torochtany more than you do. Don't talk of something you don't know. Honourable Cheruiyot Bett, talk of Kerimoi. You're almost closing the society.

My good friends, talk of your societies. Don't talk of somebody else's society. It's me who understands my society. The Governor will not go anywhere and I want to thank him because he has really done a lot in my ward. Thank you and may God bless. I oppose in totality the Motion of impeachment on His Excellency the Governor. Thank you. Honourable Members, let us all agree.

(Loud consultations)

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Order! Order! The Deputy Speaker, you are among the leaders of this Assembly.

(Loud consultations)

Order Honourable Members! We are live by the way, and we are being followed. So, I'll urge you to debate in a manner that will reflect your title of being Honourable Members and secondly, this is a warning. This is a very strong warning that there is no shouting or use of unparliamentarily language. Don't invite the Chair to make some decisions that will not go well with you Honourable Members. I really want you to be in this House, all of you.

So let us avoid the shouting. There is a way of applauding and you know very well how to do it. But the Standing Orders does not tell us that you should shout and say yes, or all those things. So let us debate with decorum and we stick to the timeline. When we say five minutes, it's five minutes. So next is Honourable Dominic Mutai. Five minutes, please. Please stick to the rules of debate.

(Loud consultations)

Order! I want to repeat order. That was my last warning.

Hon. Dominic Mutai (Member for Kabianga Ward): Thank you Mr. Speaker. Thank you for giving me this chance. I want to register and say from the onset that I oppose the Motion. There was some *Facebook* post that says that I voted yes, and on the time of voting, Mr. Speaker, Sir, I want to register my opposing to the Motion of the impeachment of Governor Dr. Eric Mutai and I want my vote to be respected. Mr. Speaker, Sir, we were here when we were debating the Ad-hoc Committee Report fictitious Report and all of us supported it, the recommendation which was there and each and every issue had recommendation on it, one of the recommendations was that we give the Governor and the contractors 28 days to finish what they were supplying and what they were doing, and it is on record in this House.

Mr. Speaker, Sir, when we are playing politics, it needs to be politics and when it's development, it needs to be development. What we are doing recently is politics and not development. No one will condone corruption. But when you are doing politics and talking about corruption, people will not take us seriously. We are the Third Assembly. The First Assembly did an impeachment of the Governor by then. We are here trying to break the record in this country that we are the champions of impeachment. There are more developments which our people needs. There are a lot of people issues. We are the one who are doing the budget. The County Executive are the one who are executing the budget. There is a lot which we need to do to our people. As an elected MCA from Kabianga, I will not support impeachment now and in the future.

Last year we did impeachment. We didn't finish implementing our budget. Mr. Speaker, Sir, my good neighbour Hon. Rogony has been talking about my Ward. I'm the only elected member of Kabianga Ward and those people saw it fit that I be elected to represent their interests here. I want to urge the Motion mover to leave my ward alone. I know how to lobby for my ward. I know who to become friend to.

(Hon. Rogony Kiprotich rose on a Point of Order)

I can lobby from the National Government. I've lobbied projects from the National Government. When I'm moving on the corridors in Nairobi in ministries...

The Speaker (Hon. (Dr.) Patrick Mutai): Order! There is a Point of Order Hon. Dominic, and when you will resume, you will have a one and a half minutes so that you use your five minutes.

Hon. Kiprotich Rogony (Member for Sigowet Ward): Yes. Mr. Speaker, I rise on a Point of Order pursuant to Standing Order number 98, that is, statement of facts. One of the projects that we visited as a Committee on Environment is Chemamul Water Project. Now,

this project, Mr. Speaker, has solar panels funded by the FLLoCA program. But these solar panels, and the Hon. Chair for Water can attest to this House, are not functional. In fact, water is being pumped using electricity. The question is, what happened to the solar panels that were erected by the County Government using FLLoCA funds? And that was my bone of contention. You know, the Honourable members, Mr. Speaker, Hon. Dominic is one of those members who've never stepped in this House. He is now indicted.

(Applause)

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Order! On the last point, I rule you out of order. I don't want to open debate on that. So, Honourable Dominic, as you finalize.

Hon. Dominic Mutai (Member for Kabianga Ward): I want to ask my friend to leave my Ward. If he's moving around town doing what he's doing and he's forgetting his ward, please forget about my ward. I know and I have a plan for my ward. The last one, Mr. Mr. Speaker, on NAVCPD. I was privileged to be among the committee members who went round to see these funded projects and we want to be very clear, that these projects have transformed our County. The projects on water, we moved from Soin, Belgut, Sigowet and Londiani. In my place, there's a tractor which was given to one of the leading cooperative society, Kabianga cooperative society, and Hon. Paul Chirchir you know, you have been there severally, not once and through the hard work, not friendship to the Governor. So, we deserve to be given what belongs to us.

I oppose this Motion and when the time of voting comes, I want to be on record that I'll vote 'No' to the impeachment of Dr. Eric Mutai.

The Speaker (Hon. (Dr.) Patrick Mutai): Honourable Gilbert Ngetich and then the Associate Professor, in that order. Five minutes Honourable Gilbert Ngetich.

Hon. Gilbert Ngetich (Member for Kisiara Ward): Thank you Mr. Speaker, Sir, for giving me this opportunity also to talk on the Motion which is before us and which of course I'm opposing, the impeachment of Dr. Eric Mutai, the Governor of Kericho County based on the works I've done in my ward. Surprisingly, Mr. Speaker, I was impeaching the last time. The reason as to why I was doing the impeachment last time is that I had no projects which were going on.

Mr. Speaker, the Kisiara Dairies which was benchmarking from Torochtany, Mr. Speaker. I heard the condemnation of Torochtany but Kisiara Dairies benchmarked in Torochtany, Mr. Speaker, Sir. They brought goodies and we've really progressed. I have members in Kisiara Dairies that goes to 700 members, Mr. Speaker, Sir, and we are collecting over two thousand five hundred litres of milk, as we speak today. I'll be very keen, Mr. Speaker, when we reach the level of having the supply of a cooler.

Mr. Speaker when we were discussing over the Report, I heard of tapping of the cooler, Mr. Speaker, for it to function. But today, Mr. Speaker, the area MCA is actually proving and confirming that the cooler is functional. Mr. Speaker, Sir, the contradicting statements which are really in this House, should also be in the very order way.

I heard the very talk in which the President did in Homabay, and he said that the legislature should not also force the County Executive to indulge in corruption by demanding funds for them to write a r good Report, Mr. Speaker Sir. Remember, corruption is two-way. We have been told by the Majority Leader....

The Speaker (Hon. (Dr.) Patrick Mutai): There is a Point of Order Hon. Gilbert! As you resume, you have two minutes.

Hon. Cheruiyot Bett (Member for Ainamoi Ward): Thank you, Mr. Speaker. On statements of facts, he's saying that the committee demanded money so that they write a report, Mr. Speaker. So, let him table that evidence, Mr. Mr. Speaker, if he has the evidence. That is Standing Order number 98, Mr. Speaker. Substantive evidence Mr. Speaker! You know, those are very grave allegations that are being levelled against the County Assembly, Mr. Speaker. This is a House of rules and procedure and a House where we do oversight, we represent and we legislate on behalf of the people that sent us here.

The Speaker (Hon. (Dr.) Patrick Mutai): Okay, Hon. Gilbert Ngetich, is that what you said?

Hon. Gilbert Ngetich (Member for Kisiara Ward): Mr. Speaker, what I said is what the President said in Homabay. I didn't refer to any committee to have demanded money from the County Executive.

The Speaker (Hon. (Dr.) Patrick Mutai): Okay.

Hon. Gilbert Ngetich (Member for Kisiara Ward): I was just saying what the President said and he said under my watch, Mr. Speaker.

The Speaker (Hon. (Dr.) Patrick Mutai): Okay, proceed as you wind up.

Hon. Gilbert Ngetich (Member for Kisiara Ward): Mr. Speaker, Sir, I'm actually saying that as we progress, I'm one of the members who supported the Report and in the Report, Mr. Speaker; I was saw the viral issues of expensive soda and tissue papers in that Report. Mr. Speaker, if we can really go back to that Report and really check on the writings, we didn't find the calculation of this tissue and soda, Mr. Speaker yet it's an allegation today of impeaching the Governor. At that time, the Governor was given 28 days or 14 days to act on

the Report, Mr. Speaker and we expected the Governor to work on it. Before even the Report reached the table of the Governor, the impeachment Motion had been planned.

Mr. Speaker, we want this County to progress well as we refuse the corrupt members who are in the in the County Government, Mr. Speaker. I think the Governor has the Report as we speak, and he asked for a period of 28 days to act on the Report. In actually sense, in the Mr. Speaker, there is nowhere where the Governor went to the bank to withdraw the money. There is nowhere where the Governor signed a procurement process to do some work. There are people who did this work and we have them in offices as we speak.

It is high time that we give this Governor time to act on the Report in which the Ad-hoc Committee made for the works to run well for this County as we clear our term. Mr. Speaker, Sir, this is the reason as to why I really support the impeachment and when it comes to the time of voting, I will also vote 'No.' Thank you so much.

The Speaker (Hon. (Dr.) Patrick Mutai): Okay, thank you. Hon. Dr. Naaman Rop!

Hon. (Dr.) Naaman Rop (Member for Soin Ward): Thank you, Honourable Speaker, Sir, for giving me the opportunity so that I can also contribute my perspectives on the Motion that is before us. Whereas, Honourable Speaker, we supported the Motion on fictitious payments, and I was on record in this House having mentioned that the Motion on fictitious payments demonstrated that there were some hunky-punkie businesses in the County Executive.

I want today, Honourable Speaker, to mention this; that the Motion that is before us today is suffering from the fallacy of generalities. It is suffering from the fallacy of generalities because, Honourable Speaker, it is mentioning that monies were lost in a given project and because monies were lost in a given project, his Excellency the Governor is liable. That is untrue, Honourable Speaker. That is untrue! It is as reasoning as this: that Kamau is a thief, and because Kamau is a thief, all Kikuyus are thieves. That is untrue and an unsound statement, Hon. Speaker.

In my own view, I want to mention this, that the Motion that is before us is unsound. It is feeble. It is lacking grounds that we can use to impeach his Excellency the Governor and I want to mention that on my own part, I oppose this Motion, and when the time for voting will come, I want this to be on record. I will vote 'No' for the impeachment of his Excellency, the Governor. Thank you.

The Speaker (Hon. (Dr.) Patrick Mutai): Okay. Order! Alright Thank you! Honourable Members, when the time will come, you will exercise your voting rights. There is no point of telling us what you will do. Whether you will vote 'yes' or 'no', that time will come. So, let's not sensationalize this thing. Proceed, Honourable Chief Whip.

Hon. Haroun Rotich (Member for Seretut/Cheptororiet Ward): Thank you very much, Honourable Speaker, and before I start I want to register my dissatisfaction and say that we want to condemn the issue that happened today in the morning at about 4 a.m. that some people threw a petrol bomb towards the County Assembly of Kericho and thereafter, just hardly about two hours ago, there was a vehicle that rammed into the gates of our County Assembly. That is gate A, not gate B as the honourable Majority Leader said. Mr. Speaker, we want to condemn in the strongest terms possible and we want to thank the police officers who actually swung into action and arrested, I'm told, about five, people who actually happened to have been in the same vicinity where that incident happened.

Mr. Speaker, I want to start by saying clearly that I want to support the Report that has been ably tabled by Honourable Rogony Weldon stating very clearly on various grounds. Mr. Speaker, I've listened from the inception of this, sitting, and I want to confirm that, Honourable Speaker that several grounds have actually been put forth and I want to associate myself that section of our County Governments Act, our Constitution has actually been enumerated very clearly, and there's no section that supports the embezzlement of funds and misuse of public resources.

Mr. Speaker, I want to start by probably putting forth the Report on Londiani victims, Mr. Speaker, as has been ably said by Kiprotich Rogony, the Motion mover. The Londiani victims, Mr. Speaker, saw that we lost several people, about 54 and I think justice delayed is justice denied. To date, Mr. Speaker, the Report that was ably and by this Honourable House has not been acted upon. That is my ground. There's nothing that has been acted on Mr. Speaker.

Number two is *Kazi Mtaani* that was chaired by Honourable Paul Bii. The Report was made and recommendation made. To date, Mr. Speaker, I want to confirm that I've never heard of any casualties probably going as per of the Report. Mr. Speaker, that is very clear that there was an embezzlement of funds.

Mr. Speaker, the other day, I was in my rural home at a function. Over 20 young men came to where I was after the function and requested to know how far their money was. Mr. Speaker, to date, I want to say to you before this Honourable House, that the money that they owe the purported contractor has not been paid to date, Mr. Speaker. And remember, this Report was ably tabled by the Honourable Paul Bii hardly over one year and some months ago. So therefore, Mr. Speaker, I didn't have any answer when I was asked that, Mr. Speaker, and I want to state here so that if they are watching, they know that I've always been following up, but then there is nothing that is forthcoming. Probably, the chairman of *Kazi Mtaani*, Hon. Paul Bii., could actually say something about that.

Number three, Mr. Speaker, is the issues of fictitious payment. Mr. Speaker, I want to confirm that I sat as a member when we were following up on these issues of fictitious

payments together with Honourable Chair Vincent Korir and other members, probably about 13 members, Mr. Speaker.

Mr. Speaker, there were a lot of disparities, probably when we went for the issues like skewed developments, Mr. Speaker. Remember, like, for example, in my ward I appropriated in the budget for 2024/2025 over 20 Million shillings for the road works Mr. Speaker and I want to confirm that my people in that financial year the only value for money they got, Mr. Speaker, out of the 20 million is only 3 million for the whole financial year, Mr. Speaker. Where is my 17 million? Where is my 17 million? And here you want me to come and abate corruption when my money has not been probably told that this is your money, the money for Seretut people. I want to confirm that these are the votes, Mr. Speaker. I was elected, and remember, Mr. Speaker, I'm a second term ranking member..

You cannot take my people in circles. When I was newly elected to represent them for my second term Mr. Speaker, I want to confirm my people are not a punching bag. It will never happen.

Number three, Mr. Speaker, I want to confirm in the Report on fictitious payments Mr. Speaker, there was a clear intent to defraud the people of Kericho, especially on the issue of Kipkelion Housing. Kipkelion Housing, Mr. Speaker, I also went because the other day we had a meeting as the Committee on Lands at Kipkelion Centre, I want to confirm, there's no law that says you pay for services before you render. Mr. Speaker, this is the height of impunity that is happening in this County. Mr. Speaker, I want to confirm before everyone and the world at large that everything must be done to the order that has been prescribed in the law-in the Constitution and the County Government Act and also PFM Act, Mr. Speaker.

(Hon. Cheruiyot Bett took the Chair)

So, therefore, I want to confirm you cannot pay. It was paid 2.9 million, Mr. Speaker, while the works were not yet completed. I want to thank the lead lawyer, the counsel Katwa Kigen because he stated very clearly as I was sitting over there that the works are ongoing while the money went long time ago. Since when? We are wondering. I want to thank you, the Lead counsel for being honest.

(Laughter)

Mr. Speaker, I think...

The Deputy Speaker (Hon. Cheruiyot Bett): As you wind up Hon. Whip.

Hon. Haroun Rotich (Member for Seretut/Cheptororiet Ward): Sorry, Mr. Speaker! Give me five minutes more. I think, I have several things in my mouth, Mr. Speaker. I want to debunk all of them today.

The Deputy Speaker (Hon. Cheruiyot Bett): I'll give you one more minute!

Hon. Haroun Rotich (Member for Seretut/Cheptororiet Ward): The last thing, Mr. Speaker, is the issue on NAVCDP. Mr. Speaker, we've been told by the honourable mover of the Motion that it is 281 million shillings involved. As to where 281 million went, I want to confirm.

Mr. Speaker, the only thing that I've seen in my Ward is only a drawer, a table and a chair that is broken. Remember, the other day, the His Excellency, the Governor launched the project in the stadium and promised One million shillings per ward. I think it is like that. But today, your Excellency, I'm still wondering where is that one million? And that day we launched a dummy cheque Mr. Speaker and I want to confirm that the Government, we need also to be serious to some extent. You know, in as much as we want our people, or we don't want to victimize the Governor but what we are after is the resources that are meant for the people of the County. So, with that, I want to register that the Governor is my good friend but then, as for the issues of resources, your Excellency Governor, I want to request that Pesa irudishwe kwanza.

The Deputy Speaker (Hon. Cheruiyot Bett): Thank you Hon. Whip.

Hon. Haroun Rotich (Member for Seretut/Cheptororiet Ward): As I wind up, Mr. Speaker, Section 30 (3) (f) as I go to sit, says that the responsibility for the management of the resources rests squarely with the Governor. I support!

Hon. Haroun Rotich (Member for Seretut/Cheptororiet Ward): Thank you very much, Honourable Whip. I give this opportunity to the Honourable Philip Mutai.

Hon. Philip Mutai (Member for Kipchimchim Ward): Thank you very much, Mr. Speaker, Sir, for giving me this opportunity on behalf of the great people of Kipchimchim, whom I represent. Mr. Speaker, Sir, I just want to start by saying that I started my journey today from my home area and as I was coming from home to this great Assembly, a great pastor and a friend of mine who is a voter in Kipchimchim Ward told me words that are in the book of Ezra 10:4, and he told me: 'rise up, this matter is yours, it's in your hands. We support you, so take it with courage and do it.' I'm coming here to execute my mandate that was given to me by the great people of Kipchimchim. I just want to start by saying to you, Your Excellency, Governor, when 50% of your household children are saved by the chief, that they are thieves, does it mean that the father is not also a thief?

(Laughter)

So I want to say the great people of Kipchimchim suffered an injustice.

I did appropriate 18.6 Million to roads but 10 Million was only procured, where is the 8.6 million which was meant for the roads for Kipchimchim? 6.2 million was lost in the Department of Agriculture. I was supposed to build a tea buying centre at Keldab-Belyot and Chepyos but I was taken round in circles by the CO Agriculture and then the money was lost. Again, I want to rise in all my faiths and defend the people of Kipchimchim, that in health I lost 3.4 million which was meant for the completion of the Kimeswon dispensary.

That aside, Mr. Speaker, Sir, I am also the Chairman of the Cooperative Committee in this great Assembly, and I did go round, going and inspecting the projects that were funded by NAVCDP and my take was within Ainamoi sub-County. I started my first visit to Kapsaos Ward, and I don't want to go to Torochgaa, I went to another cooperative society by the name Kaptan, I went to another Cooperative Society by the name Pinyin. I just came all the way to my Ward; I have a cooperative society by the name Kipchimtany, whom I started when I was elected. I went all the way down to Kolongei in Ainamoi Ward. I went to Kapsoit, a cooperative society in Kapsoit, Mosop and we came and concluded at Kipchebor Ward. All those cabinets that were supplied to these SACCOs, the department was reporting that they supplied fireproof cabinets. Where on earth can a light MDF sustain a fire in case of a fire incident? Where on earth can glass sustain fire? And when you ask about the price that was used to procure that cabinet Kshs. 40,000! Even using common sense, when you go to these great supermarkets that we have within our town, the same cabinet that was supplied with Kshs. 40,000 is worth Kshs. 12,000 in our supermarkets. The chair and the small table that was supplied to these SACCOs, when you come also, go around to these supermarkets, it is costing Kshs. 14,000, but here was supplied with Kshs. 70,000. Where on Earth can that happen really?

Mr. Speaker, Sir, I don't want to repeat myself, but I just want to put it on record that how on this country can a service or a work be paid before the work begins? Your Excellency the Governor, the buck stops at your doorstep. We were expecting, when you were making your comments here, I was expecting that you start with the Kshs. 85 million that was lost by this great County. But, Your Excellency, you are trying to whip our emotions. You are trying to whip our sympathies. But you see, we are the elected people. People are baying for our seats. They are counting for days to send us home. But here, when we were deliberating on the budget estimates, I was declared that I was on an impeachment spree.

(Laughter)

The reason is because of the disparities in works that are being done in our Wards. Look at my great friend, the mover of the Motion. He highlighted a ward in Bureti, Chemosot where works worth Kshs. 21 million was prosecuted and to us nothing was done. Why do I have to sit in a Budget Committee to do a schedule of my work and never to be implemented? Will I not look stupid to my people who elected me? In fact, I was elected on a very rainy day, Mr. Speaker, Sir.

(Applause)

When I was being elected, a *mama* gave birth to a child when she was queuing to vote for me. Am I not doing the injustice to these great people of Kipchimchim? One incident that is very painful to me, Mr. Speaker, Sir, is that there is a *mama* who came out of the ward; she was admitted at Kericho Referral Hospital. She came all the way to Kerego Polling Station with the drip on her hand to come and vote for me and finally, she was telling me Mheshimiwa Mutai, I just want you to open a road to access my place. I did the same, I appropriated money to Kakimingin/Chebelyon Road, which I appropriated money on the same, but nothing has been done. Unfortunately, I lost this *mama*. How will I go to her grave and seek forgiveness that I had promised a road that I was to do last financial year and it never has been done?

So, Mr. Speaker, Sir, finally, I want to say I support this Motion in totality. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Cheruiyot Bett): Thank you very much. Let me give this opportunity to the Honourable Fancy.

Hon. Fancy Korir (Nominated Representing Women): Thank you, Mr. Speaker, Sir, for giving me this chance. I'm a nominated member from Chaik, but I belong to Kericho County. I'm saying this because I represent gender top-up, not impeachment top-up. I'm saying this because when it comes to impeachment, we, the nominated members are held at ransom. We are told, come and sign here. But when it comes to resources, Mr. Speaker, Sir, we are not there.

I'm standing here because I'm suffering since the last impeachment, Mr. Speaker, Sir; I was stripped off my responsibility. To date I don't have any responsibility and again I take care of myself because I really need to speak here because at some point someone will say Fancy didn't attend a sitting. So, I'm here really defending myself but since last year I have not received any salary, Mr. Speaker, Sir.

So, I want to say no to this Motion because I am part of the committee.

(Loud consultations)

It is so emotional, Mr. Speaker, Sir, because my family have suffered because of this. I was part of the committee but not the Ad-hoc committee, led by Honourable Philip Mutai, and I defended this Report. The recommendation which were made, Mr. Speaker, Sir, which were there, I really supported it because one of the recommendations which was given was forensic audit to be done in 28 days. That is what I supported, Mr. Speaker, Sir, because I really needed the County Executive to be given time so that they execute the same Report.

But, Mr. Speaker, Sir, that afternoon the Motion for removal of Dr. Eric Mutai was tabled here in this House, Mr. Speaker, Sir, and I said I'm going to vote no for this impeachment because of that. Mr. Speaker, Sir, it is the same House, I said, let us be honest to one another. It is the same house which vetted these CECs and the COs, Mr. Speaker, Sir, but it is the same House. I can remember one of the impeachment we did for CS Bor, Mr. Speaker, Sir, because of the Londiani issue. We impeached one Dr. CS Bor and he's home now because of the actions which happened in Londiani, Mr. Speaker, Sir.

Then how comes it's now the Governor who did that, who did this? It is all of us, Mr. Speaker, Sir, who are doing this. So, I'm calling upon the leadership of Kericho County. We need to do something. We need to sit down. Impeachment is not the last solution. We got to sit as members of County Assembly, Governor, our Speaker, maybe the Members of Parliament and led by our Senator and let's forge ahead.

We love this Kericho County. When you go abroad, when you are coming from Kericho, they know Kericho as a tea growing County. Mr. Speaker, Sir, we love this Kericho County. We love our people. We love our voters, Mr. Speaker, Sir. I stand here on behalf of the women of Kericho County and oppose this Motion completely. I thank you, Mr. Speaker, Sir, and I submit.

The Speaker (Hon. (Dr.) Patrick Mutai): Okay, thank you, Honourable Fancy. The immediate chair has informed me that you made an allegation that you have not received salaries for the last one year.

You know, Honourable Fancy, you may have to, because that is a very serious concern, and yours truly, the Speaker here who is the Chair, he's also the Chairperson of a Board of this Assembly, and when you allude to the fact that you have not received a salary for one year, that amounts to being disorderly, and you know the Standing Orders, because obviously it is a fact, and the Clerk is here, that all of us have been paid salary until the month of actually July. Even for those in Family Bank, they have been paid up to July 2025.

Honourable Fancy, that amounts to Gross disorder in the Assembly. Standing Order number 114(d) on deliberately giving false information to the Assembly, and I therefore ask you to withdraw immediately from the Chambers, from the precincts of this Assembly for the remainder of today's sitting. Order, Serjeant-at-Arms. We shall only resume when Honourable Fancy is out of the Chamber. Read your Standing Orders, Honourable Members. I have told you, Out, Honourable Fancy!

(Hon. Fancy withdraws from the Chambers)

(Loud consultations)

Order, Honourable Members, we proceed. Yes, Honourable Paul Chirchir. Honourable Members, I wonder, from what our Leader of Majority gave us on the security incidents that was reported, we've got to be very keen on the time, now that I'm being informed that one side of our gates, Your Excellency, the Governor, is open, because apparently there was a vehicle, KAH 075Y. When the incident was being reported, you were not here, and this vehicle actually belongs to the County Government of Kericho. There is a Report here that is official. We will be sharing with you that, because of what has happened, we must be very careful also.

Honourable Members and the staff, and the security, Clerks and everybody be alert because of the security concerns that we have here. We have to provide safety to the members, as well as to the Governor, also, who is here, and all of us. So, I suggest, Members, let's stick to time. I'll be giving three or four people, so that I give a chance to the Governor to respond, and then we will proceed in that manner. Honourable Paul Chirchir!

Hon. Paul Chirchir (Member for Kapsoit Ward): Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to speak on behalf of the people of Kapsoit, who have given me an opportunity to represent them twice.

Mr. Speaker, Sir, I rise to support the Motion for the removal of Governor of Kericho, His Excellency, Dr. Eric Mutai, who is seated across. Mr. Speaker, Sir, why am I saying that? He has been accused of five, number one, gross-violation of the Constitution of Kenya, number two, gross-violation of various national and County laws, number three, serious reasons for believing that the Governor has committed crimes under national law, number four, Mr. Speaker, Sir, abuse of office, and number five, gross-misconduct. Mr. Speaker, Sir, the Governor for Kericho was sworn in on Thursday, the 25th of August, 2022, in a ceremony in Kericho Green Stadium. The oath of Office was administered by Lady Justice Roselyn Korir. Mr. Speaker, Sir, all of us elected and appointed members, whenever we are elected, we sign a code of conduct and integrity declaration form and in that declaration form, it has all the details. It talks about integrity and honesty. It talks about accountability to the public. It talks about fairness and equity. It talks about conflict of interest.

It talks about public trust, political utility in administration, and number seven, respect for the law, leadership by example, and confidentiality. And then, there, the Governor signed, which we all signed.

I want to draw the attention of number three, or number two, accountability to the public.

Mr. Speaker, Sir, he signed and he said, I shall be accountable to the people of Kericho County and ensure that public resources are used prudently and only for lawful purposes. Number three, he said, I shall treat all individuals and groups with fairness, equity, and impartiality, regardless of gender, ethnicity, religion, and political affiliation.

Mr. Speaker, Sir, the truth has been the opposite. We are here because of a very serious matter touching on loss of public funds. How have we lost the public funds? The Governor is the CEO, the Chief Executive of this County; there are very serious allegations against loss of funds through five cooperative societies. And the societies are here, I have listed. They are Cherobu, which is in Cheboin Ward; Cheboin Ward is represented by Honourable Francis Terer. Raw materials in the form of soya, maize germ, and a few were purportedly supplied. The member is here. Very few were supplied, but payment was made for the tonnage that would have been supplied. And the Honourable Katwa Kigen has acknowledged that not all has been supplied. Mr. Speaker, Sir, we have Torochtany. The Honourable Paul Kiptoo Bii is here. There is delivery for 10 tons of raw materials, sunflowers, cotton cake, soya, maize germ, wheat bran, a total of 10,560, which is equivalent to 10.5 tons, against 27 tons that was paid for. That is proof that money was lost, we are guided by national laws, PFM Act and the procurement law. There was a breach of both laws and the governor takes ultimate responsibility. Mr. Speaker, Sir, Ruskebe Cooperative Society is in Londiani. The Honourable Kedowa/Kimugul, the Honourable Sigilai is here.

And he confirmed that not all was supplied despite being paid for. Not all was supplied, but payment was made, which is contrary to the PFM Act and the Procurement Act. I wish to draw to your attention, Kibagenge in Litein ward, Mr. Speaker, I wish to draw to your attention that this is a society that was closed a few years ago. The Honourable Vincent Kirui is here, seated politely in a corner, while his people are suffering in Litein. The society was closed, goods were supplied. What is that? That is the height of impunity, and that is a confirmation that funds, public resources were lost. We invited chief officers who are accounting officers and who are AIE holders, before this house to appear before the committee on Ad-hoc.

We examined them under oath. They took an oath. They confirmed that what they were saying was true and true, indeed. I am surprised that Katwa Kigen is telling this Honourable House that 2,750 Shillings for tissue, we've tried to make some calculations, but it does not 'enter each other'. Mr. Speaker, Sir. It doesn't make sense. It is like telling us that one tissue was bought at one shilling and 75 cents, which is not practical. We will take what was supplied to this house by the chief officer who we examined under oath. Mr. Speaker, Sir, I wish I had all the time. The chief officer for roads, when he appeared before Adhoc committee, we also examined him under oath. We asked him whether he was the accounting officer. He said yes. Are you the AIE holder? He said yes.

Mr. Speaker, Sir, when we asked him why there are disparities in the invoice, payment voucher, S13, and delivery note, he said probably because of photocopying. Now, I was surprised that when you photocopy a document it loses the original figure. That is failing to take this house seriously.

That confirmed that there is very serious incompetence and the buck stops with the governor who is before this house. For transparency and accountability to happen in this County, Dr. Mutai must go. Mr. Speaker, Sir, I have seen members here say we will vote this way, we will vote that way. I invited this house before when we were electing The Speaker, You know, and I apologies, Mr. Speaker, Sir, I did not support you. I was for honourable Kiptergech, and we were in Kisumu a whole weekend. We were 32 members, and I knew when we hit the floor of this house, we were going to win with one round. To my surprise, Mr. Speaker, Sir, all of us were in Kisumu, the 30 of us. When we got here, and the governor was even sitting here, he was surprised. We only got ten. Ten!

(Laughter)

Mr. Speaker, what am I trying to say? When honourable members sometimes are taken in a corner, and they promise to do whatever they promise, that is not the truth. The truth is in the ballots. When a ballot is taken , those who support will vote yes. Those who do not support will vote no. And the house, this house, is guided by the standing orders. If machines in the tea estate pluck tea, and count the leaves, how can this house not accept electronic voting, Mr. Speaker, Sir. So, the president has told us very well that we need to move away from analogue and be digital. So, I acknowledge, and if this house, when it gets to voting, and they say we'll vote by electronic, I will support. If they will vote by manual counting, Mr. Speaker, Sir, I will support. But I know some people have sent me a text telling me that we will support the impeachment, and yet they are with the 18. So let us count. Let us be sure.

This House must be counted. When the right time comes, like BBI, Mr. Speaker, Sir, this story of tissue is like BBI. So, it is either you are team Raia, team oversight, which is us, or you are team tissue, team soda, team everything, Mr. Speaker. So, it is a contest between those representing the people and those representing their stomachs. Mr. Speaker, Sir, I support the impeachment of His Excellency, Dr. Eric Mutai. Thank you, Sir.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you, the Honourable Dr. Moses Rotich I'm picking only two more as per my directive.

Hon. Moses Rotich (Member for Tendeno/Sorget Ward): Thank you so much...

(Loud consultations)

(several members lifted their hands)

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Order! Proceed I have seen the hands.

Hon. Moses Rotich (Member for Tendeno/Sorget Ward): Thank you so much, Mr. Speaker, for the opportunity that you have given me, and by extension, on behalf of the great people of Tendeno Sorget, whom I represent.

Mr. Speaker, allow me to pick my speaking to this motion from where Senior Counsel Katwa Kigen left, he opted to continue representing His Excellency, the Governor, in protest. We have noted the kind of protest that the Senior Counsel Katwa Kigen has put across throughout his discussion. Mr. Speaker, he has opted to minor on the major and major on the minor on this issue that is before us this afternoon.

That throughout this morning, Mr. Speaker, through to this time, we are here on an issue of fictitious payment, NAVCDP, FLLoCCA, and integrity issues, touching on the victims of Londiani. To my surprise, Mr. Speaker, we were tabling the motion and the report on issues of other committee reports that were surrounding Londiani accident victims, Mr. Speaker, a day like this. May their souls, Mr. Speaker, rest in eternal peace, to those who succumbed. Mr. Speaker, those who are surviving with injuries, Mr. Speaker, may the grace be sufficient to them.

Mr. Speaker, NAVCDP, FLLoCCA are donor funded projects. These projects had good intentions from the donor. The implementation, Mr. Speaker, is skewed, unfair, unaccounted for, unjustified, and more so, unverified, Mr. Speaker. When the committee visited relevant sectors where these projects were implemented, in Tendeno/Sorget, we suffered a deficit of supplies. The supplier, by the name Yobra, a company, Mr. Speaker, was supposed to supply, under environment; 50,000 seedlings of Bamboo, 60,000! but he chose to supply 3,200, Mr. Speaker. I am the chair of the implementation committee which investigated the SI projects. Most of them, when we visited, we noted a lot of concerns. Payment of a project, yes, the SI project, health is an essential entity in our County and in Kenya at large. The intention of upgrading Sosiot Health Centre, into a sub-County hospital was good but the mode of implementation was characterized by fraud. When we visited the scene, we found the contractor on site, with minimal work being done to my amazement. Mr. Speaker, he told us he was already paid 33 million. The SI project that is the oncology unit at the referral, Mr. Speaker, the contractor indicated to us, that he had been paid 84 million, but when you visit the place, you could not account for the 84 million that had been paid. What am I trying to say, Mr. Speaker? We need value for money.

The interpretation of the payments that were made, Mr. Speaker, indicated that at the time of advertisement, a certificate of payment was issued and payments were made, Mr. Speaker. Isn't that fraud? Mr. Speaker, I stand guided. If in any case, the name or the definition of fraud, Mr. Speaker, has changed.

Mr. Speaker, the rule of thumb indicates, that for one, to do business with Government, you first do procure, supply the service for you to be paid. Mr. Speaker, it is important to note,

Mr. Speaker, and I'm on record, that in Kipkelion, the service of renovating the houses, was not done, but payments was already made. Isn't that fictitious? Mr. Speaker, the opposite of fictitious, Mr. Speaker, is real.

When His Excellency, the Deputy Governor, came out, to whistle blow, it is his right, Mr. Speaker. It is within his mandate, Mr. Speaker, and I borrow his leave that when you don't condone the nitty-gritty that is happening in a department, Mr. Speaker, it is important to recuse and become a whistle blower or even a state witness, so that at the end of the day, when the D-Day comes for accountability, you will not be invited as a perpetrator, Mr. Speaker, but a witness of safeguarding public resources. Mr. Speaker, I wish to end by saying, that Section 30 of the County Government Act, 30 3(f), Mr. Speaker, the highest responsibility lies with His Excellency, the Governor, simply because he is the CEO, the Chief Accounting Officer of every department of this County. All the COs are answerable to him. All the CECs are answerable to him, Mr. Speaker. I wish to say that, in any case, I support this motion in totality, Mr. Speaker, because last financial year, Mr. Speaker, I was a sad man, and also on behalf of the great people of Tendo.

Mr. Speaker, on many occasions, I have found myself in the line of history not to be in support-on many occasions,-of His Excellency, the Governor. Honourable Gilbert was in another camp last time. Mr. Speaker, people of Tendo voted. We had six ballot boxes, Mr. Speaker.

Mine was the below one, because we believed in bottom-up economic transformation, the bottom-up, Mr. Speaker. Many of the voters started with me, as the bottom leadership at the grassroots level, Mr. Speaker. Am I not a madman, Mr. Speaker, to support impunity in this County, Mr. Speaker, atrocities, Mr. Speaker, where the great people of Tendo, Mr. Speaker, are netted with repulsion, Mr. Speaker, are netted with a negative effect, Mr. Speaker.

Philosophers, indicate that there is what we call the negative reinforcement, and positive reinforcement. We have noted some COs, Mr. Speaker, to whom they are accused in this department, Mr. Speaker, they are transferred to another department, Mr. Speaker, and again they are transferred to another department. After messing up, Mr. Speaker, with the department, the rule of thumb, Mr. Speaker, the best performing are rewarded. When you reward the best performing, Mr. Speaker, you subscribe to a tool of positive reinforcement so that others could emulate, so that others could follow the steps. But when a *siphoner*, Mr. Speaker, of public resources, Mr. Speaker, is rewarded, the net effect is a negative reinforcement to even other departmental staff, Mr. Speaker. I wish to say and conclude by saying, Mr. Speaker, in a family of having 10 children, Mr. Speaker, six have questionable integrity, questionable conduct.

But, Mr. Speaker, you as a father, you have to answer.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you! I will give to Honourable Anita and now I am reducing time. So, we will be doing three minutes! Honourable Anita and then Honourable Matthew. Then I will finalize with the Honourable Cheruiyot Bett.

Hon. Anita Mibey (Member for Chemosot Ward): Thank you, Mr. Speaker, Sir, for this opportunity to also contribute and Mr. Speaker, Sir, my Ward being one of the Wards that has been mentioned adversely in this Report, Mr. Speaker, Sir, I would like to speak on behalf of the people of Chemosot who saw it fit to elect me to be able to serve them in this time that we are in today, Mr. Speaker, Sir.

Mr. Speaker, Sir, I rise to strongly oppose this Motion of impeachment. I've heard allegations against the Governor, and while we must take every claim of mismanagement or impropriety seriously, we must also be guided by the principles of due process, justice, and the verifiable truth. The proponents of this Motion have presented a case, Mr. Speaker, Sir, that upon a careful scrutiny, it is thin on irrefutable evidence. Instead, it appears to be built on foundation of political malice and misunderstanding of our complex challenges facing any County Government.

Mr. Speaker, Sir, to error is human and perfection is a standard that no one in this chamber or indeed in any position of leadership can claim to meet. We must ask ourselves, is this impeachment truly about the welfare of the people of Kericho? Is it or is it a power grab? Is it a genuine effort to hold the executive accountable? Or is it a political motivated witch hunt designed to destabilize our County for personal gain? My considered opinion, Mr. Speaker Sir, is that it is the latter. I want to speak today as a mother and the only woman elected in Kericho County.

Let us consider the progress we've made under Governor Mutai's leadership. In a short period, we have seen tangible strides in our healthcare sector. They have been mentioned here that there are so many developments going on in our different hospitals.

We have the new facilities that are being equipped. Our agricultural sector, which is our backbone, also has received an economic boost as indicated even in the NAVCDP projects. We have witnessed renewed focus even on our youth empowerment. We talk about equalizer program that supported our youths to go through training in different technical or polytechnics in this County. These are not the actions of a leader who's failing the people. These are the actions of a leader who is committed to progress. Furthermore, as I finish, Mr. Speaker, Sir...

The Speaker (Hon. (Dr.) Patrick Mutai): Order Hon. Anita, you know your Standing Orders very well, that unless you have permission of the speaker, you can be reading something, a statement. However, let me allow you to summarize as you finish.

Hon. Anita Mibey (Member for Chemosot Ward): Thank you, Mr. Speaker, Sir. Since today was an electronic, we were told we were going online on everything. I decided not to write on a piece of paper, but to type them on my phone. I'm sorry, Mr. Speaker, Sir.

As I finish, Mr. Speaker Sir, an impeachment is not a simple matter. It will plunge this County into a period of prolonged political instability and administrative paralysis. Our development projects will stall. Investors' confidence will plummet and the very fabric of our society will be constrained. Do we want to sacrifice these gains as we have made an altar of political expediency? The alleged issues, Mr. Speaker Sir, could be addressed through other forums.

We have constructive ways of doing this. We have the anti-corruption; we have the oversight committees that we have. We have some robust legal systems that could address this.

Mr. Speaker, Sir, as I end this, impeachment should have been the last resort, not the first line of attack, It is not the end of all this that we're going through today, Mr. Speaker, Sir. I urge my fellow members to vote with conscience, to vote with stability, to vote for progress, and to vote against this Motion.

Let us send a clear message to the people of Kericho, that this Assembly is a beacon of reason, not a theatre of political opportunism. I say in no uncertain terms, no to this impeachment of Dr. Eric Mutai. Thank you.

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you! Next is Honourable Matthew Korir. I hope your three minutes will not be eight, like the one for Honourable Anita.

Hon. Mathew Korir (Member for Chaik Ward): Thank you, Mr. Speaker Sir; giving me three minutes, if I ask for extra, you will just consider my request, Mr. Speaker. Mr. Speaker, I've just, I've been following the proceedings here, Mr. Speaker, and I have confirmed with a lot of concern that we are still need to do a lot, Mr. Speaker, to be where other counties are.

Mr. Speaker, we are discussing a matter that public resources has been taken by a number of companies, a number of contractors, and a number of staff from County Executive. And I'm happy because Katwa Kigen now knows that having the 18 who are standing, they cannot even defend what they were taught to come and defend. Mr. Speaker, when the Governor was given an opportunity, Your Excellency, I was waiting and I was eager to listen that the Governor is explaining where the 85 million is, where is 34 million for Sosiot Health Centre, where a contractor is being paid without doing anything.

Honourable Paul Bii from Kapsaos, we were in your Ward because we were given the mandate to come and visit the cooperative society. We are very sorry if we managed to

identify a problem where you are seeing it is correct. In the same cooperative society, where an honourable member coming here just praising the same cooperative society, the farmers are crying. They are really crying, Mr. Speaker. In fact, the chairman of the cooperative society, when we went there, Mr. Speaker asked me why these suppliers are coming to supply items that was paid six months down the line, and they are coming during the night. Is it that they have been trained to supply these items during the night? We must also respect families, despite that we want to steal the public resources. I know it is nice to steal at night but we must also respect families. Mr. Speaker, when Katwa Kigen was given time to defend His Excellency, at some point, Mr. Speaker, when Katwa Kigen used to prosecute matters in court, I was saying, when I grow up, I want to become a lawyer.

Your Excellency, it happened that I raised the concern about *Kazi Mtaani*. I have the recommendation. I have the Report. Nothing has been done one year and four months. You are just being given some stories with the 18 members that we will go discuss about the 28 days. Why do you want us to discuss the 28 days, Your Excellency? The money was paid in February. The deliveries were done in August. Who is the thief? The one who was paid before he supplied, or the one who is coming here to tell us the document was full and everything was paid after supply? The first witness to appear before the committee, the CECM in charge of Finance and Head of Treasury. The first question from the chairman was: can you confirm to this committee whether all these companies have been paid by the County Government? Your Excellency, do you know the answer? All companies had been paid.

The companies had been paid a tune of 85 million and then, when we went further, because we wanted to get the crocodile relaxing, because the Alligator was so much mad on us. Mr. Speaker, Your Excellency, when we went to the second step to go through the documents from Finance, everything was stories. The second day was another day of comedy. Your Excellency, Mr. Speaker.

The Speaker (Hon. (Dr.) Patrick Mutai): Yes, there is a Point of Order.

Hon. Mathew Korir (Member for Chaik Ward): But, Your Excellency, you know the standard practice; he needs to state the Standing Order number.

The Speaker (Hon. (Dr.) Patrick Mutai): Order! order, Honourable Matthew! Yes, Honourable Paul Bii!

Hon. Paul Bii (Member for Kapsaos Ward): Thank you very much, Honourable Speaker. I rise under Standing order number 98 that a member shall be responsible for the accuracy of any facts. Honourable Speaker, I've known that I'm a man. Whenever a member comes here and talks of Kapsaos and here is a member talking of Torochtany again, Get us facts that the Chair of that society told you that the goods were delivered at night. I said very, very clearly here.

(Laughter)

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Let's give the Honourable Paul Bii an opportunity.

Hon. Paul Bii (Member for Kapsaos Ward): If as the area MCA I don't have any problem with the society, who are you? Who are you to talk about my society?

The Speaker (Hon. (Dr.) Patrick Mutai): Order, Honourable Paul!

Hon. Paul Bii (Member for Kapsaos Ward): Talk of what you know, don't talk of other people's wards.

(Several Members rose on points of orders and of information)

The Speaker (Hon. (Dr.) Patrick Mutai): Order, Honourable Members! Before you take the mic... Honourable Matthew, Honourable Paul Chirchir and Honourable Paul Bii, wait first. Let us not reduce this to a shouting match. A point of order will suffice with a show of hands. So, let us maintain order. Hon. Moses, you're on a Point of Order. Honourable Paul Chirchir, what is your Point of Order?

Hon. Paul Chirchir (Member for Kapsoit Ward): Mr. Speaker, Sir, this is the first time a Member of the County Assembly, and I think he needs to be taken for further training, Mr. Speaker, Sir, on proceedings and Standing Order of this County Assembly.

Whenever budgets are approved by this County Assembly, they belong to the whole County. The same, same way the Honourable Dominic should be informed that the money that was taken to Chemamul is not his money. It is money for the people of Kericho County. The same thing that the money is taken to Torochtany in Paul Bii's Ward, it is not his money; it is the people of Kericho money. That is why we must protect our County. So, you need to be informed. Thank you very much.

The Speaker (Hon. (Dr.) Patrick Mutai): Alright, thank you. Honourable Matthew, you finalize.

Hon. Mathew Korir (Member for Chaik Ward): Okay, Mr. Speaker, you know, during the press briefing of his Excellency, the Governor, he alluded that a number of MCAs are contractors. So, at some point, I might have touched someone's work, Mr. Speaker, but I was in Kapsaos being the member of the Ad-hoc committee to find out whether the public resources was used well, but not to come and look on what you are doing, Honourable Paul Bii.

On *Kazi mtaani*, your Excellency, 39 million was used with no records. Nothing was able to be shown by your staff, your Excellency. You know, when you ask us, this is the second impeachment that I'm going through. Yes, your Excellency, and we can go for the third one. Reason? You are not in charge of the County, and that is my stand. The other time, I supported you, your Excellency, because even you, when you're given time, you say, I'm not seeing *buibui*. I didn't want that *buibui* by that time, but today, it is the public resources that we want to know where it is.

Mr. Speaker, on Londiani scandal, I was part of the committee, your Excellency. This is not a matter that you need even to discuss that people were paid. Your Excellency, a number of issues on Londiani scandal was very open to the members of the public, and the money was misused in the doorstep of his Excellency, Governor, Dr. Eric Mutai.

On fictitious payment, Katwa Kigen confirmed that though the money was paid to a contractor, but there is work that is going on. Even in your home County, Katwa, does things done like this? Where a contractor needs to be paid to be lend an amount of Ksh.2.9 Million so that he can deliver service. That one will not happen in an era where I am an MCA representing the great people of Chaik Ward.

Your Excellency, on the issue of donor fund, I was with you in the stadium. We had a very good program of agripreneurs of the SACCOs. Your Excellency, when you are responding to what we have contributed today, kindly tell this house whether the SACCOs, they have received 1 million that you launched with a dummy cheque. If they have received your Excellency, I will not impeach you, but I want to give you an example of my Ward. They have not received. Why do I need to massage your ego? I will impeach you because I have not received the money.

(Applause)

Your Excellency, Katwa Kigen has given us another version of the tissue. These tissue issues and prices was not from our end, it was from the staff of the County Executive. When we posed a question to the CO Water, he said, I'm sorry, it is Ksh.2750, but because I will go and check because we have done photocopy from the original. Is it our role to understand that original, when you do a photocopy, some figures disappear? It is not our role. Our role is to protect and to ensure that the public resources are taken care of.

The speaker (Hon. (Dr.) Patrick Mutai): As you wind up.

Hon. Mathew Korir (Member for Chaik Ward): Thank you, Mr. Speaker, for that. So Katwa, when you go to do calculations, you have said that 40 bales of tissue times 40 pieces, it is 1600. When you divide, it comes to 58 cents. What tissue? So, in fact, everyone will become confused until the time you will tell us where the 85 million shillings is. This thing

will make some of the members, even a Senior Counsel to become confused. And I know when the Ph.D will be taking the stand, you also become confused. 58 cents! It cannot buy a tissue. But I was sure when I raised a question to my teacher in Chagaik Secondary Eng. Mitei; he told me the tissue is Ksh.2750 and the one who was using the tissue is Mitei. It is not Katwa Kigen or the Governor! So, my case is that I'm supporting this impeachment, either by sleeping, by standing, by doing what, I will impeach Dr. Eric Mutai for the betterment of the people of this County to get better service.

The Speaker (Hon. (Dr.) Patrick Mutai): Alright, thank you. A minute to Honourable Peter Kemoi, and then I will give to Hon. Cheruiyot Bett. A minute on a serious note Hon. Peter!

Hon. Peter Kemoi (Member for Kapsuser Ward): Thank you, Mr. Speaker, Sir, for the opportunity you have granted to me. We are here to support this Motion of impeachment because of the reasons that most of our Honourable members have shared. And I want to urge Honourable members, at least let us reason together, as I urge also the Senior Counsel, Mr. Katwa Kigen that this is Kericho and we are crying for the resources of Kericho. I know you have come to draw your allowances, but also on human grounds, let us reason together and see if justice is being done to our people. As you reason, as you do your calculation, it is good that you defend what is right for our people that we are representing.

His Excellency Dr. Eric Mutai was elected equally the way I was elected. He is representing people. But when we see funds being misappropriated, misused, it doesn't sound good to our people. As much as we defend this, let us come to our sense and reason together. Are we articulating the right thing to this Kericho County? Mr. Speaker, Sir, it is good that some of our members have pointed out the calculation of the tissue. And I wanted to ask you; maybe you know much on mathematics than what CO Mitei gave us. Because when you say 40 by 40, it gives us 1600 pieces. When you divide 1600 by 2750, it will give you 1 point something. In which world can you buy a tissue at 1 shilling point something? Mr. Speaker, Sir, we are raising a concern, not because we are representing, and when we are making some legislation here, I am not making a legislation that governs the Kapsuser Ward, it is legislation that govern Kericho County.

So, when Honourable members here come and defend some projects in their Ward, I remember Honourable Paul Bii, because I'm the Chair in the Department of Water, raised a concern that Ksh.9 Million had been misappropriated and it cannot be equal to the work that had been done at Torochtany, it raised an alarm. We had to plan, we had to visit the site, and we gave out the Report as per his request. When he comes here now to condemn us, I don't get the logic.

(Laughter)

It is good to be realistic and tell ourselves the real truth. Mr. Speaker, Sir, we have visited some of the projects. Our concern here, Mr. Katwa Kigen, is not about anything else. Even in your County, there is procedure of giving out works. You will not pay a contractor for a contractor to give out services. So, you should tell us and defend for us if it is right. Were it not for this whistle blower, you could not have known that even there are some works; there are some projects or works which has been paid before delivery. So, it is a concern.

Mr. Speaker, Sir, allow me to talk about the Lelaichtich Water project, which is in Soin. The project manager who came here said that when there is zero point something works which has not been completed; it is counted as 100% complete. Does that make sense? And they went ahead and paid the contractor.

So, we have incompetent staff in this County, Mr. Speaker, Sir. Honourable Member, talked about Kamwingi Kivuno. They were supposed to give us seedlings, 50,000 as per the quote. But in papers, it was 60,000, surprisingly that we found on the ground. Mr. Katwa Kigen, I'm requesting and I'm urging you, do not rely on the theory.

It is good also that you take your time and make a visit to these sites so that you prove or we read on the same page.

(Applause)

The Speaker (Hon. (Dr.) Patrick Mutai): Order Honourable Members! No shouting.

Hon. Peter Kemoi (Member for Kapsuser Ward): Mr. Speaker, Sir, what we found on the ground is 3200 and the contractor is fully paid to a tune of Ksh.5.5 million. Mr. Speaker, Sir, in Kaitui, the project is 100% complete, yet they have not supplied the water pump and also the pipelines. Those are facts.

Kiprengwe Project, which His Excellency talked about is a very good project, but it is not functional your Excellency. How I wish that you also visit the site because it doesn't have the treatment plant. It doesn't have the water points. So the project is very good. In fact, most of the people who were there say that maybe it was a project for beautification in that area. It sounds very bad. Your Excellency, I'm urging you that you visit the site and witness for yourselves so that when we are talking about these things, we shall be reading on the same page.

Katwa Kigen, you talked about Chemosot having a project of Ksh.16 million. I want to put you right that three projects have been done in Chemosot under FLLoCA and all these three projects come to a tune of Ksh.21 million. As the Chair and I want to confirm to you, the leading Ward under the funding of the FLLoCA is this Ward called Chemosot.

Mr. Speaker, Sir, I want to come to NAVCDP. Your Excellency, it is you who called our people to Kiprugut Chumo Stadium and launched it. This is a very good program that can assist and improve the economy of our County. But up to date, the whistle blowers or the committees who are running these NAVCDP in Wards have not received money up to date.

Mr. Speaker, Sir, it is good that we do as per our wards...

The Speaker (Hon. (Dr.) Patrick Mutai): As you summarize!

Hon. Peter Kemoi (Member for Kapsuser Ward): Thank you Mr. Speaker, Sir, Mr. Katwa Kigen, you talked about that every Ward had to make some requisition. I want to ask you that you provide to this house the documentation from each and every Ward as per their request because that is what comes from your mouth. Every SACCO had to make a requisition. You talk about either wheelchair or the walking stick or what. It is good that you provide for us with evidence, the documents on each and every Ward as per their requisition. Mr. Speaker, Sir, I want to say that I'm supporting this Motion because, Your Excellency, there is a lot of impunities in our Wards. And in many cases, I've shared with you, we are here. Your name, as a slogan name, is Equalizer. You were requesting our people in Kericho County that you treat everybody equally. But there is a lot of variation. How I wish you could have adhered to your slogan name. We could not have been here today. So, I stand here to support this Motion. Thank you, Mr. Speaker, Sir.

The Speaker (Hon. (Dr.) Patrick Mutai): Okay, thank you Honourable Peter Kemoi. Honourable Maritim, you are always a one-minute man. And I've seen you several hands. Is it a Point of Order or you want to contribute? A minute!

Hon. David Maritim (Member for Chepseon Ward): Thank you, Mr. Speaker, Sir, for giving me this one minute to just contribute. Mr. Speaker, Sir, its unfortunate today that we are roasting our Governor here and crucifying him for the mistakes he never did. Mr. Speaker, even Jesus Christ didn't make a sin, but he was sacrificed for the sin of others. But I sympathize with you Mr. Speaker. I happen to benefit from FLLoCCA program...

The Speaker (Hon. (Dr.) Patrick Mutai): You know we are on HANSARD; you sympathize with the Speaker or the Governor?

Hon. David Maritim (Member for Chepseon Ward): No, the Governor! He is being roasted for the sins done by others.

The Speaker (Hon. (Dr.) Patrick Mutai): Okay proceed!

(Laughter)

The Speaker (Hon. (Dr.) Patrick Mutai): So the Governor is Jesus? Okay, proceed!

Hon. David Maritim (Member for Chepseon Ward): Okay, Mr. Speaker. My ward benefitted from the FLLoCA, for the supply of coffee, Mr. Speaker. It was supposed to be 50,000 but the supply was 35,000. So I don't know where the 15,000 went to. I don't know where it is.

Again, Honourable Speaker, there was also a supply of solar dryer at a cost of 4.9 Million, Mr. Speaker and during my research, I have learnt that a solar dryer can cost 1.2 to 1.5 Million shillings but this one was 4.9 million shillings and it was *Juakali* made, Mr. Speaker, for your information. So I don't know why these people decided to loot our County with no value for money.

Mr. Speaker, again, I have always been agitating in the water department, Mr. Speaker. I have a Borehole in Chepseon which was solarized in 2023/2024 and it has never been paid to date. And surprisingly, Mr. Speaker, this borehole has two names; that is Polytechnic borehole and Kapmaisha borehole and it is the same borehole; it has two different award letters, has two different BQs. When I inquired from the department, they just took me in circles. But I got information they wanted to pay the *Mahewa* one with 4 million.

So, Mr. Speaker, this County should be saved. Otherwise, Mr. Speaker, let these people who did this... Again, Mr. Speaker, I forgot, there are a lot of injustices, Mr. Speaker; we are bordering with Honourable Paul Bii and in his ward he has done more than 12 roads, I have done three. So, I don't know where the discrepancy is coming from. I don't know what Honourable Paul Bii did to this County. But, Mr. Speaker, let all these perpetrators be brought to book. Thank you.

The Speaker (Hon. (Dr.) Patrick Mutai): Finally, Honourable Deputy Speaker, Cheruiyot Bett!

(Loud consultations)

Order Honourable Members! Order!

Hon. Cheruiyot Bett (Member for Ainamoi Ward): Thank you very much, Mr. Speaker, for giving me this opportunity. And, of course, Mr. Speaker, the great people of Ainamoi, Mr. Speaker.

Mr. Speaker, I rise, of course to support the Motion by the Honourable Rogony, Mr. Speaker. Mr. Speaker, I do not want to repeat what the other members have said. Your Excellency, I just want to begin by saying this, Mr. Speaker, that when I was selected as one of the Ad-hoc

Committee members on the fictitious payment, I did a post in my *Facebook* page, Mr. Speaker.

I gave an analogy of a Crocodile and an Alligator, Mr. Speaker, that when an Alligator comes out of water and tells you that the Crocodile is sick, will you doubt his story? Nonetheless, we are on our way to the waters to confirm whether the Crocodile is sick or safe and sound. If we find that the Crocodile is safe and sound, the Alligator is in big trouble. That is what I posted during the initial stages when I was instructed in that Ad-hoc Committee, Mr. Speaker.

Mr. Speaker, when the Report was tabled, I did another post on my *Facebook* page that the Crocodile is very, very sick, Mr. Speaker, because of the findings of the Ad-hoc Report, Mr. Speaker. And in that, probably maybe the Governor misquoted me, Mr. Speaker. I know he's a Linguist and of course a Doctor of Literature, Mr. Speaker. It was just an analogy. The Crocodile is him; the Alligator is the Deputy Governor who was the whistle blower, Mr. Speaker. So I was not calling the Governor the Crocodile. It was just but a figurative, and he understands even more than me. He has a PhD, Mr. Speaker.

Allow me, Mr. Speaker, to congratulate the Honourable Engineer Hezron because he graduated with First-class honours the other day from Mount Kenya University in Leadership and Public Administration, Mr. Speaker. Mr. Speaker, before I forget, I also want to congratulate the Honourable Isaac Matkeir, I saw that he was posted by the Politrak as the best-performing nominated member of the County Assembly in Kenya, Mr. Speaker. It's because of the social work that he does to his people of Kapkugerwet ward and we wish him well, Mr. Speaker.

Mr. Speaker, when the Report came, that is exactly what I posted and somehow, the Governor took offence. You know, Mr. Speaker, he went ahead and gave a presser Mr. Speaker, at around six. But I was expecting that he's going to respond to the 85 Million shillings that was in the Report, Mr. Speaker. Unfortunately Mr. Speaker, he attacked the Ad-hoc Committee members, and more important, Mr. Speaker, he even mentioned my name and yours Mr. Speaker as chief contractors. And, you know, Mr. Speaker, I am a son of a Pastor, Mr. Speaker. So I forgive the Governor because he's very aware that I am not a contractor. I have never done any contract in this County for the 13 years. Mr. Speaker, I have the benefit of being the longest-serving member of the County Assembly. I have seen people coming and going Mr. Speaker and I'm yet to see much this coming election, Mr. Speaker.

Mr. Speaker, I know the Governor. I did not victimize him because he was under duress, you know, under pressure, because I heard there were a lot of people at the background shouting 'Yes.' So, you know, that is politics, Mr. Speaker, but I want the Governor, if he gets an opportunity to do a background check on who the contractor is. Two months ago, we went

with the Governor to the same facility, Mr. Speaker, and the contractor was there, Mr. Speaker.

First, I was very tough on the contractor because he hadn't finished the work, Mr. Speaker. The reason he was saying is that he has raised a lot of certificates of payment but the County has not honoured payment of those certificates, Mr. Speaker. Therefore, he left site, Mr. Speaker.

So, the work there, and the Governor is here, Mr. Speaker, is 95 percent done. The Contractor paid 50 percent. Mr. Speaker, when you come to the County Referral Hospital, we have an Oncology that we funded with 340 million, 86 million already paid. Nothing has been done in the County Referral Oncology, Mr. Speaker. Go to Sosit, Mr. Speaker, just foundation, 33 million paid. Just for foundation, Mr. Speaker!

So, Mr. Speaker, what I'm saying is, I was waiting for His Excellency, the Governor, with all due respect, Mr. Speaker, probably to say that I've just... In fact, he was telling me he received the Report of the Ad-hoc Committee, and, you know, the members of the Ad-hoc Committee are all contractors, but, you know, I understand it was past five. You know, past five, O'clock Mr. Speaker, you can never know where someone goes after five, Mr. Speaker.

So, I gave the Governor the benefit of the doubt and I have forgiven him, Mr. Speaker. If he gets an opportunity, probably he will expound on that. And, you know, when you want to get to know the contractor, you search for the CR12 of the company. It will tell you who the contractor is, who the directors of the companies are, Mr. Speaker. I want to tell the people of Kericho, the people of Ainamoi, that personally, I've never done contracts and I'm the long-serving member of the County Assembly here, Mr. Speaker. But then, probably after, in my next life, Mr. Speaker, I'll be a contractor, but not now, Mr. Speaker, because I know of the consequences of conflict of interest.

Mr. Speaker, we sat here and we gave a very good Report. Report as it is, Mr. Speaker. I was part of the members of the Ad-hoc Committee, Mr. Speaker. When I was sitting here, Mr. Speaker, when we were looking at these cooperatives that were supplied with these raw materials, Mr. Speaker, in fact, I was surprised that one of the cooperative societies that was supplied, but it was not under investigations.

In fact, the CO was telling me that Kerimoi Dairies is one of the beneficiaries and I never knew. I went back there and called the director. He told me we received for Kerimoi Dairies in November last year, Mr. Speaker, but payment was done in February, Mr. Speaker.

So the member representing the great people of Kapsaos, a very good friend of mine, Mr. Speaker, I remember I campaigned for him. I almost lost my life, Mr. Speaker, when I was

campaigning for Paul Bii, because I was involved in a road accident in Brooke at 2 a.m. at night, Mr. Speaker, going to his Torochtany.

Torochtany will always be on the news for the remainder of this term, Mr. Speaker, until they receive their full... Mr. Speaker, someone is writing to me. In fact, they are showing me pictures of the same society. I didn't go to Kapsaos because I'm a member of the County Assembly. I just went there because I was a member of the Ad-hoc Committee and I wanted to assist the people of Ainamoi. Mr. Speaker. If the Hon. Paul Bii fails, Mr. Speaker, even the people of Kapsaos will ask me, why I was campaigning for you seriously.

In fact, my vehicle was stoned at Kapsaos Centre, Mr. Speaker, trying to save the Honourable Member, Mr. Speaker, but I'm very happy because he is now here, Mr. Speaker. He will defend himself probably in the next election. But, Mr. Speaker, I went there; One, I was a member of the Ad-hoc Committee. What we found there, Mr. Speaker, I think Torochtany, Mr. Speaker, is a crime scene. Because one, I heard one of the Honourable Members here saying that the Lightning will not visit a family twice, Mr. Speaker.

This Torochtany has been visited twice by calamities, Mr. Speaker. One, Mr. Speaker, is these raw materials. Mr. Speaker, you know it pains. They did payment on 4th February of this year, Mr. Speaker but on 26th of July is when they supplied the first consignment to that society and you want us to clap and say that I'm not a Member of Kapsaos? We need to talk, Mr. Speaker. Here is the delivery, Mr. Speaker; this is on 26th July, 2025, after the formation of the Ad-hoc Committee, they rushed there, they supplied.

The Honourable Paul Bii, when we were continuing with the Ad-hoc Report, came and told me, Mr. Speaker, don't say a lot of things because I'm in charge of the ground now. They are trying to do their level best. I told him, yes, that is what we want. But, you know, Mr. Speaker, money was paid before delivery of services. Katwa Kigen, from where you come from, I do not know which County but I am very sure that whatever takes place here will never take place in your County, for all, you know, I respect Senior Counsel. So, in fact, if there is a place that is a crime scene, it's Torochtany, that is why we will keep on repeating. When you go to the nine million, we visited there, Mr. Speaker, and sometimes FLLoCA funded that society, Mr. Speaker. In fact, the Honourable Amos Birir, when he was contributing to the Report, he was treading, Mr. Speaker, in social media because he was saying, you need to slap the cooler first for it to work.

(Laughter)

Mr. Speaker, and you know that Amos Birir is just...

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

Hon. Cheruiyot Bett (Member for Ainamoi Ward): What I am saying, Mr. Speaker is that we need to sanitize some of these things, Mr. Speaker. And we need to work very, very hard, Mr. Speaker. A tissue, as has always been explained here, Mr. Speaker, and you know, Katwa, it is very difficult to defend theft. These are facts, we start here, Katwa. If you get an opportunity during your free time, just follow the proceedings of the County Assembly Ad-hoc Committee. You will get a lot of facts from there. That probably will assist you. If the Governor does not make it here, it will assist you to defend him in the Senate. How I wish that he doesn't make it here because we are going to vote, I don't know the outcome of the vote. I don't want to pre-empt. But then, these are money that when we talk of some of these things, we visited most of these societies. We went there. In fact, I want the Honourable Chair for water has explained everything. We went to each and every society, Mr. Speaker and we found out some of these things were not even done, Mr. Speaker, and money was paid.

So, what I'm just saying, Mr. Speaker, is that why the Governor is here, Mr. Speaker, is just because of section 30, subsection 3 (f) of the Constitution, Mr. Speaker, that the responsibility lies with the Governor. Otherwise, Mr. Speaker, the reason why he's here, Mr. Speaker, is because all these other things rotates around his Government.

The Londiani Report, the accident report, nothing was done. In fact it was the County Assembly who intervened until we impeached the former County Secretary, Mr. Speaker. Other officers are still in office, Mr. Speaker.

Kazi Mtaani that was chaired by the same Paul Bii, Mr. Speaker, gave us a very good Report that was tabled here. Nothing has been done. This is now the third Ad-hoc that we are handling here, Mr. Speaker. I just want to say that I support this Report. It is not out of malice. In fact, His Excellency is a very good friend of mine. That is why he was saying here that he's a very close friend of mine. But then where is the Governor when some of these things are happening? You know, he's the father of this County, Mr. Speaker. Otherwise, Mr. Speaker, I do not want to say much. I support this Report.

The issue of tissue was well explained, Katwa, it is 1.7 shillings per tissue. Where on earth can you get that tissue? It is not there. And facts are stubborn; we have the Report, forty bales times the forty pieces that you said are inside. Take your calculator and just do the maths, then you divide by 2750. You get 1 shillings, probably and 70-something cents. Where on earth can you get such a thing Mr. Speaker? So what the CO gave us is what we were using, and that is the true picture here, Mr. Speaker.

Otherwise, Mr. Speaker, I support this report, Mr. Speaker, and I want to urge the honourable members that this is a very good Motion that we need all of us, Mr. Speaker, to support. I have gone to each and every supermarket in this town, Mr. Speaker, I think there is one here that I have gone to trying to get this tissue because this must be a very expensive tissue that

does massage after the work that is supposed to be done with that. But there is no tissue in this town that costs this much. The honourable Martin Cheruiyot can attest because he owns a supermarket here in town, Mr. Speaker. I don't know whether he's the supplier or not, but there is no tissue that costs this much in this town, Mr. Speaker.

(Laughter)

I'm not saying he's the supplier. I'm not saying. I'm saying he owns a supermarket. But I don't know how you can get a tissue of this much, Mr. Speaker. Thank you very much, and I support the report.

The Speaker (Hon. (Dr.) Patrick Mutai): Alright, thank you, the honourable Cheruiyot Bett, the Deputy Speaker. Honourable Members, before I call upon the mover to reply to the Motion, Standing Order number 70 (5) (3) provides that when the Speaker is satisfied that the Motion has been adequately debated, the Speaker shall call upon the person who is being removed from office to answer to the issues raised in the debate, and thereafter call upon the mover of the Motion to reply.

Before I call upon the Governor, which I believe, I don't know whether it will be Katwa, who will probably make the final submissions. Honourable Members, this is a debate that we are discussing to remove the Governor by impeachment and Honourable Fancy of course did violate our Standing Order number 115 (f) by deliberately giving false information to the Assembly, but using Standing Order number one in the spirit of fairness, I will redirect that to the Serjeant-at-Arms to ensure that Fancy is back so that when the time comes for voting, she is not victimized, she exercises her right to vote. Secondly, that matter will now be handled by the Powers and Privileges Committee. So Clerk, please note that so that that is in order.

Honourable Members, I therefore call upon the Governor, through Katwa, to make final submissions as the Serjeant-at-Arms ensures that Honourable Fancy is back to the House.

Katwa Kigen, SC (Counsel for H.E the Governor (Dr.) Eric Mutai): Mr. Speaker, Honourable MCAs, we maintain our position that responsibility for any wrongdoing that was done should first be visited on the people who are involved in this wrongdoing before resorting to His Excellency, the Governor.

The second one that I wish to say is in respect to a number of members of the County Assembly who have gone back multiple times to the issue of the retired CECs and COs, and especially on the issue of CECs. If it were to be the case, as is being argued here, in support of the impeachment, if it were to be the case that there was any impropriety in changing the CECs, I would pray that the Assembly also takes their share because the replacement of each of those CECs came here. And so if you have any grievance about the replacement of those

CECs, please share that responsibility with the Governor and drop it from the gamut of the Motion to retire the Governor.

There was the argument by the Majority Leader that the Report was unanimously voted for. We have looked at the Report and it is clear that the report was providing for the Governor to act. I think nothing turns on the point that indeed the report was voted for unanimously. The unanimity was in giving the Governor an opportunity to act.

Many honourable members have made reference to *Kazi Mtaani* and Londiani. It remains our position that having been canvassed in the previous impeachment of September 2024, it is not a proper subject for consideration in this impeachment. However, Mr. Speaker, Sir, if it were to be the case that you really must entertain it as part of these proceedings, which we protest to, if it must be, we pray that you see our submissions on it. We have relied on the previous statements and documents that we have relied on in the previous defence we did. And again, we reiterate our objection to the reintroduction of the same

I am surprised that amongst the people who are supporting the reintroduction of *Kazi Mtaani* and Londiani is Honourable Matthew who had found it to have no merit in the previous impeachment proceedings.

(Laughter)

Now, moving on to a different issue. On the same issue of Londiani, we just want to flag out two issues:

One is that that the Report was taken to Court and it was quashed and so it is of no effect. And secondly, part of the recommendations in that Report was that one Dr. Wesley Bor should step aside, and my instructions are that indeed he is out of office.

On the issue of Kipkelion houses, is it Dr. Naaman or Professor Naaman and Chief Whip and Matthew went back to it and said that I said that indeed payment was made. Okay, what I said in my previous submissions is that works have been done on those houses and some other works were going on. I left it at that.

(Laughter)

The words that have been put in my mouth saying that I said payment was made in advance were not my words. And so I want that clarification to be clear that I didn't go into the issue of payment having been made in advance. But assuming for one moment it is true that indeed payment was made before the works were done, I would like to make two arguments on that.

The first one is that the person who did that should take responsibility. It doesn't have to be the Governor because he didn't sign for it. It's not like personally it was brought to his attention. He looked at it and said that indeed payment was made in advance, that's one.

The second one is that I have looked at the totality of the materials that have been brought in terms of the impeachment especially with regard to the issues of the contractors, construction contractors, and it doesn't seem anywhere that the committees availed themselves the contracts for construction. I have particularly in mind, for instance, a contract as huge as the one for the hospital. And it is common knowledge that for construction contracts there is provision for advance payment. And therefore to the extent to which it has not been determined that advance payment due on constructions in terms of the payments in these projects, to the extent to which there is no address to that issue, we submit that even if payment was made, then there is need to check whether it was advance payment provided for the contracts. And contrary to what some of the honourable members have said that there is no case where payment is made in advance. The inverse is true that in contract, contract is advance payment. And so it doesn't necessarily follow that the mere fact that there is advance payment before the works are done, there is fault, there is need to look at the contract. However, again, I just want to put this rider underline with emphasis, that if it were to be the case that indeed there was irregular payment, then the persons involved individually should be asked to take responsibility. It doesn't necessarily have to be His Excellency the Governor.

On the issue of the SACCOs, I just want to emphasize that my point is this: that the nature of the donor funding requirements are two in respect to this issue of the SACCO funding. The first one is they only qualify when they meet certain criteria, and that was the point I was emphasizing. They cannot become eligible and cannot become entitled either to the one million or to the supplies of the procurements until and unless they are qualified to be incorporated and on boarded into that donor funding.

At that time, there were only 19 and subsequently 11 have been on boarded. Therefore, there cannot be a question, as Honourable Matthew has said, that please show us proof that one million was paid to each SACCO. That cannot be the case, it can only be released when the parties qualify and become eligible on the terms and the scope of what the donors have said. However, the documentation in respect to the dealings with the SACCOs, Honourable Matthew asked me to answer that directly, are provided in our bundle at page 36 where we've listed some of the issues that we have addressed, being that you only qualify to do the procurement, to get the one million, and to be supported when you meet certain criteria.

On the issue of the supply of soya, cotton, and maize, our point is this. That the documents we have are to the effect that the payments were made after delivery. Now, of course, I can see the point, the scornful point that is being made by Honourable members being that that is a mistaken position. Now, from where His Excellency the Governor sits, if it were to turn out that indeed the payments were made before delivery, then that will result in disciplinary and possible other sanctions.

Until that issue is determined, until His Excellency has been afforded an opportunity to act, to investigate, to determine that, it cannot be blamed on His Excellency the Governor that he was blind spotted in terms of any impropriety that is there. We are not necessarily saying that impropriety may not be there. We are saying we need an opportunity to look at them, and where we see it, we start off looking at the documents and the face of the material.

We also were putting the emphasis on the point that these items are consumable, so you don't put them there and they stay there for three months or four months or so. They come and they go, and so the mere fact that you found ten tonnes doesn't mean that more tonnage was not delivered. There is multiple call on His Excellency why he didn't answer the question of fictitious payments of Kshs.85 million or Kshs. 86 million. The point we've been trying to make, and which we are making, and which we hope we've made, is that indeed as far as we are concerned, there was value for money in respect to that amount. However, if it were to be found that some aspects of that Kshs. 86 million value was not obtained, then that is an issue we will address given an opportunity.

I know that some members raised issues of bamboo, issues of the roads, and Mr. Speaker, Sir, I pray that those be excluded. We do not have notice of intention to address issues of bamboo, issues of roads that were discussed by amongst others, Moses Rotich and Peter Kemoi who kept complaining about some other MCAs getting two roads and getting three roads. If we had notice of that, we would have responded. But if the general point that is being made is that it is skewed, our position is that it is not true, it is not skewed, we tried as much as possible to be balanced and some of these programmes are running up to 2027, and if you really want to complain that it is skewed, then you should wait to the year 2027 and then raise them if it will not have covered that area.

(Loud consultations and laughter)

In terms of the SACCOs, the supplies were made as requested. For all those reasons, we pray that you decline the Motion for Impeachment, you give the Governor an opportunity to act, you let the parties who are responsible take responsibility, and we are very pleased at the comments made by Honourable David Maritim that the Governor is suffering for things that have nothing to do with him.

(Laughter)

We pray that you give full meaning to that submission. Mr. Speaker, I would like to leave it there after saying one point. I trust that I have used about 15 minutes, so I would like to spare one or two minutes for His Excellency to say something.

(Loud consultations)

The Speaker (Hon. (Dr.) Patrick Mutai): Order! Order, Members! We want to...

Katwa Kigen, SC (Counsel for H. E the Governor (Dr.) Eric Mutai): Before we go there, Mr. Speaker, I just wanted to make one point. I keep missing his name.

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

Katwa Kigen, SC (Counsel for H. E the Governor (Dr.) Eric Mutai): Paul Chirchir said that he has received messages from the 18 that they will vote in support of the impeachment. As far as we are concerned none of them has sent any message like that.

(Loud consultations and laughter)

He is the apostle of the proposition that somebody must give supporting materials to that, he has not shown to as who; he has not shown us any material. However, if it were to be, if that point is to be taken to its full meaning, it is our argument that he is part of the scheme to manipulate the vote that is coming. That's all I wish to say.

The Speaker (Hon. (Dr.) Patrick Mutai): Alright, thank you, Katwa. Your point has been made. Honourable His Excellency, the Governor, kindly, five minutes, please.

The Governor (His Excellency (Dr.) Eric Mutai): Thank you so much *Mheshimiwa* Speaker. Mine will be very brief. One, I think *Mheshimiwa* Speaker has been a good listener to debates, and one thing, while debates were ongoing here, I reckon that probably in another space of time, perhaps I would have been in Parliament, because I've really enjoyed the debates here. I want to thank the members who have contributed. The insights that they have shared with us are valuable to us as Government.

I really want to appreciate those deep thoughts. We want to commit, Speaker and persuade the members that, having seen all these reports that just came to my office after the impeachment has been tabled I still want to persuade you that, within the timelines that you have given in this Report, that you kindly give me a chance to go and implement these reports. It is possible, it's doable, and we can do it together as a team and as leaders of this County.

Lastly, Speaker, I am reminded this afternoon of the great words of Raskolnikov in Crime and Punishment. Before he murdered, he murdered Aljona, an old pawn driven by passion and the excitement of killing for killing's sake, and the passion of murder. After murdering Aljona, an old pawn of 85 years, Lizaveta walked around him and because the adrenaline of murder has been awoken in Raskolnikov in the same living space, she proceeded to kill the 13-year-old girl. When asked why she killed the old woman, she said, I've simply killed a

louse and stumbled upon a louse. But it was being driven by the passion for murder and the beauty of pain inflicted to somebody else that gave him a lot of excitement.

Mr. Speaker, I also conclude with these great words of Macbeth in the tragedy of Macbeth Shakespeare. Macbeth having killed King Duncan, because the wife of Macbeth, Lady Macbeth, had told the husband, who was a bodyguard of King Duncan that the dream has come to me that if you kill King Duncan, you are going to be the king. And Macbeth, Mr. Speaker, Lady Macbeth, kept telling the husband that the gods have shown me that you are going to be the king. Kill your cousin, King Duncan. The man refused. Then the lady came and said, oh, gods of heaven, come unsex me that I may be a man and vanquish King Duncan. Macbeth inspired, kill King Duncan. He proceeded to kill any other witness there, being driven by the insatiable power game and the struggle to satisfy what he has begun. And when guilt came and consumed him, Mr. Speaker, he said that he saw the blood that he has shed, the many that he has killed along the way, and killed because every human being has killed at some point of time. The pleasure of murder looks exciting for a minute, but after some time, it comes back to you. And Macbeth says, the gods are speaking to me that I have done a crime. But he says, when I want to go back, I have waded far much through this blood to stop the murder.

I beseech this House. You murdered me the first time, this is the second time. There has been a lot of agony all over, both in my own personal life and even within all those that are close to us. I want to persuade you, all of us, that we have a chance to work together as the great people of County of Kericho. We have a chance to still make amends and sit together, implement these reports and push the dream of Kericho County to be fulfilled in your individual Wards. To every report that has been given to me, within the timelines that have been given, if God gives us a chance to move forward, we will be able to implement on these particular reports that have been given to me.

Speaker, you've been graceful to us. I've enjoyed sitting in your House, and I want to appreciate all the time you have given us with our team, and we commit that God will see us through, and I had asked in the morning that under your feet, we only ask for justice. As we seek for justice to the issues at hand here, the Governor today also asked us for justice, that as we go towards the critical point of voting, my still request before everybody is that I know there are Standing Orders to vote Electronically, Acclamation, and Roll Call voting. As the accused, it is under your discretion on what works best for all of us, but we pray, honourable Speaker, that if you give us the chance for a Roll call voting, we'll be able to attest that this person that we did say this, it will allay the fears, it will allay the suspicion that this and this, and I said in the morning that if my time comes to go, I will go head high when justice has been done, and when fairness seems to have been given to me as the accused.

Thank you so much, honourable Speaker, God bless you, and God bless the great Assembly of Kericho and the great people of Kericho County. *Asante sana.*

The Speaker (Hon. (Dr.) Patrick Mutai): Thank you, Your Excellency, the Governor, for your final submission.

Katwa Kigen, before you leave with the Governor, I want you to take this home. I know this is in line with the Standing Order number 70A that you were talking about, let it be on record that this Motion by honourable Kiprotich Rogony was approved by the Office of the Clerk and my office because the matter was never prosecuted to its finality, and you all agree with me that even the Governor himself, including his representatives, did not even made their submissions at the Senate, so please note that, let that be on record also. Other than Standing Order number 70 that we are relying on, both 70 and 70A. So having said that, Katwa, His Excellency the Governor, we are, of course, glad to host you here.

I know you normally sit on my right side, but today you are in unfamiliar seats. I'll ask our Serjeant-at-Arms now to escort you so that as you wait for the final verdict outside the precincts' or wherever you want to be, no problem. Governor and the lead team, you can now proceed kindly. You ensure that you collect all your files. Thank you so much, Katwa and team. Thank you.

(The Governor and his team left the Chambers)

(Loud consultations)

Okay, Order Honourable Members, we now proceed! Honourable Members, after the submission by the Governor, I now call upon the mover of the Motion, Honourable Kiprotich Rogony, to make his reply for a period not exceeding 10 minutes.

Hon. Kiprotich Rogony (Member for Sigowet Ward): Thank you, Mr. Speaker. I'll not even take 10 minutes, but I'll use the shortest time, five minutes, and I want to thank the members for ably prosecuting the matter. Those for or against the Motion, but I want to thank the members who supported my Motion.

Mr. Speaker, how I wish I made this before the Governor left the Chambers, but Mr. Speaker, it is very clear. When the Governor rose to defend himself, he could not even talk about the fictitious payments. That was even the height of impunity that was ever shown just the other day.

Mr. Speaker, it is definite, we have so many reports here, Mr. Speaker, Pending Bills Report that showed skewed development in the entire County. Mr. Speaker, a number of projects that members have raised, it is true, and I'm happy because the members who visited some of these projects have been able to identify the defects, and unfortunately, Mr. Speaker, all the amount of money was paid.

Mr. Speaker, I want to talk about the CECs who were sacked. Mr. Speaker, the Governor sucked the six CECs using standing order number 40, which was repealed by the Senate, and the reason was, Mr. Speaker, most of these CECs were subjected to undue pressure by Governors and Senate, so it fit to repeal the section and only allow this house using standing order number 31 for this house to be able to hold the CECs account.

Lastly, Mr. Speaker, for NAVCDP, I'm very happy, and I want to just tell the members here, the Ksh.281 million that has already been used for the two Financial Years is not even felt anywhere in the ground.

I want to urge any member here, go to that SACCO in your ward and find out what the Ksh.281 million should have done. The agripreneurs, Mr. Speaker, who were the people to set up the infrastructure in the entire County, no longer get any salary through the program. Mr. Speaker, these are the people who, when they were hired, signed a contract where they were supposed to get a stipend of Ksh.15, 000. These people paid only the first month, and the rest of the months, they never paid. Most of those agripreneurs, actually all of them ceased going to work. Mr. Speaker, this project in this financial year is supposed to recruit additional personnel, the animal health officers, but where agripreneurs no longer work, I don't know whether we will get these animal health experts seven per ward will be recruited, and I don't know what they are going to do.

Mr. Speaker, it seemed the Governor and his legal team came here not prepared because they thought because of a purported court order, the proceedings of this impeachment was not going to happen. But I thank God, Mr. Speaker, because there is already an established jurisprudence where any court of law in this republic cannot injunct a process initiated by this House. The decisions by this House, any verdict rendered by this House is equivalent to what the High Court can render. So, Mr. Speaker, it is important the Governor should have learned from the previous suit that the courts have no place in all the matters that we are doing in this House.

Lastly, Mr. Speaker, because I don't want to take time, I'm happy. I want to clarify one thing, Mr. Speaker. FLLoCA was begun in 2023/2024 Financial Year and then we have 2024/2025 Financial Year. The last, and I wish the Governor and his legal team could present in writing whether FLLoCA will still continue for three more years. The last financial year where we are getting Ksh.321 Million is this Financial Year.

If a ward like Kipchebor did not get any single project, then expect to get only one project out of the FLLoCA. So, the members who are very lucky to get more than four projects, I want to believe this time around you'll not be able to get anything because already you've benefited from the project. Personally, in my ward, I was given 5,936 avocado seedlings worth Ksh.2.2 Million. What I'm expecting this financial year is a water project, and now I wish I get a

water project amounting to Ksh.20 million because it will sort out the issues of water in my Ward

Mr. Speaker, in the replying Affidavit of the Governor, he admitted, because the committee on fictitious payments, one of the recommendations was that the County Government of Kericho has weak control in terms of the management of finances. And one of the things that the Governor admitted in the replying Affidavit is that he acknowledged that we have weak internal controls.

So, the Governor already agrees to the issues raised by the Ad-hoc Committee members in its findings through the Report on the Fictitious Payments. Mr. Speaker, I know there was a member here who was claiming that if we impeach successfully the Governor, which I want to press on the members, let us impeach now and Senate will not save this guy. Mr. Speaker, if we successfully impeach this Governor, County Government exists in perpetuity. The Deputy Governor will take over as a Governor. And I want to believe the infrastructure is already there. We will continue rolling out works. All the contractors currently doing works will be paid. And for us to sort out this mess, I want to implore all members, let us vote to impeach this Governor. We've gone through a lot in terms of projects, in terms of, you know, I know of a CEC whom when he was sacked is going through hard times, Somebody is about to hang himself. And some of the members here are telling us that we excuse the Governor to continue sacking more CECs. Let us impeach this guy so that we have a new system set up and any employee in this County will not suffer the untold suffering that those others have gone through.

Lastly, Mr. Speaker, I know the COs who were just released the other day. One of them is Geoffrey Bett, a PWD. You know, the Governor was so inhuman that he cannot even consider such an individual. Mr. Speaker, I remember there was a CEC who you gave a vehicle when we approved him here as a House. The fellow, the Governor sensationally told the public that he promoted a hustler to be a CEC. One year down the line, the fellow was sacked without reason. And you tell us here that we sit and wait and see him continue to render so many others jobless. You know, he fires at will. Members, I want to request that when the time comes to vote, let us vote to impeach.

With this, Mr. Speaker, I was going to request the counsel for the Governor, Katwa. We wanted them to produce even a single ETIMS receipt to prove whether those payments were paid in a very procedural way. Mr. Speaker, these payments were made illegally. If it is through the IFMIS system, why have they not supplied even in their replying affidavits even the ETIMS? Mr. Speaker, we will prove in the Senate because I want to believe there are members here who con the Governor. They stayed in Kisumu, but they are voting to impeach the Governor this afternoon. With this, Mr. Speaker, I beg to move the Motion that we impeach this Governor this afternoon. Thank you, Mr. Speaker.

(Applause)

The Speaker (Hon. (Dr.) Patrick Mutai): Order honourable Members! We shall now proceed, honourable Members, and it will be a bit lengthy again because I have to read the Motion verbatim.

(The Speaker and the Clerk consulted)

Honourable Members, let's proceed. Honourable Members, I was saying that I'm almost now rising to put the Question, but the question is long. And I realize that some of us are not conversant with Standing Orders. When the chair is on the mic or upstanding, there should be no movement, including moving outside and crossing over. So, you've got to be patient. Otherwise, the Standing Orders will catch up with you.

So Honourable Members, pursuant to Standing Order No. 77 (1), which reads: (1) *'Unless the Speaker, for the convenience of the Assembly otherwise directs, voting on a division in the Assembly shall be by electronic voting.'*

(2) When the Speaker directs that an electronic voting to be taken, the Division Bell shall be rung for no more than ten minutes, and the Assembly shall proceed to a vote at the expiry of the five minutes, or such further time as the Speaker may, for the convenience of the Assembly, direct.

(3) During electronic voting, members shall cast their votes by pressing either the "yes", "No", or "Abstain button".

(4) At the expiry of five minutes or as soon as the result of the voting appears on the indicator board, the Speaker or the Chairperson, as the case may be, shall announce the results forthwith.

Honourable members you can read your Standing Orders, up to standing order number 8, it will guide you on what to do. And I therefore I rise to put the Question.

(Question put and agreed to)

Order Honourable Members, voting shall be done electronically as per Standing Order number 77. You may take your seats so that we may proceed. Honourable Members, we will now commence our voting and, Clerk, you will facilitate the voting. Let us proceed in that manner.

So, Honourable Members, the voting procedure, because it is in the Standing Orders, is that the first option is electronic, as you have seen in Standing Order Number 77 and then, you

will be receiving your credentials. You will receive an SMS containing, One, Integrated Personnel and Payroll Database (IPPD) number which is your username and the Password is supposed to be your ID number. Two, voting link-A second SMS will follow with a secure link to the voting portal and three, you will log in and vote. When you log in and vote, you select 'Yes', No, or Abstain. And then you will submit your vote. When you submit your vote, and votes are confidential and can only be submitted once. Don't press it twice.

So, we have two messages. Voting credentials, you will receive an SMS containing the same; that is IPPD number, which is your username. And then for password, that is your ID number. And two, voting link. A second SMS will follow with a secure link to the Voting Portal, indicating the Motion. Now, we proceed as per the Standing Orders because I think everyone is in the House. Do we need to ring the bell? Every Member is accounted for? Draw the bar, please, Serjeant-at-Arms.

(The Bar was drawn)

Yes, so we proceed. For those who don't have their phones we provided you with laptops and so when you raise your hands... Okay, we have our officers who are on standby to assist you. Don't just judge everything. We have our IT officers who are ready to assist you to vote. So, we shall proceed to vote.

You can proceed to vote one by one. Yes, one by one.

We start from here, One by one. Who doesn't have the phone or the Tablet? Yes, Honourable Francis Terer. We start with Honourable Paul Bii, you can proceed! Honourable Gilbert Ngetich, proceed here so that you can be assisted to log in. Maybe you can come here.

(Hon. Paul Bii spoke off-record)

Order, Honourable Paul Bii, even when abstaining you still press the button.

(Loud consultations)

Order! Order!

There is no shouting, Honourable Members. Order! You know, Honourable Members, you can still refer to your Standing Order even when you are abstaining. Kindly, we are under electronic voting.

(Hon. Gabriella Chepngeno spoke off record)

Order, Hon. Paul Bii and Hon Gabriella! I don't know what you want me to do, now that you are shouting. Our officers are here to help you log-in with your credentials. Order Honourable Members! Voting is ongoing. Kindly don't shout.

(Loud consultations)

Honourable Members, you have a right to vote 'Yes,' 'No' or Abstain, no amount of shouting will change that.

(Voting proceeded)

Almost five minutes is over. Honourable Members, for those who have not voted because we have few minutes left, Standing Order number 115 and I will read it for you. It says: Disorderly conduct. Standing Order 115(j) says failure to record abstention in a Division also amounts to disorderly conduct as per your Standing Orders. We need to finalise in the next five minutes.

I'll give you a further two minutes so that we finalize.

(Loud consultations)

Order! Order Honourable Members! One minute remaining!

DECLARATION OF RESULTS FOR THE DIVISION

The Speaker (Hon. (Dr.) Patrick Mutai): Honourable Members I now declare the results that Ayes have 33 votes, Nays 0, Abstain 0. and the Motion is passed and the Governor stands impeached by the County Assembly of Kericho. Order Hon. Members!

ADJOURNMENT

The Speaker (Hon. (Dr.) Patrick Mutai): There being no other Order Business this Assembly stands adjourned.

[The House rose at 7.28 p.m.]

