



KERICHO COUNTY ASSEMBLY

THIRD ASSEMBLY

(Second Session)

THE LONDIANI ACCIDENT ADHOC COMMITTEE

**REPORT ON THE INVESTIGATIONS OF THE LONDIANI VICTIMS
FUNDRAISING HELD ON 4TH JULY, 2023**

**(Submitted pursuant to the Kericho County Standing order AND
SECTION 14 OF THE CGA, 2012)**

AUGUST, 2023

CLERK'S CHAMBERS

KERICHO COUNTY ASSEMBLY BUILDING

KERICHO

List of Abbreviations

CECM - County Executive Committee Member

CCO -County Chief Officer

NPGH – Nakuru Provincial General Hospital

KCRH – Kericho County Referral Hospital

CO – Chief Officer

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1.0 INTRODUCTION

The County assembly of Kericho is established pursuant to Constitution of Kenya, 2010 and given mandate under article 185. Further, Article 195 gives powers to the County Assembly to source for information on any matter within its mandate and jurisdiction.

The adhoc committee is established pursuant to Article 14(1) (b) of the County Government Act, 2012 and Kericho County Assembly standing orders 207.

1.1 MANDATE OF THE ADHOC COMMITTEE ON THE LONDIANI ACCIDENT

On 1st of august 2023, the County Assembly passed a resolution to establish an adhoc committee to investigate on the londiani fundraiser meant to assist the victims of the accident that happened on the 4th day of August, 2023.

The terms of reference of the committee are to report to this House upon investigations on the following issues :(***Annex-1; Motion by Hon Vincent Korir***)

- i. The exact number of people who had passed on as a result of the Londiani accident and morgue charges per deceased person;
- ii. The exact number of casualties as a result of the Londiani accident and the cost incurred per patient;
- iii. The total amount of money raised at the fundraiser for the Londiani accident victims;
- iv. The amount to be waived by the County Government of Kericho for the health services rendered to the said victims(both casualties and deceased);
- v. Report on breakdown of how the funds raised was distributed to the casualties and the families of the deceased including their places of residence;
- vi. Composition of committee (if any) formed for utilization and distribution of the said funds and terms of reference for the said committee;
- vii. How many vehicles were used for facilitation to support the victims ,the departments they were drawn from and the fuel cost used per vehicle;
- viii. What properties were destroyed during the incident and how much was paid out from the fund as compensation ; and

- ix. Report on breakdown on utilization of the said funds for activities other than the compensation to the casualties and the families of the deceased.

1.2 MEMBERSHIP OF THE LONDIANI ACCIDENT ADHOC COMMITTEE

An ad hoc committee was established through a resolution of the county assembly on 1st August 2023 at the afternoon sitting pursuant to the Kericho county assembly standing orders no.207. The membership of the committee comprises of:

- | | |
|------------------------------|--------------------|
| 1. Hon.Moses Rotich | - Chairperson |
| 2. Hon. Irene Langat | - Vice-Chairperson |
| 3. Hon Vincent Korir | - Member |
| 4. Hon.Phillip Rono | -Member |
| 5. Hon.Eric Bii | -Member |
| 6. Hon.Gilbert Ngetich | - Member |
| 7. Hon. Mathew Korir | - Member |
| 8. Hon.Cheruiyot Bett | - Member |
| 9. Hon.Albert Kipkoech | - Member |
| 10. Hon.Dorah Keino | - Member |
| 11. Hon. Gabriella Chepngeno | - Member |
| 12. Hon. Mercy Gikonyo | - Member |
| 13. Hon. David Maritim | - Member |
| 14. Hon. Richard Langat | - Member |
| 15. Hon. Peter Kemoi | - Member |

2.0 THE LEGAL FRAMEWORK ON THE LONDIANI ADHOC COMMITTEE

Constitution of Kenya 2010

Article 185. Stipulates that;

(1) The legislative authority of a county is vested in, and exercised by, its county assembly.

(2) A county assembly may make any laws that are necessary for or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule.

(3) A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.

(4) A county assembly may receive and approve plans and policies for— (a) the management and exploitation of the county’s resources; and (b) the development and management of its infrastructure and institutions.

Article 195 stipulates that;

(1) A county assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information.

(2) For the purposes of clause (1), an assembly has the same powers as the High Court to—

(a) enforce the attendance of witnesses and examining them on oath, affirmation or otherwise;

(b) compel the production of documents; and

(c) issue a commission or request to examine witnesses abroad.

Article 10. (1) The national values and principles of governance in this Article bind all State organs, State officers, public officers and all persons whenever any of them—

(a) applies or interprets this Constitution;

(b) enacts, applies or interprets any law; or

(c) makes or implements public policy decisions.

(2) The national values and principles of governance include—

(a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;

(b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;

(c) good governance, integrity, transparency and accountability; and State and religion.

Article 232. (1) The values and principles of public service include—

(a) high standards of professional ethics;

(b) efficient, effective and economic use of resources;

- (c) responsive, prompt, effective, impartial and equitable provision of services;
- (d) involvement of the people in the process of policy making;
- (e) accountability for administrative acts;
- (f) transparency and provision to the public of timely, accurate information;
- (g) subject to paragraphs (h) and (i), fair competition and merit.

Public Finance Management Act of 2012

Responsibilities of County Executive Committee Member for finance and functions of the county government in respect to public finances Conditions for receiving grants and donations by county government or its entities or third parties.

Section 138. (1) In this section and section 139 — (a) "donation" means a gift or a contribution; (b) "grant" means the provision of financial or other assistance by a development partner which is not repayable and —

- (i) where public money is paid to or used by a grant recipient;
 - (ii) which is intended to finance the development of projects or delivery of services or otherwise assist the grant recipient to achieve goals that are consistent with the policy objectives of the county government; and
 - (iii) where the grant recipient is required to act in accordance with any terms or conditions specified in a grant agreement.
- (c) "grant recipient" means the county government or a county government entity authorized to control or spend money under this Act or an incorporated or unincorporated body not otherwise authorised to control or spend money under this Act; (d) "intended beneficiaries" means the people of the county whom the projects or public services financed by a grant are intended to benefit; (e) "third party" means any other person other than a public officer.
- (3) A county government or county government entity may receive a grant or donation from a development partner with the approval of the County Executive Committee member for finance and only as provided by this section.

(4) As soon as practicable after receiving the grant or donation, the recipient shall notify the County Executive Committee member for finance and the Cabinet Secretary of the receipt.

(5) Funds received in the form of grants or donations shall only be spent in accordance with **Article 224 of the Constitution.**

(6) If a project that is being financed by a grant or donation from a development partner requires county government funding, the project may only be started when— (a) the required funding has been appropriated in accordance with this Act or is otherwise authorised by legislation; or (b) the County Executive Committee member for finance has given a written authorization for the project to begin.

(7) The County Executive Committee member for finance shall inform the county assembly of the authorization given under subsection (6)(b).

(8) The recipient of a grant or donation from a development partner shall record the amount or value of the grant or donation in its books of accounts.

(9) Subject to audit in terms of Article 229(4) of the Constitution, the recipient of a grant or donation from a development partner shall administer and account for the grant or donation by using government — (a) financial and accounting practices laid down under an Act of Parliament, rules and regulations; and (b) administrative, accounting and auditing procedures, including financial accounting rules and procedures for accounting for the receipt or expenditure of money specified or referred to, in any agreement between the recipient and the development partner.

County Governments (Amendment) Act of 2020.

Role of the county assembly (1) The county assembly shall—

- (a) vet and approve nominees for appointment to county public offices as may be provided for in this Act or any other law;
- (b) perform the roles set out under Article 185 of the Constitution;
- (c) approve the budget and expenditure of the county government in accordance with Article 207 of the Constitution, and the legislation contemplated in Article 220(2) of the Constitution, guided by Articles 201 and 203 of the Constitution;
- (d) approve the borrowing by the county government in accordance with Article 212 of the Constitution;
- (e) approve county development planning; and perform any other role as may be set out under the Constitution or legislation.
- (f) Perform any other function as may be stipulated by the law.

County Assemblies Powers and Privileges Act of 2017

Section 18 on invitation and summoning of witnesses.

(1) A county assembly or its committees may invite or summon any person to appear before it for the purposes of giving evidence or providing any information, paper, book, record or document in the possession or under the control of that person and in this respect, a county assembly and its committees shall have the same powers as the High Court as specified under Article 195 of the constitution.

Section 19.Where a county assembly or a committee requires that any information be verified or otherwise ascertained by the oral examination of a witness, the county assembly or the committee may-

- (a) Cause such witness to be examined on oath ;and
- (b) Require the witness to produce any document, paper, book or record in the possession or under the control of the witness which may have a bearing on the subject of the inquiry.

Leadership and Integrity Act 2012.

13. Moral and ethical requirements

(1) For the purposes of Articles 99(1)(b) and 193(1)(b) of the Constitution, a person shall observe and maintain the following ethical and moral requirements—

(a) demonstrate honesty in the conduct of public affairs subject to the Public Officer Ethics Act (No. 4 of 2003);

(b) not to engage in activities that amount to abuse of office;

(c) accurately and honestly represent information to the public;

(d) not engage in wrongful conduct in furtherance of personal benefit;

(e) not misuse public resources;

(f) not discriminate against any person, except as expressly provided for under the law;

(g) not falsify any records;

(h) not engage in actions which would lead to the State officer's removal from the membership of a professional body in accordance with the law; and

Public Officers Ethics Act 2012

Section 9. Professionalism

A public officer shall—

- (a) carry out his duties in a way that maintains public confidence in the integrity of his office;
- (b) treat the public and his fellow public officers with courtesy and respect; to the extent appropriate to his office,
- (c) seek to improve the standards of performance and level of professionalism in his organization;
- (d) if a member of a professional body, observe the ethical and professional requirements of that body;
- (e) observe official working hours and not be absent without proper authorization or reasonable cause;
- (f) maintain an appropriate standard of dress and personal hygiene;
- (g) and discharge any professional responsibilities in a professional manner.

Kericho County Assembly Standing Orders.

Section 207;(1) Except as expressly provided for in these standing orders, no matter shall be referred to a select committee except on a motion approved after notice given.

3.0 ADHOC COMMITTEE METHODOLOGY AND STRATEGY

The Adhoc Committee on Londiani accident in an inception meeting on 2nd august 2023 elected chairman and vice chair respectively. The committee further resolved to conduct investigations into the matters raised in the motion of Hon. Vincent Korir dated 1st August 2023 to use the following methodologies as outlined on the Committee's work plan:-

- i. Committee meetings ;
- ii. Field visits;
- iii. Interviews hearings & written submissions;
- iv. Data collection through desktop reviews and perusal of secondary data;

v. Reporting.

4.0 FIELD VISIT REPORTS ON THE LONDIANI ACCIDENT

A. Kericho County Referral Hospital

The sub-committee investigating the alleged misappropriation of funds raised for the accident victims, went on a fact finding exercise at Kericho County referral hospital and Londiani sub county Hospital on 3rd August 2023.

The membership who visited the Kericho County Referral Hospital consisted of;

Hon. Moses Rotich	- Chairperson
Hon. Mathew Korir	-Member
Hon. Albert Kipkoech	-, Member
Hon. Dorah Keino	- Member
Hon. David Maritim	-Member
Hon. Gilbert Ngetich	-Member
Hon. Peter Kemoi	- Member

The committee visited various departments of the Hospital accompanied by the Hospital administrator and Medical superintendent

1. Kericho County Referral Hospital Mortuary

The mortuary attendant informed the committee that there were two deaths that arose from the Londiani accident noting that the two bodies had been collected by their relatives. It was noted that the mortuary fees were waived.

Mercy Chelangat and Mercy Chepkoech aged 22 and 36 years respectively succumbed on 1st July 2023.

2. Ward 6-Male Ward

The committee was informed that 5 patients were admitted due to injuries of the accident, 4 were ladies and 1 man who had already been discharged at the time of the committee visit.

3. Ward 7-Female Ward

There were 3 ladies admitted with multiple injuries where 1 of them required an implant whereas the two other female patients were to undergo surgeries.

4. Casualty Wing at KCRH

The Doctor in charge, Dr.Daisy Tonui informed the committee members that the casualty wing received a total of 19 patients where 12 were treated and discharged, 5 were admitted and 2 succumbed while undergoing treatment.

5. Social Services

The officer in charge of social services informed the committee that there were two patients whose bills had been waived namely;

- David Mwangi Kitata whose bill of Ksh 68,960 had been waived
- Mary Njeri Nganga whose bill of Ksh 78,410 had been waived
- Mercy Chepkoech Rutto(Deceased) whose bill of Ksh.26,929 had been waived excluding the mortuary fee of Ksh.9,500/=

B. LONDIANI SUB - COUNTY HOSPITAL

This facility was the most hit by the tragedy since all the victims were first taken for emergency services and confirmation of the dead bodies. Londiani health care workers led by Dr. Collins Kipkoech made frantic efforts and called for support where necessary. For instance all ambulances across the County were mobilized for support, 2 ambulances from Molo Sub County and one from Nakuru PGH among other utility vehicles came in to support the accident victims. Two Morticians one from Sigowet and Kapkatet sub county hospitals were facilitated to londiani sub-county hospital during the entire period of identification of bodies until all the victims were processed in terms of identification and subsequently buried.

The medical superintendent informed the committee members that a total of **77 victims** of the accident were received and documented. **52** died and were processed for burial by the victim's relatives. 49 bodies were at Londiani Sub County, 2 succumbed at Kericho County Referral Hospital and 1 passed on at Nakuru Provincial General Hospital.

The Londiani sub county hospital conducted autopsy on 49 identified bodies. The accident victims were all booked at Londiani police station under **OB/1/7/2023**. This exercise took about 5 days. 9 patients were referred to Nakuru Provincial general hospital and 19 survivors were referred to the Kericho County Referral Hospital for further examination, review and surgeries where need be. It was noted that there were no admission done for the victims at the Londiani Sub County Hospital.

The committee was made aware that about 1 million worth of drugs had been delivered to Kericho County Referral Hospital. The medical officer in charge of Londiani informed the committee that the hospital had used fuel of about Kshs.100,000-200,000/= and that all the supplies that were used in the emergency were estimated at 1.5 Million inclusive of fuel used and electricity costs incurred. This cost was broken down as follows:

- Non pharmaceuticals	- 733,390/=
- Pharmaceuticals	- 115,000/=
- Transport	- 280,000/=
- Electricity	- 405,000/=
Total	1,534,190/=

The committee however was not furnished with fuel register since the local petrol station maintains the fuel register and no records were at the facility. The store's records to demonstrate what was used during the accident could not be availed. **The S11 AND S13** which are receipt and issuance forms are maintained.

The CECM Health services has requested for reimbursement of the above stated amount. The committee also learnt that the facility counseling team had followed up on the victims at their homes.

As a result of the intensity of the accident, the committee learnt that there were body parts still lying at the morgue awaiting administrative decisions and procedures of body disposal. The Red cross intervention of availing a

cooler for storing bodies came in handy to support the 16 body capacity morgue.

C. NAKURU PROVINCIAL GENERAL HOSPITAL

The following members visited Nakuru Provincial General Hospital

Hon. Irene Langat – Vice Chairperson

Hon. Cheruiyot Bett - Member

Hon. Eric Bii - Member

Hon. Vincent Korir - Member

Hon. Philip Rono - Member

Hon. Gabriella Chepngeno - Member

The numbers of patients referred to this facility were 9; 3 females and 6 male. The patients were aged between 14 - 52 years.

Most of the patients brought to the facility had head injuries, fractures and major trauma. At the time of the visit, only one patient by the name Sarah Ndale was still undergoing treatment. One patient passed on while undergoing treatment. The total bill accrued as at the time of the visit was Kshs 366,380/= (***Annex-2; Total bill for Londiani accident victims from Nakuru PGH***)

All the accrued medical bills were waived as per H.E. the Governor Susan Kihika's directive.

The Committee also learnt that 3 other patients sought treatment at the Molo Sub-County Hospital, whom one was treated and discharged immediately.

5.0 INTERVIEWS AND SUBMISSIONS OF THE LONDIANI ACCIDENT **H.E. ENG, FREDRICK KIRUI DEPUTY GOVERNOR, KERICHO COUNTY**

He appeared before the committee on 4th August 2023 at 10 am.

He submitted on oath that on the fateful day he was called by an anonymous caller informing him of the incident. He called the CECM Health who informed him that she had already been informed. He then rushed to the scene of the accident. Further, stated that when he arrived at the scene bodies were scattered all over and that there were efforts to rescue survivors.

He then rushed to Londiani sub-county Hospital to check on the victims who had already been taken there. At Londiani sub-county Hospital he coordinated with the medical- superintendent the referral of some of the patients to Nakuru PGH and Kericho County Referral Hospital. This was done in accordance with the patient's choice and preference as for those who were not in a position to decide on the same, were referred based on the Medical Superintendent's advice.

He further testified that at 9 pm in the company of the area Mp Hon. Chererot, Kericho County Member of National Assembly Hon. Beatrice Kemei and county commissioner visited Londiani sub-county hospital morgue. They found bodies lumped together as the facility's morgue has a capacity of 16 bodies only.

On 1st July 2023, in the company of Cabinet Secretary Ministry of Transport, H.E Governor and area MCAS for Londiani and Kedowa-Kimugul Wards, they visited Londiani sub-county hospital and later visited Kericho County Referral Hospital to the check on the patients.

On 4th July 2023, a memorial service and fundraiser was held at londiani stadium. The purpose of the said fundraiser was to raise funds for the victims of the accident and for support of the families who lost their loved ones. He gave out his personal contribution of Kshs 50,000/=.

The witness further stated that after fundraiser and/or memorial service, he went to Londiani Boys where H.E deputy president's chopper had landed. On inquiry of the Deputy President's whereabouts, he was informed that he

had gone for lunch at Hon. Cherorot's house. He then proceeded to the venue aboard the Deputy President's chopper.

After some days, the witness received a call later from a family in Momoniati village, Chepseon ward, inviting him to a funeral fundraising of a victim of Londiani accident. He informed them that a fundraising had earlier been held in Londiani for the said purpose and therefore declined to attend.

On 20th July 2023, the witness received a letter copied to him by the county secretary Dr Wesley Bor dated 19th June 2023 requesting for facilitation for payments of expenditure incurred in Londiani accident from Londiani fundraiser kitty as per minutes of a committee meeting held on 18th July 2023(*Annexure*). The witness confirmed to the committee that the forwarding letter accompanying the minutes dated 19th June 2023 was later amended to 19th July 2023(***annex-3; forwarding letter&minutes dated 18th July 2023***)

He read out to the adhoc committee the expenditure incurred as per the minutes of a meeting held on 18th July 2023 whose agenda was preliminaries, identification of beneficiaries and determination of the level of support.He submitted the following documents;

1. Memo dated 19th June 2023 from County Secretary to Chief officer Finance& Economic Planning (**Exhibit EFK -1**),
2. Minutes of Londiani disaster committee held on 18th July 2023 at the governors' boardroom.(**Exhibit EFK-2**)
3. Memo dated 18th July 2023 ref KCO/CEC/MM/2023/07/22 from CECM Health services to CECM finance and Economic Planning.(**Exhibit EFK-3**)
4. Barsiele Fire Tragedy Hospital Bill,(**Exhibit EFK -4**)
5. Memo dated 3rd July 2023 ref CGOK/COS/FIN/VOL1(111) from Chief of Staff and Head of County Delivery Unit to Chief Officer Executive Office of the governor.(**Exhibit EFK-5**)

6. Invoice and quotation from Supertrix Entertainment Ltd dated 4th July 2023 & 3rd July 2023 respectively. **(Exhibit EFK-6)**
7. Memo from Chief of staff and Head of delivery unit to Chief Officer Executive Office of the governor dated 3rd July 2023 ref CGOK/COS/FIN/VOL.1(112)&refCGOK/COS/FIN/VOL.1(110). **(Exhibit EFK-7a&b)**
8. Invoice from Supershine Planners Ltd, Memo from Chief of staff and head of county delivery unit to chief officer executive office of the governor dated 3rd July 2023. **(Exhibit EFK-8)**
9. Letter from Kericho County Commissioner ref D.3VOL II/51 dated 18th July 2023, **(Exhibit EFK- 9)**
10. Memo from Chief Officer Lands and Physical Planning to CEC Finance and Economic Planning ref KEC/PSM/6/33 dated 13th January 2023. **(Exhibit EFK -10)**

When asked on whether he advised the governor on how to handle the monies from the fundraiser, the deputy governor stated that he only performs functions as assigned by the governor and was not consulted nor assigned any such function to this regard.

The committee sought to know the step the Deputy Governor had taken other than whistle-blowing; he informed the committee that he had filed a complaint at the Directorate of Criminal Investigation's office. Further, when asked on what the fundraiser was meant for, he answered that the same was meant to support the victims of Londiani accident.

When asked on whether he was a member of the funeral fundraiser committee he answered that he wasn't, however he contributed Kshs 50,000/= and spent additional Kshs.50,000/= to assist the victims. He informed the committee that he had no idea on where the fundraiser funds were kept.

The witness when asked on the legality of taskforce formed by the governor to investigate the alleged misappropriation of londiani funds, he answered that the said taskforce lacked legal backing.

The witness was asked whether he had any proof of payment to Kericho District Hospital & londiani sub-county Hospital, he answered that he did not have any.

When asked on whether it was right for the ward administrators to be facilitated using funds from the fundraiser, he answered that the staff were on duty therefore they were supposed to be facilitated by the county government. He further testified that on the eve of the fundraiser, offerings were collected and thus pastors were not supposed to be paid.

The witness was asked on whether the fundraiser funds were stolen, misused or misappropriated. He answered that the money was stolen. He further informed the committee that he did not know the account where the funds were deposited however he provided copies of the cheques given to the victims.

The deputy Governor when asked on how he came to know that the funds from the fundraiser were misappropriated, he answered that he deduced from the minutes of the funeral fundraiser committee that was copied to him.

The witness testified that the funeral fundraiser committee was constituted by H.E the governor. He further stated that the fundraiser was a private affair and not a function of the county.

On advice that he would give to the governor on the fundraiser scandal, he answered that all public officers need to be accountable. He further posed a question to the committee that if the officers adversely mentioned in the fundraiser scandal could misappropriate funeral fundraising funds then what would happen to the public funds.

The witness was asked on who should be chairing county disaster committee, the deputy governor informed the committee that he should be the one chairing it however the county secretary is the one who chairs it currently. He further informed the committee that people ought to take political responsibility and the political responsibility ends with the governor.

The deputy governor informed the committee that the hospital bills waived should have been reimbursed through a supplementary budget and not from the fundraiser kitty.

DR. WESLEY BOR, COUNTY SECRETARY AND HEAD OF PUBLIC SERVICE, KERICHO COUNTY

The County secretary appeared before the adhoc committee on 4th August 2023 at 2.50 p.m. to give account and submissions on what he knows about the londiani fund raiser kitty.

The County Secretary started his oral submissions and tabling of evidence by explaining what his roles are as stipulated in article 225 of Constitution of Kenya, 2010 – as arranging business and keeping minutes of the county executive, conveying decisions of the county executive to responsible persons, day to day administrative roles and working closely with the County Public Service Board & Chief officers for proper human resource management. On the issue of the Londiani accident, the County Secretary informed the committee that he heard of the tragic accident of 30th June, 2023 via social media since he was in Nairobi on an official assignment with H.E. the Governor.

On 3rd of July, 2023 the County Secretary wrote to Equity Bank Branch Manager requesting security and for G4S to transport cash that was supposed to be collected during the fundraising on 4th July, 2023. **(Exhibit DWB-1; copy of letter to manager equity)** On the same letter he marked the Chief Officer Finance, CPA Gilbert Bii as the contact person for purposes of securing the fundraised money.

The County Secretary requested Safaricom ltd to generate a paybill which would be used for collection of the fundraising money from wellwishers. The committee later learnt that the paybill was linked with the Kericho County donation account domiciled at Equity Bank Kericho.

The County Secretary further submitted to the committee that all the paramedics who were involved in the Londiani accident required psychosocial support;

That the County Government of Kericho waived all the morgue charges and treatment costs. Further stated that the motorbikes that were damaged and businesses lost would be compensated, the County Secretary conveyed deepest sympathies and condolences to the 53 families who lost their loved ones and confirmed that 24 were injured and receiving treatment in various facilities. At this point the head of public service confirmed that no money had been lost and that the county is able to account for every coin.

The County Secretary further informed the committee that there was Phase I and Phase II of the support to Londiani victims. That phase I had been effected and phase II was yet to be effected.

The County Secretary informed the committee that day one of the emergency responses were not coordinated and that the affected person/lives ought to get dignified support.

The County Secretary could not give an account of the patients in terms of actual numbers and requested the committee that CECM for Health services would respond on the facts concerning numbers.

The County Secretary tabled a bank statement from equity bank dated 4th August, 2023 detailing the expenditures paid out including cash received from the Londiani Victims Paybill. The minutes of meeting held on 18th July, 2023 acknowledged Kshs 29,810/= as money from paybill account but on further examination, the County Secretary stated that a total of Kshs 935,964 had been collected as at 4th July, 2023.

The total amount of monies collected for the Londiani accident victims was Kshs 13,653,660/= plus kshs 935,964 from the paybill makes a total of **kshs 14,589,624/=** .

The County Secretary informed the meeting that Alphonse Rotich, the Chief officer Executive Office of the Governor was the secretary to the meeting of 18th July, 2023 at the Governors board room to deliberate on the disbursement of funds from Londiani Kitty and informed the meeting that there was no close-out of the meeting.

The County Secretary informed the committee that they had challenges in identifying the victims and when put to task on the criteria to disburse Kshs.90,000/= to the deceased families and Kshs.60,000/= to the survivors, he responded that there wasn't any criteria. The committee learnt that only 8 out of 24 survivors were paid Kshs 60,000/= each and that 49 families of the deceased had been compensated.

The County Secretary confirmed that the Kericho County Referral Hospital and Londiani Sub County Hospital have not been paid as per their earlier request of Kshs 2,037,524 and Kshs 1,880,336 respectively without explaining the reasons.

The balances at the Kericho county donation account at the equity bank was kshs 4M as per the statement dated 4th August, 2023.

The County Secretary further confirmed that the minutes of 17th and 18th July, 2023 were the true deliberations of that day and when asked on whether the funds from the Londiani accident kitty were utilized prudently, he responded as follows; *"this was the best decision at that time"*. He also confirmed to the committee that specialized treatment for the patients would be waived.

The County Secretary also informed the committee that one Fernandez Korir and Leonard Otii withdrew kshs 423,000 and Kshs 300,000 respectively. The committee posed a clarification question on the payments of the two

officers above, he responded that a reimbursement plan would be done the coming Monday (7th August 2023) by the finance sub committee.

He further confirmed that the donation fund account at equity bank had three signatories –Fernandez Korir – Chief Accountant, Leonard Otii and Dr. Wesley Bor, the County Secretary, replacing the former County Secretary Joel Bett.

The County Secretary further assured the adhoc committee that the disbursement was done after evidence based engagement was conducted and concluded by thanking the Committee for highlighting the issues of Londiani accident fundraiser and invited the committee to oversight matters on development and reiterated that he is equal to fixing the task where called upon to do so.

HON. LEONARD NGETICH – CECM, FINANCE AND ECONOMIC PLANNING

The CECM informed the committee that he was in Bureti on the fateful day of the accident and learnt from the social media. He wished the families' quick recovery. He further confirmed that he was a member of a disbursement committee that sat on the 18th July, 2023 at the Governors board room despite that there was no appointment letters for the said committee.

Further, he confirmed that kshs 13,653, 660 was the total amount collected at the Londiani fundraiser and that Pay bill amount as at 4th July, 2023 was kshs 29,810/=. The same amount was captured to be the paybill amount balance as at 18th July, 2023.

The CECM for finance further informed the committee that there were 52 fatalities and 24 survivors of the Londiani accident and that one business was destroyed.

When the committee interrogated the Hon. Leonard Ngetich on the documentation attached to the requests from Health CECM of 2.037 million

and 1.88 million, he responded that the CECM Health services after tabling her documents, the authenticity and legitimacy could not be questioned.

On the issue of why he had not paid the Kericho county referral hospital and Londiani Sub County, his response was that one of the signatories was not available. He stated that the health CECM request had a figure of Kshs 157,188 explained as a medical bill for a patient of the Barsiele fire tragedy but no supporting documents of the said waiver was provided.

The CECM Finance when put to task on the lunch organized at Rays, he informed the committee that he could not confirm despite seeing photographs and a confirmation from Alphonse Rotich, Chief Officer Executive Office of the Governor.

On the question of the paybill and as to who received the confirmation messages from Safaricom, he alluded that the County Secretary was in charge of the paybill.

The CECM for Finance further informed the committee that PSM department had requested for reimbursement of Kshs 423,000 for the purposes of transport, refreshment and printing. The signatories of the Kericho county donation account at equity bank are Leonard Otii and Fernandez Korir and that G4S were paid kshs 24,000/- for transferring cash from the venue of the fundraising in Londiani to equity bank Kericho branch.

The committee sought answers as to whether the fund raising money was counted at the venue and the amount that was raised. He was also tasked to explain why payments for services were made from Londiani victim's kitty. The CECM Finance clarified that there were decisions made to approve payment from the Londiani victims kitty and that hospital waivers are not budgeted for because of financial constraints. He further informed the committee that the CEC Health went against the governors' directive on hospital bill waivers.

On the question of purpose of the Londiani fundraiser, He stated that the purpose of the Londiani accident kitty was to help the victims and any associated funeral expenses and that the disbursement committee was constituted by Dr. Wesley Bor, the County Secretary and head of public service through a phone call.

When interrogated on the bill submitted by the Kericho County Hospital accountant one Davis Sang on the variance of medical bills as stipulated below:-

	Estimate bill	Actual Bill
Gitata	- 172,362/=	68,000/=
Mercy	- 38,879/=	35,000/=
Mary Njeri	- 120,000/=	78,410/=

He responded that the bills were erroneous and the estimates of the accountant.

He further clarified that a total of **Kshs 300,000** meant for the county commissioner paid through County commander Geoffrey Mayek was handed over to one Alphonse Rotich.

On the question of the purpose of the account, he said that donations are allowed such as the Christmas tree contributions but in the case of Londiani accident fundraiser, the money was erroneously deposited in a county account donation account.

The CECM Finance and economic planning informed the committee that he was not sure of who organized for the fundraising in response to a question of whether the fundraiser was a county function. He further informed the committee that the purpose for fundraising was to offset medical bills and to assist the victims and survivors. The disbursement committee in their wisdom thought that the expenses are part of the costs of the Harambee.

The CECM confirmed to the committee that the fundraising money was not confirmed by counting at Londiani, however, one Nancy Laboso an employee of the County Government and two officers from national government authority officers counted and confirmed the cash at Equity Bank Kericho Branch and that his official driver delivered the seals and cash box keys to the officers awaiting the monies at equity bank Kericho.

The CECM thanked the committee for inviting him and that he had learnt from londiani fundraiser and treated an experience and as CECM for Finance, he is looked forward to making better decisions in future.

Rev. Patrick Cheruiyot – Roret Worship Centre 5/8/2023 at 10.30 am

Rev Patrick Cheruiyot appeared before the committee on 5th August 2023 at 10.30 am to shade light on the role of the clergy in the Londiani accident. Rev. Cheruiyot informed the committee that the offerings collected on the day of the memorial service was left to the Kipkelion pastors organizing secretary.

He further stated that the facilitation of Kshs 100,000/= to the pastors was done three weeks later after the memorial service and that the clergy of Kericho are disturbed by what was trending on social media. He reiterated that their role was to conduct a memorial service, with timelines of not more than two hours. He also stated that the pastors were not members of the committee that disbursed the funds.

He stated that they have a bishops and pastors welfare kitty which they use at times. This helps them during say times of emergency. When asked whether the 200 pastors were facilitated, He responded that only 20 pastors were involved in the planning including approval of expenditure, hence the 20 were facilitated.

Rev. Cheruiyot clarified that facilitation was for the few pastors who were given tasks to perform and that they did not anticipate anything save for the

county officials who said that they be facilitated. He further stated that the pastors Committee was for the prayer service only and nothing beyond.

The witness stated that he was prepared to go to the service and do public duty for free, and that he doesn't demand money for his service as there is no negotiation for services of pastors. He further that the message he gave was not expensive, there was no value attached to it because the Holy Spirit inspires someone according to Galations chapter 6.

The witness stated that the offerings collected at the memorial service in londiani were meant for peace and prosperity only. That it was unfortunate that we are here. He thanked the pastors who comforted families that lost their loved ones. Rev. Patrick was put to task on the social media reply in Kericho professionals forum and he responded agitated because he did not think professionals could ask such questions.

Rev. Patrick was also requested by the adhoc committee for an advice for the county Government and the Governor knowing that victims were still suffering at the hospital

Rev Patrick stated that the whole issue was about leadership and '*not eating per se*'. That we had a leadership crisis and that the buck stopped at the Governor. He further stated that all the money needed to be repaid. He further stated they need to meet as leaders of the Count.

The witness questioned how the money left londiani and urged the hon. Members to be the voice of the people as they are the representative of the people. I applaud the members to make a petition of a leadership meeting for reconciliation.

Rev Patrick clarified that he received 10,000/= on the 25th July, 2023, instead of Kshs.100,000/=. What was given was an appreciation from members though low, everything worked for good. There was an intention by the governor to facilitate the pastors, therefore the governor should repay the Kshs100,000/= paid to the pastors.

The entire organization and planning was by the office of the Governor. The monies should be repaid and be taken back to the victims. On the question of misappropriation Rev. Patrick reacted that money be brought back and be handed over to the victims as it should have been done.

Rev, Patrick challenged the committee to know the truth and the truth will find where the money was. Rev, Cheruiyot ended his submissions by encouraging the committee to be bold and courageous in what they do. He further wished and reiterated that the assembly had the mandate to oversight and wished the committee well.

REV. JOYCE TONUI - EMMANUEL AFRICA GOSPEL CHURCH, KERICHO

Rev. Joyce Tonui appeared before the adhoc committee on 5th August, 2023 at 11.48 a.m. in her capacity as vice chairperson of the pastors' fellowship. She submitted to the committee on how the londiani issue had been a humiliating experience for the pastors because of the mockery on social media.

She informed the committee that as they were getting ready to join kipkelion pastors on Wednesday, the meeting changed to a national one and that they were involved in the planning for the service and getting a preacher for the day, which they did as executive of the pastors' fellowship.

She further stated that she attended a meeting in the county board room, all most leaders were present. The meeting spilled over to afternoon after which I took a team of pastors from londiani and other people to inspect the ground with regards to the positioning of the pulpit.

Our task was also to get the worship team and for ease of coordination, I surmoned my worship team and instructed them to prepare by loading the equipment for the service which included key board, drumset, base amplifier and extra microphones as donation towards the memorial service.

Regarding disbursement of cheques to beneficiaries, i was requested by the county officials to join the team that were disbursing the cheques at londiani town social hall, which I gladly did and led a service.

The Chief Officer Betsy called to inform me she had a token of appreciation for the pastors and by then I was in the hospital. She brought the money to the hospital. I distributed the money to the worship team and the pastors who participated in three days.

She further stated that suddenly the issues were on social media. The focus was on Rev Cheruiyot, humiliation is an understatement here. She took the opportunity to exonerate Rev. Cheruiyot from any wrong doing since she would also like to share the blame.

After the fundraising, they were informed that there was lunch at Rays Hotel but they delayed. By the time they arrived at Rays Hotel, the lunch was over and so she bought lunch for her team from her pocket and receipted.

As to the question of the expectations from conducting a service, the response was that there were no expectations on anything on such events. There are some events even national ones and they are given some token but often they don't ask.

Rev. Joyce confirmed that indeed she received kshs 100,000 from CO Betsy meant for 18 pastors, 15 worship team members paid sparingly ranging from Kshs 10,000, 5000, and even 500/=.

When asked on whether she was aware that some victims were still hospitalized and had not received anything despite their family status, she stated that she led a group of pastors to pray for the road from brooke, Chepsir and back to Kericho because of H.E. the President's visit. She apologized for not visiting the victims who were still hospitalized and that common sense would dictate that they are followed up. Rev. Joyce was invited by the Chief of Staff Edgar Towett to plan for the memorial service with other leaders.

When asked on whether what had transpired as the aftermath of Londiani accident was a forgivable sin, Rev Joyce responded as follows that '*Mali ya umma inauma*' while she didn't know the logic that the disbursement committee used to disburse the money, she thought the expenditure should have been charged from somewhere else and not from the fundraiser kitty. She further stated that perhaps the committee thought to disburse the money like the normal harambee.

With regard to forgiveness of the sin of that magnitude, she responded that there is restitution in the bible as the case of Zachaues the tax collector. Restitution is a theological term meaning giving back all that you have taken and may be with additional tokens/interest and that Blasphemy to the holyspirit was the only sin that was unforgivable.

The committee also sought to know if Rev Joyce advice was sought on the disbursement of cheques. She clarified that she only attended the fundraising planning meeting and not the disbursement committee meeting. The clergy attended to pray for the victims.

The committee acknowledged Rev. Joyce for being reachable all the time and asked God to bless her for what she was doing. Rev, Joyce confirmed to the committee that Hon. Joseph Chererot attended the meeting for the issuance of cheques among other leaders, sat through sermon and requested to leave for other engagements.

Rev. Joyce informed the committee that after funerals fundraising normally, the family decides what the money would be spent for. Listening to leaders, the money was supposed to assist the affected families. The payment of kshs100,000 to Rev Joyce was a decision of Chief Officer PSM as no request was put forth for the money.

Rev. Joyce concluded by reiterating that the church was committed to serving the community and that the clergy forgives the young people for the name calling. The church was willing to offer psychosocial support and thanked the committee for the invitation and engagement.

DIRECTOR RAYS HOTEL – MRS RAEL YEGON

The director and the manager Rays Hotel appeared before the adhoc committee to clarify on the luncheon that was held at the facility after the Londiani accident fundraising on 4th July, 2023.

The director informed that committee that rays Hotel can hold up to 1000 people since they have a field where weddings are held. She further informed the committee that one Alphonse Rotich was on site to check on the food and sitting arrangement and that there was enough food.

The Director Rays Hotel informed the adhoc committee that for hotel accountability purposes, attendance is gauged by the number of plates utilized hence did not keep attendance sheet.

The director informed the committee that rays hotel is not prequalified by the County Government of Kericho and that they welcome any client so long as the mode of payment is agreed upon.

The director rays stated that they received an order for 350pax by Alphonse but was reduced to 100 pax. We had an agreement (verbal) with Alphonse who is an agent of the Governor. Alphonse Rotich is known by Rays

The director informed the committee that she had no contract with County government. She further stated that Rays hotel issued ETR receipt and that she did not have the withholding tax receipt. She stated that she could not ascertain the people who were supposed to be served and that the County should account for that.

The director rays informed the committee that the 350 pax tent was cancelled hence could not have been used at Rays and neither was the hotel having any attendance sheet to proof that 100 pax took lunch.

She stated that a B – LINE tent, 50 seater tent, VIP, plastic chairs, rectangle tables, red carpet, decorations, flowers were set up in the morning by supershine events but it was not utilized.

The director further also said that at Rays, Makuti and other seating arrangement for the guests was provided and that the ultimate issue was for people not to be rained on. Rays procured an additional tent.

The director stated that the tents erected by the Supershine event planners were not utilized and that the seating arrangements to host high profile guest takes time to erect considering matters of certain standards such as security.

The director rays informed the adoc committee that she was sorry to hear that much of the money went to expenditure and hoped that victims were still getting supported. The incident was a wake-up call and may be limited time factor could have caused confusion. She sympathized with the situation and stated that proper channels needed to be used especially on issues pertaining the public be handled in a better way.

Mwenyekiti wa Boda Boda Kipkelion East

Walioshiriki katika mohojian ni pamoja na Samy Bett, Kipkelion east, Stephen Cheruiyot, Chairman Londiani na Sammy bett (Akitanguliza maelezo). Nawapa pole zangu wale familia ambao bado wameathirika.

Ilikuwa tarehe 30 nikaongea na katibu wangu akanielezea yaliyokuwa yametokea. Akinieleza kweli kuna mambo mabaya yametokea.

Katibu akanijulisha kweli kuna watu wamefariki lakini idadi hatukujua. Wale watu wa bodaboda hawakulala wakisaidiana. Hata baadaye walisaidia wale walikuwa wakitoa damu.

Hatuna majeruhi bali kuna boada boda ziliharibika. Nilipojaribu kuuliza nikaambia zilikuwa 3 ambazo wenyewe walikuwa wamechukua police abstract na kuandikisha taarifa. Tuligundua kuna mmoja ilichukuliwa nyumbani. Zile bodaboda zilijulikana ni tatu. Nikaongea na mweshimiwa Cherorot, alikuwa akijua ni tatu.

Tunasema pole kwa wale bado wako hospital, wanabiashara na wenye kufiwa, tunasema pole. Nilikuwa pale, kulikuwa na mlipuko uliowatawanya wengi, Tukasaidiana na askari kwa kupeana usaidizi wa dharura. Wale waadhiriwa hawajapata pesa, hawajafaidika kwa chochote.

Pikipiki tatu iko stasheni kwa polisi, ya nne ni ya mama aliyekuwa akijisimamia. Hizo pikipiki ziko stesheni ya londiani na moja ambayo ilikuwa ya loan imeregesha na kampuni. Hiyo ya nne iko nyumbani.

Mwenye pikipiki moja iliregeshwa, aliaagana na kampuni ya WATU CREDIT iliahidi watapeana pikipiki moja. Waliofiwa walipata shilling elfu 90 kutoka kwa counti yetu ya Kericho.

Kama sekta ya bodaboda tulipoteza watu wawili, londiani ward. Nilienda kwa maziko ya wale watu wawili. Pesa za boda boda haikulipwa wakati wa kurejeshwa kwa pesa

Mheshimiwa. Chererot alithibithisha ya kwamba kulikuwa na pikipiki tatu. Boda boda 150cc – 167,000, 100cc – 130,000- 140,000/= Boda boda tatu haijalipwa. Deputy Gavana alipotangaza ya kwamba boda tatu imelipwa nikaitwa mbele kudhibitisha.

County Secretary akiwa kwa mazishi moja akaniita akaniuliza kwa nini naingia kwa vita, akaniambia tulikuwa tunapanga kununua boda na sio kupatiana pesa.

Hata baada ya kutoa police asbtract ,majina manne ilipelekwa kwa ofisi ya CDF. Ulalamishi wetu tulikuwa unataka kujulikana kwa hali ya dharura. Nilipopata ile orodha nikachukua kwa mhes. Korir lakini nawasamehe kwa sababu haukuhusishwa. Ndiposa tukaamua kupeleka kwa CDF. Tulipongea kuulizia waheshimiwa ndiposa tukachukua kwa mbunge chererot

Tunashukuru waheshimiwa kwa kutujali. Boda ilizombwa na container. Tunashukuru mungu kwa uhai wa Collins na tunataka aoko. Collins alisema kwamba anaomba apewe pesa anze biashara kwa sababu mamabo ambayo alijionea siku hiyo ni ngumu sana.

Chairman na baadhi ya waadhiriwa walikuwa wakipanga kufanya maandamano, mshimiwa. Chererot alikuwa anaenda londiani girls nikaenda kupatana naye.

DR. JAPHET CHERUIYOT CHIEF OFFICER HEALTH SERVICES

Dr. Cheruiyot submissions appeared before the adhoc committee on Monday 7th August, 2023 to give an account of the Londiani accident as Chief Officer in charge of Health Services.

He started by thanking the Hon. Members for the invitation and informed the committee that on 30th June, 2023 He was attending a meeting on the UHC in Kisumu. Upon receiving a call from Hon. Brenda Bill concerning the Londiani accident, he pulled over his car and started activating the emergency services by making calls for the ambulances to be availed. The emergency response according to the CO Health services was enormous that included ambulances from bomet, nakuru and kapkatet and the situation was managed and relatives of the affected persons were assisted.

Some of our staff have been placed on medication for depression and have not recovered since because of their involvement in the emergency operations. The CO assured the committee that all medical fees and morgue charges were waived and nobody paid any single cent.

About 77 patients passed through londiani hospital most of whom were pronounced dead on arrival. 9 patients were referred to NAKURU and those referrals were based on patients' requests. The total bill waived was kshs 282,219/= for patients, Morgue fee of 38,500/= from KCRH Including postmortem and for the case of londiani hospital there was no waiver for outpatient services. The Morgue charges waived was ks 850,850/= at Londiani including postmortem were all waived.

All 77 patients treated at londiani including bodies. The doctors decided for a few patients who could not make decisions. Londiani was a horrific scene

about 100 medics and paramedics. All the ambulances were escorted by the boda boda to assist – we could not account for what was taking place

The Chief Officer explained how the emergency health care workers did a very good job and that all the patients who needed initial surgeries were done including surgical treatment. 19 patients referred to KCRH and three who went to molo could have been self referrals alluded to by Red cross. The emergency care was top notch thereby incurring huge costs especially on non pharmaceuticals. For instance the costs at KCRH for emergency response was **Kshs 1.841 million** for all items incurred.

The 19 patients referred to KCRH were at casualty whole night and discharged the following morning save for 7 who were admitted 2 passed on later, 3 still admitted and 2 have since been discharged.

The CO Health services was asked to give an account of the varying cost of medical care at KCRH in light of the donation from KEMSA. The CO responded by saying that the documents from Davis Sang, hospital accountant cannot be confirmed.

The KCRH received supplies from KEMSA worth 1.8 million most of which were anti biotics used by doctors to treat other conditions. KEMSA order was mostly pharmaceuticals received 2 days later.

KEMSA supplies came as a result of the request by the Cabinet Secretary for Health for supplies for the londiani victims and that most of the KEMSA support were pharmaceuticals (drugs) List of consumables – non pharms (**1.209 million** worth of drugs).

The CO informed the committee that he was not an AIE holder of any facility and that the AIE holder is the medical superintendent. Through the guidance of the Health Management Team. The medical superintendent can even make a request to CECM and does day to day running of the facility.

My role is to receive the reports of facilities and medical superintendent sometimes make requests to finance directly because they are autonomous. Every patient is different with regards to responses to medication and that it is not possible to have all drugs under the sun

Because of the budgetary constraints by budget of about kshs require Kshs 500 million. The CO health services stated that its not entirely wrong for patients to buy a drug for instance in cases of stubborn infection and drugs not stocked at our facilities.

The CO confirmed that there are three patients and 2 might be ready for inplants. The surgeon is optimistic that the patients are ready for inplants. The procurement process for inplants started immediately.

When asked to comment on the londiani harambee, he distanced himself with the fundraising for londiani and that they have been requesting the funds and probably reimbursed but the authority is the CECM Health services and that he did not know where the CECM for Health services requested the funds from. The experience about the accident relates to the one that happened some years back at kipkelion – muhoroni road where we refunded from the emergency fund.

The CO informed the committee that one patient discharged was supposed to get an inplant however from surgeons report is that the patient has recovered and may not need an inplant. He reiterated that the department did not have a budget for inplants.

Public service ethics act on values and principles on accountability states that every officer must account for his administrative deeds. I got to learn of a medical bill circulating in the social media and upon inquiry from the medical superintendent I was given a report on the document.

The medical superintendent requests for funds from CEC who marks it to me. This request is a document from the accountant but on further inquiry

the medical superintendent was told to prepare the claim by the CECM Health.

The medical superintendent wrote to the accountant to separate the bills from the actuals as per the instructions of the CECM health services.

The hospitals have been empowered through an act of the county assembly and that his role is to obtain reports at end of each month. I didn't append my signature to any of the documents.

Asked on the performance of KCRH versus Nakuru PGH, the CO responded that it is impossible to correlate the number of patients and the bill. It depends on the treatment. Nakuru Provincial General Hospital is level 5 while Kericho County Referral Hospital is level 4 hence not comparable.

The emergency kitty takes time to be paid hence the CECM Health requested the funds for KCRH and Londiani may be from the Londiani fundraiser kitty. We refund the waivers ordinarily through commodities.

Most of the bills for Kericho went up because of the emergency services for the treated 50 patients and their dependants who were coming to identify the victims required first aid services and could not be recorded. In emergency situation supplies/consumables could not be controlled. Other supplies may have been picked.

HON. BRENDA BII BILL, CECM – HEALTH SERVICES

It was on 30th June 2023 at around 7 p.m. when I was called by Governor after which I called the CO and medical superintendent informing them of the Londiani accident so that we activate the emergency response teams.

Preliminary report stated that about 100 people had died. The CO and medical superintendent initiated the mitigation, cleared the theatres went to Kericho county referral at around 7.30 pm. It was raining so heavily and patients started streaming in at 7.30 pm. Many people streamed to facility because of curiosity. I was in Kericho up to 10 pm then proceeded to

londiani. The accident scene was horrific and by 11 pm we had confirmed about 47 deaths. The impact of the accident was huge hence many people streamed in to check on their loved ones.

Our Londiani Sub County Hospital morgue has a capacity of 16 and by that time we had 47 bodies. The identification of bodies started the following day on 1st of August 2023. By 8 am the following day we were at the Londiani to welcome the guests of the Governor from the National Government. The guests also came to Kericho. The identification of bodies started at the 1st and 2nd day including sorting. The identification of bodies took 5 days from the 1st to 6th July, 2023.

On 4th July 2023 it was the fund raiser day and concerning the minutes of a disaster committee on the Governors board room, I was invited through a phone call from the County Secretary on 18th JULY, 2023. It was agreed on the meeting the KCRH Kshs 2.M and Londiani Hospital kshs1.54m be paid respectively.

The CEC claimed that she did not receive a copy of the minutes of the meeting of 18th July, 2023. Prior to the meeting she received a request letter on 14th July 2023 from the medical superintendent of KCRH on the reimbursement of the cost of commodities utilized during the Londiani accident.

I also received a request letter showing the cost of commodities utilized during the Londiani accident from the medical superintendent Londiani Sub County Hospital dated 14th July 2023. I acted on the two letters from the two hospitals by noting the request and did not take an action until the 17th July, 2023. I took both requests and tabled in the disaster committee meeting held on 18th July, 2023.

The kind of commodities utilized at the casualty made it impossible to account for the consumables. As the night progresses, the registration of patients commenced, the commodities utilized for the 19 patients but many used it. Emergency services provided at Londiani hospital the bill of Kshs1.5

million was spent because the consumables were huge. Londiani Hospital did not have the capacity to admit hence referred to KCRH and NPGH.

The CECM Health informed the committee that she took it upon herself to examine post londiani in the aftermath of the tragedy and my major concern was the operationalization of the hospitals. On the 18th July, 2023 meeting my impression of the meeting was that it was not over. I requested the medical superintendent to justify the request which the accountant did by tabulating the bills of all the patients plus consumables.

Casualty bill and the processed bill for the patients treated and discharged. The entire amount was distributed among patients which this is illegal and anormally and a violation of patient's confidentiality.

When taken through the minutes she confirmed that the following mentioned members were not present in the meeting, these are Hon. Rosemary Rop, Hon. Judith Chirchir, Hon. Daniel Rop were not present in the meeting

When asked on the advice to the department regarding the urgency of the refunds. She stated that she didn't know who prepared the list of people to benefit. The Donation from KEMSA came in on 2nd July, 2023 which was medication mostly. There is the insinuation to say that figures were cooked I cannot be misguided on the operations of the health.

We cannot run away from the supplies and the patients were not supposed to pay and the accident was massive – raw data was on consumables, we stand with our consumables used. Our bills are much lower than Nakuru and it is not fair to compare Nakuru PGH with KCRH. The budgets alone separate the two.

The County Secretary Dr. Wesley Bor informed me of the Kshs157,188 was used as compensation for one Laura Mutai medical bill for victim of Barsiele fire tragedy.

The CECM confirmed that she had requested the medical superintendent to prepare the consumables which were wrongly captured. On the question of the NHIF DATA the CECM for health promised to furnish the committee with a report.

When asked about the cheques for KCRH and Londiani Sub County Hospital, she denied to have never seen such cheques though the cheque was collected on 31st July, 2023 by the Medical Superintendent of Londiani Sub County Hospital.

The CECM for health informed the committee that he did not plan on how to steal or misappropriate the money and that they complied with H.E. the Governors order on the waivers. I stand guided by his house on what I was supposed to do. The meeting lacked knowledge on what they were supposed to use to support the hospital.

What next for us was the issue in the hospital because of the expenditure so far. In view of what has happened in londiani. We made a request to the meeting for consumables worth Kshs 600,000 for purchase of implants. I have requests for the three patients still hospitalized at KCRH

We thank H.E on his vigor for this administration. I cannot self-judge, londiani sub county hospital is level 4 on paper and KCRH is licensed as level 5 but yet to be determined by the County Government. I did not follow up as to the number of survivors.

The CECM Health services concluded by thanking the committee and health care workers and that she stood guided by this adhoc committee. We may not have been right.

CEC & CO ICT, E – GOVERNMENT, YOUTH AFFAIRS, GENDER & SPORTS (at 14.55 pm

THE CECM Hon. Daniel Rop and the CO Kipngeno Geoffrey Bett appeared before the committee at 1455 pm on 7th August, 2023.

Hon. Daniel Rop, the CECM ICT, E – Government, Youth Affairs, Gender & Sports informed the Committee that he was not in that meeting and neither did he pray in the meeting (**EXHIBIT DR-1**)

He further informed the committee that when he saw the minutes in the social media, he went to County Secretary office to inquire because he had not been invited. The county secretary informed him that you will explain.

The CO ICT informed the committee that he received a call on 3rd July, 2023 from the County Secretary and that my department was tasked with printing of the programme.

That he received the phone call from the CECM ICT on Monday at 3.00 p.m. HE delegated some responsibility with the technical team in conjunction with included printing digital passports and names of the victims.

I confirmed to this committee that the department of ICT did not incur any costs in regards to Londiani accidents victims' fundraiser. The department did not incur any cost for printing the programme.

COUNTY TRANSPORT OFFICER

RONO SHADRACK - Transport Officer Public Service Management appeared before the adhoc committee on 7th August 2023 at 1515hrs and informed the committee that one kikwai is the head of PSM Transport only issuance of work tickets.

On Fridays he acknowledged the available vehicles as 35CG015A, 35CG035A (CO), KAV 211 ADM PSM, KBJ 779 (PSM), 35CG040A – Fire engine (PSM), KBW 798 Fire engine.

On Friday I fueled the vehicles with authority of the Chief Officer. I was home received a call from administrator informing me about the londiani accident. I maintain work tickets for PSM vehicles and on this fateful day, the 30th June, 2023 I topped up 780 litres worth kshs132,000/=.

When asked of their your relationship with other transport officers of other departments, he responded that they keep the work tickets and detail orders for all the departments and that they monitor work tickets and fuel detail orders. The person in charge of the work tickets/ detail orders register.

HON. EDINAH TONUI - CECM PUBLIC SERVICE MANAGEMENT

Hon. Edina Tonui, the immediate former Health CECM appeared before the committee on 7th August 2023 and started her submissions by condoling with bereaved families and stated that she was out of the country – Tanzania on the fateful day of the accident.

On the 3rd July, 2023 she attended a leaders meeting at the Governors board room to plan for fundraiser which was successful.

On 17th of August 2023, I was called at around 9 pm and was told me to extend the invite to hon. members for Chepseon & hon. Vincent Korir. I relayed the message to Hon. Vincent at 10 am on 18th July, 2023. I worked on something on my lap top until 10.15 when I left home. On my way from home Hon Vincent also called to confirm. On my way the vehicle broke down which and I had to get another car. When I arrived the meeting was over when Hon. Cherorot was leaving.

This was a meeting and not a committee, we ought to have an invite and terms of reference if it was a committee, I found the meeting over – once over, did not put my input to the meeting> Hon. Judith, Hon. Rosemary Rop, Hon. Daniel Rop.

That is not the true picture of the minutes. Did you sign the attendance register of the meeting? I did not sign anywhere in that meeting. The people were writing on their notebooks and that no one briefed me on what has transpired in the meeting. I didn't submit any request because the chief officer was present to represent the department (PSM).

The CECM informed the adhoc committee that there were 2 requests put forth to the department of finance by the CO PSM is the accounting officer from the sub county and from disaster management team. The request is done to the department of finance not targeting the finances from the fundraising.

A widower by the name David Koske had been promised kshs 100K by the Governor which was handed over to him on 27th July 2023 including Disaster management officers who were given 133,000, cleaning of field & Facilitation of the Ward & Sub County administrators of Kshs 90,000.

The CECM for PSM further informed the adhoc committee that the meeting of 18th July, 2023 was first and final one and wondered may be there was supposed to be another meeting. She said that the department of PSM always make requests on the issues of disaster for instance The team that went to rescue at Barsiele are still waiting for the team that went to rescue at Barsiele are still waiting for payments and that the widower – David Koske had been promised to support by H.E. the Governor.

Hon. Edina Tonui thanked the committee for giving her time to exonerate herself especially for touching what belongs to the Londiani accident victims. She further requested the adhoc committee to seek for forgiveness from the people of Kericho for making wrong decisions. She reiterated that it is good to do good. Do fairness and let justice prevail for everyone.

CHIEF OFFICER LANDS, HOUSING AND PHYSICAL PLANNING

Betty Chebet Ag. CO PSM & CO Lands, Physical Planning Housing and Settlement appeared before the Adhoc Committee on the 7th August, 2023 to make her submissions.

She informed the committee that she was called in later and that she joined the meeting at the tail end of the meeting to expedite the resolutions of the meeting. The Chief Officers are not supposed to attend the meetings of

CECM. Hon. Edina Tonui came in after me and that this was not a cabinet meeting.

When asked whether she was invited to the meeting or was attending on behalf of someone else, Betsy responded that she was given a call by the County Secretary at around 10.00 a.m to work on the resolutions of the said meeting of 18th July, 2023 after the deliberations had already been done. Mr. Alphonse Rotich the Chief Officer in the Executive Office of the Governor was present.

She informed the committee that Mr. David Kosgei, a widower was the most affected londiani accident victim with 7 school going children benefitted with Kshs 100,000 (Brother Rev. Wilson Cheriro) and that the widower had planned to rear the sheep. The disaster management committee for 7 days, of 15 PSM officers most of whom are drawn from the fire department responded well to londiani accident.

The PSM department honor extraneous allowance during the emergency period considering the effort they put in place. As I was working on the request, I could not verify where the money came from. On the different set of documents submitted to the department & CECM Finance and economic as follows:-

She clarified that earlier documents were revoked. Betsy was asked who the staff were or members who visit the families were they the sub county or ward administrators to offer psychosocial support and as to whether she received the money meant for the psychosocial support, her response was that she has not received the 90,000/- for that purpose and that the money is somewhere in the cash office,

The CO PSM informed the Adhoc committee that she sat in a meeting at the Governors board room for less than 10 minutes. Since I sat in a meeting I knew the time that the CECM PSM came in. The CO PSM informed the committee that she received cash of Kshs 333,000/= from the cash office and that she did not receive kshs 90,000.

On the issue of the pastors facilitation fee of kshs 100,000 she informed the committee that she called Rev. Joyce Tonui and having known that she was at the hospital, she requested her to take the money to where she was and that she could not verify the beneficiaries who benefitted from the kshs 100,000 pastors facilitation fee.

On the facilitation of staff lunches CO PSM informed the committee that lunch allowances varied from 1000, 750 to 500/= and referred the committee to the meeting of 18th July 2023 that approved the expenditure from the Londiani accident victims kitty. Betsy Chebet thanked the committee for inviting her and reiterated that she only received tranches of monies from finance cash office as follows – Kshs 100000, Kshs 100,000 and Kshs 133,000 and that Kshs 90,000 had not been disbursed.

JOHN MARK WERE ODHIAMBO – DIRECTOR SUPERTRIX COMPANY LIMITED

The Director Supertrix began his submissions by acknowledging that Supertrix co. limited and supershine are competitor companies and have no relationship.

He further informed the Committee that he did not have any contract with the County Government of Kericho nor an award letter to undertake the tasks of event planning and provision of chairs and tents and that supertrix is not prequalified as a supplier by the county government of Kericho despite being active in the system and without a contract.

I was called by Alphonse regarding supply of tents to a function where head of state would be in attendance.

As an event planner, I don't give a quote; I first waited for the state department protocol leader and other leaders including local leaders and heads of protocols. Once leaders took off, by look of the leader, I inquired

who was to pay me and Alphonse Rotich confirmed the county would pay for my services.

I was straight forward if it was not an immediate payment, I would not have taken up the job because I was avoiding the IFMIS jobs.

Send us the quotation and proceed to the job – I was handed over the job – nature and professionalism could not allow me to give us a job

The area MP woke up someone to prepare us dinner since it was raining heavily. We worked hard to provide the standards that are required by the state. As I was doing all that, then I kept on pressing for the payment

The director informed the committee that by virtue of initiation, the function was a county one and he did not know it was a fundraising. He only knew it was a memorial service for the accident victims.

After the event, my payment did not materialize, I was told to submit an invoice which I did. Our quotation is the system generated quotation – no exemption from tax. Willy Chirchir requested me to submit the ETR which I did on 21/7/23 at 10.10 a.m. a demonstration that we do pay VAT.

The director informed the meeting that supertrix received Kshs 2,945,000 on the 21st July, 2023 as started in the bank statement and requested the committee to safeguard the bank statement and invoices from getting into the social media.

On the question of the invoice addressed to the CGK, the director supertrix informed the committee that he was instructed by Edgar Towett to address to the CGK and Edgar Towett directed that the invoice be addressed to the CGK and the CO finance called me to provide bank details.

The witness informed the committee that he was the sole proprietor and that he didn't change the conversation because they said they will be paid immediately. We managed with pressure just like the emergency, comfortable memorial I did the job out of commitment by erecting a 30*70

metres tent is raised by 50 people. The people from Londiani benefited and I considered how much I spent on that day.

When asked about the 7 out of 24 survivors who have been paid from the Londiani fund raiser kitty, his response was that its two sides of the coin, supertix events company delivering the service as done that previously, for us its business as usual. However he indicated that he didn't put his target on fund raiser money.

The director Supertrix, John Mark narrated how in 1990 his dad died mysteriously and that he understood the Londiani situation and via the social media persons he clarified That he didn't eat the money. He wished someone could have stood for him at that time when he had lost his dad.

The director informed the committee that Alphonse, Edgar and Dr. Bor. I made it clear that I cannot do that business now through IFMIS because I didn't want to do any job. I took an overdraft from the bank. Once am paid, I would pay other people as well.

John mark informed the committee that all his events set up are livestreamed and on record, and at that time they were live doing the Londiani event with a number of youths and that they didn't sleep . He further stated that supertrix staff are traumatized and do not want to be seen in events anymore. I have been imprisoned in my own pleasure. I didn't do anything wrong, I expected the area MP and area MCAs to say thank you.

He confirmed that Kshs 2,945,000 was for the job done, I want to challenge the young people that there is something to do. Get out and do the job. I am proud to be interrogated.

SUPERSHINE DIRECTOR FELIX NGETICH CO.

The directors of supershine started their submissions by confirming that they had the Bank statement, payment voucher and invoice for work and services rendered to the County Government of Kericho at Rays Hotel on the 4th of July, 2023.

The Directors Supershine ltd informed the committee that the manager Rays Hotel referred them to CO Alphonse Rotich, whom we met on 3rd July, 2023. We got this job through reference from Ray's manager; we met face to face with Alphonse at Rays where we were called to install a tent for a state function. We got the reference at 7.00 p.m. then we embarked on the work and did it overnight.

When asked about cancellation, he responded that he was not aware about any cancellation. We installed a 350 seater tent capacity. We got the cancellation at around 10 a.m. we had done all the preparation. Cancellation started from manager Rays then Alphonse confirmed through telephone conversation. Immediately after verbal cancelation, the capacity was reduced to the 100 pax. When the setup was completed on the material day it became difficult to cancel.

The directors of supershine informed that the method of procurement was *verbal (may be like direct procurement)*. And that they delivered the invoice to the office of the governor for payment. That they got paid through a cheque of kshs 411,000 (cheque no. 0109).

The committee was informed that the tents set up at Rays by supershine comprised of 150 VVIP 200 VIP and the 50 seater tent for the Rays was used by Rays. The Invoice for Supershine was signed by Michael Adhola Okoth as sole signatory.

When we got this job, we did not know the function was connected to the londiani accident memorial service. Once given an opportunity, we market ourselves. On the case of job, cancellation, he said that as a company they have rules on the time frame of cancellation and by 6 am the tent was erected vehicle were on standby mode. Once we were informed about the cancellations, we stayed put since we had delivered the work.

Dr. LEONARD OTII

Dr. Leonard Oti appeared before the adhoc committee on 8th august, 2023 to give account on his participation of disbursement of funds for londiani accident victims. I work as cooperative officer at CGK – Taking care of all cooperative societies.

He explained to the committee that there are three signatories Joel Bett, Fernandez Korir & Leonard Oti. The donation account was opened before November, 2014 meant for Kericho County Investment Conference for the donors to support KECICO.

The withdrawal of funds in this donation account is by way of minutes of meeting authorizing the payment for that specific purpose e.g. the Governor christmas tree, supporting the less fortunate people, e.t.c there will be a committee set up until a withdrawal is done.

When asked on the day the money was banked, he told the committee that he didn't know. I was later told that the donation money for londiani had been banked in the donation account. On the day I was asked to sign the cheque by Fernandez and the committee that authorized the withdrawal of funds for this case was chaired by the County Secretary.

The cashier should be providing supporting documents before withdrawal of the money is effected as supporting documents for payment. With regards to the membership of the committee, he said he is not a member of the committee authorizing the payment. The withdrawal of the funds must be minuted. The problem is that I do not have minutes for Welsfargo cheque of kshs 24,000/= and that he had the minutes for the withdrawal of Kshs 100,000/=.

The disbursement committee approved the following expenditures of Kshs 300,000 for damaged motor bikes.

On 20th July, 2023 I signed two cheques one to Kericho district hospital and one to equity bank manager of Kshs 1.8m & 1.54 million respectively. He questioned on the cheque that was plain and later addressed to the

equity bank manager, he was told that it was okay. Dr. Leonard Oti further informed the committee that he did not do due diligence as he signed the cheques before he saw the minutes especially for Welsfargo.

My specific role in the operations of this account is that I became a signatory because of the KECICO conference. On the issue of the supporting documentation, Dr. Oti blamed the originators of the cheques because of insufficient supporting documentation.

FERNANDEZ KORIR – CHIEF ACCOUNTANT

CPA Fernandez Korir is a chief accountant at the County Government of Kericho. In his submissions he said that the incident that happened in Londiani shocked everyone, him included. A fundraiser was planned to assist the victims' presided over by H.E. Rigathi Gachagua, Deputy President of the Republic of Kenya. I also made my contributions. After money was raised, I did not have a trail of the money. I later learnt that money was deposited in our county donation account. The Kericho county donation account was opened in the year 2014 by the County Government for a trade exhibition.

He stated that the person in charge of the cash office is Willy Chirchir and request by CO PSM of Kshs 423,000 was availed, confirmed and handed over to the CO PSM as per procedure.

When questioned on the transaction of kshs 300,000 using the supporting documents for meals, he stated the contact person between County and the National Government in this matter was the office of the County Secretary.

On the issue of Cheque number 0108 in favor of Kericho County Referral hospital & Londiani Sub County Hospital there were minutes shared to approve the expenditure and our role is to facilitate.

On the issue of drawing a cheque in favor of the bank manager equity bank RTGS is a document originating from the bank and occasionally we draw the cheques alongside RTGS.

A questions as to whether its not possible for a government account to have one signatory, the cheques were signed by Fernandez Korir and Leonard Oti. I was asked to facilitate the payment of fuel and meals of kshs 300,000 for the County commissioner.

The law that governs donation account section 138 of the PFMA, ACT gives guidelines on what ought to have been done.

We had Kshs 14 million in our donation account. I will still make reference to the committee, head of County Treasury was aware I had not accessed the account hence could not know the balance.

Fernandez put to task on the responded to the committee that he had no trail of how the money streamed into the donation and that despite having transacted on the londiani accident paybill account he was not aware who requested for the paybill.

When the adhoc committee inquired if the number of fatalities, he responded that there was a total of 52 fatalities as per the minutes of the committee and that his role came in at the tail end of the process. He further told the committee that just like the bursary funds, he is a signatory but he does not participate in the process of vetting and approvals of beneficiaries and that he did not have authority to question or deny the decisions approved and that he had been on leave.

The reason why the cheques did not go through was because of the payee details and the amount being above 1 million.

There was an RTGS, but the equity bank manager advised our accountant Chirchir that the cheques were supposed to be used alongside the RTGS for the case of county health facilities (KCRH and Londiani Sub County Hospital).

The motorbikes amounted to kshs 300,000/- withdrawn by Dr. Oti and from the minutes, the motorbikes could cost 200,000 hence 600,000.

On the PFMA on the compliance regarding grant from development partners, gift and contribution, Article 224 of the COK speaks to the appropriation by the County Assembly. The law requires that when the County needs to co fund a written authorization from CECM finance is required;

Fernandez thanked the adhoc committee for the opportunity accorded to shade more light regarding the londiani accident

CECM – JUDITH CHIRCHIR – Education Culture, Libraries and Social Services

On 4th there was a fundraiser and I made a contribution. In regards to the meeting of the 18th of July 2023, I learnt of the minutes in the social media, I was not appointed and neither was I invited to the said meeting. I was not in the said meeting.

Hon. Judith informed the committee that she did not attend the meeting of 20th of July, 2023 and neither was she invited (*EXHIBIT JC1 – copy sworn affidavit*)

ROSEMARY ROP (13.30 pm) CECM – WATER, ENERGY, ENVIRONMENT, FORESTRY AND NATURAL RESOURCES

The chair drew the attention of the witness to the meeting of 18th of July and 20th July 2023 at the Governors Board room; She responded that she could neither recall nor heard of such meetings. She further stated that the only meeting she was aware of was the one to prepare for the president's visit on 19th July, 2023. She concluded that the people who were in the meeting and the drawers of the minutes may have made an error by including her name in the minutes.

DAVIS SANG KCRH HOSPITAL ACCOUNTANT

CPA SANG DAVIS – CPAK holder having worked at as an accountant for 5 years at a hospital setting.

On 17th, July, 2023 I was requested by our medical superintendent who had requested through waziri for support of the hospital which was not the

actual bill per patient. It was forwarded on a basis for reimbursement through status of the patients' bills and expenditure.

On 18th July, 2023 he shared a corrected expenditure projection with medical superintendent but unfortunately he was in the theater and thus was required to submit it to Hon. CECM Health services.

The accountant informed the adhoc committee that he was instructed to review the bill upward from Kshs 600,000/= to Kshs 1,880, 336/=: a figure that was used by the CECM for health services to request for funds from the Londiani Accident victims kitty.

ALPHONCE ROTICH – CO EXECUTIVE OFFICE OF THE GOVERNOR

Alphonce informed the committee that he did not know where the Londiani fundraiser money was banked and he did not know where the money was to date. He said he knew about the accident and the fund raising. Further that he was aware of the meeting of 18th July 2023 held at the Governor's board room.

He further confirmed the Members present in the meeting of 18th July at the Governor Board Room as Mr. Wekesa Simiyu an Assistant County Commissioner and that the following members listed below were not present in the meeting :- Hon. Rosemary Rop, Hon. Judith Chirchir, Hon. Daniel Rop.

When the committee inquired as to why they included those that were not present in the meeting such as the person whom he indicated that he prayed and he answered that he could not remember adding such a person.

On 3rd July, 2023 he received a letter from Edgar Towett requesting for supply of items to be used at a county government function at Londiani and he approved the request which he marked to CO Finance for consideration under emergency fund .

After consultations, the CO to the Executive Office of the Governor approved the payment to host a county function using the Londiani accident victims' kitty.

He informed the committee that sometimes he is a messenger and an accounting officer at the same time and that he was sent physically by the County Secretary to Rays Hotel. The Supertrix and Supershine companies were engaged by my boss the County Secretary.

Regarding payment vouchers he informed the committee that he did not sign any voucher as he was not an AIE holder of the office of the Governor and that he did not have an LSO since he used direct procurement.

He further informed the committee that there was no such a meeting on 20th July, 2023 despite minutes showing the distribution of cheques and an item on change of signatories for the donation account at equity bank.

The County Secretary informed the committee that CO Executive Office of the Governor is holding the money whereas Fernandez clarified that money was being held by one Willy Chirchir.

He further told the committee that Gideon Mutai, the county attorney advised on the compensation through an East African court to award the victims since fundraising money was not for compensation and that the driver of the ill-fated lorry hailed from Rwanda.

When asked of his roles as an experienced person and accountability, he told the committee that the position of an adviser can be very tricky since advices are options to policy directions.

In the meeting of 18th July 2023 at the Governors Board room, it was agreed after deliberations that people listed in the schedule be paid. The minutes were being typed elsewhere not my office hence could not detected the errors. The londiani incident was regrettable.

GILLBERT KIPKIRUI BII – CO FINANCE

Gilbert appeared before the adhoc committee on 8th August, 2023 at 1832 hrs.

He informed the committee that the money was deposited at a donation account as one of the county government accounts and that the operations of a donation account is guided by section 138 of the PFMA Act,2012

He elaborated further explained to the committee the procedure for payments to be made from the donation account. He stated that process is guided by section 47&48 of the PFMA Act. That It should start from requisition from the department in need backed by approvals by the relevant body or committee. He clarified that the Kshs 2,945,000 was raised from the office of County Secretary to finance

On 3rd July 2023 the County Secretary requested the G4s courier services to ferry the fundraising consignment from Londiani fundraiser from Londiani to Equity Bank, Kericho Branch. However the committee established that the courier contacted and paid to ferry the cash consignment was the Welsfargo.

On that night he fell sick on 3rd July 2023 and that Wellfargo were ready with the seals. Passed by the bank and picked the seals from the bank. He gave the seals to waziri for Finance. Waziri brought the broken seals.

He stated that he assumed that waziri locked the cash box containing Kshs 13,653,660/= collected at the fundraising and gave the seals and padlock to a staff who delivered to CPA Nancy an accountant who confirmed the money at equity bank.

The committee sat and made the distribution in attendance of the head of county treasury. The lead person was the CO office of the Governor Mr. Alphonse Rotich. The CO finance also informed the committee that the donation account is subject to audit by the Office of the auditor general and that national government donated 20 million and the public and well-wishers donated 14.5 million.

The normally the user department makes a request and that there is no specific committee that approves. The Finance department is a facilitative department.

He confirmed to the committee that the emergency fund has Kshs 15 million for the FY 2023/2024. He further told the committee that whoever delivered the requests for payments as agreed in in the minutes dated 18th July, 2023 to his desk was Mr. Alphonse Rotich.

The chief officer noted that however Alphonse Rotich on cross examination under oath denied the minutes of the 20th July, 2023, it was unfair for him to disown the documents he brought to CPA Fernandez Korir for payments.

He stated that he had a conversation on phone with ALPHONCE and advised that emergency funds are under the guidance of the Emergency Fund Act of 2014.

He further stated that the funds being in a donation account, the procedure was different from the payment of IFMIS. Ordinarily KRA taxes and other exemptions are done directly

The CO finance confirmed that Supertrix ltd was not prequalified by the CGK and hence did not have a running framework contract in the current Financial Year.

Because of the emotional nature of the incident Safaricom could have remitted the funds to the donation account. The actual amount of money at the cash office was Ksh 690,000/= .

The deceased were getting 90k and survivors' victims got 60,000/= the committee could not establish the criteria used in disbursing the said funds meant by the victims. The CO further informed the committee that Kericho County Emergency Fund Act only applies within 72 hours of an occurrence of an emergency

The CO finance closed his remarks and felt sorry to the victims of the Londiani accident.

EDGAR TOWETT – CHIEF OF STAFF

Mr. Edgar Towett started his submissions by clarifying the functions of the Chief of Staff as maintain confidentiality, scheduling meetings, managing the itinerary, managing logistics County Secretary, provide leadership and professionalism.

On 3rd of July there was a meeting attended by leaders and agreement made concerning the memorial service and fundraising.

He clarified that he did not attend the meetings of 18th and 20th July, 2023. I did my work which involved requisitioning of funds to the office of Chief Officer Finance. Could not dictate where the funds were to be withdrawn.

WILLY CHIRCHIR – ACCOUNTANT

He stated that his role was to write cheques and facilitate payment. The process of payment starts from requisition and preparation of payment voucher then the payment voucher to be approved by relevant personnel.

He did not know how all this was treated because they were not consulted. CO PSM Betsy took Kshs 423,000 and signed at the cash office.

Mr. Chirchir informed the committee that one Joyce Mutai, Kipkelion East Sub County administrator returned kshs 90,000 saying that she had been given the money by Betsy Chebet, CO PSM. The committee could not establish the motive for returning the money to finance office.

Chirchir confirmed to the committee that Betsy Chebet, CO PSM did not return the money herself and he further confirmed that the money in his custody was kshs 600,000/= meant for boda boda and kshs 90,000/= returned by Joyce Mutai, the Kipkelion East Sub County administrator.

As a custodian he confirmed receipt and payment of kshs 423,000 from Fernandez korir and handed over to Betsy Chebet, CO PSM. Fernandez korir further withdrew kshs 300,000/- which was handed over to Alphonce Rotich, CO office of the Governor. Additionally, total of Kshs 400,000/=was withdrawn by Dr. Leonard Oti and handed over to Betsy, CO PSM.

Ms Betsy Chebet received at total of Kshs 823,000/= but refunded back to cash office Kshs 300,000 and thus a balance of Kshs 433,000 was misappropriated in this single instance.

Chirchir received cash from Betsy, CO PSM Kshs 300,000 on 24th July 2023 kshs 300,000/= from Mr. Alphonce Rotich on 24th July, 2023 & received a further kshs 90,000 from Joyce Mutai, Kipkelion East Sub County administrator on 31st of July 2023.

Mr. Chirchir further informed the committee the kshs 300,000 (County Commissioner) and kshs 300,000 (Boda boda) was for Boda Boda as per the minutes of 20th July, 2023.

Chirchir was grateful to have been invited to say nothing but the truth and wish the victims quick recovery. He also informed the committee that he does pastoral work that he was happy that he managed to come and clear the air.

6.0 CHALLENGES FACED BY THE ADHOC COMMITTEE

The Adhoc committee on Londiani Accident faced the following challenges in the execution of its mandate:-

1. The committee had a limited time of 7 days to deliver on the mandate that was of county importance;
2. It became difficult to access information from some key institutions such as safaricom ltd, equity bank limited, welsfargo, G4S and the County Commissioner, the assistant county commissioner and the traffic commandant Kipkelion East;

3. Conflicting records/information provided to the committee from the different witnesses hence at certain instance, the committee could not ascertain the authenticity of key records relied upon to disburse the money from the Londiani accident victims Kitty;
4. Bureaucracies and protocols in the invitation of national government and the private sector witnesses who were adversely mentioned during the cross examination made it difficult to corroborate information adduced as evidence;
5. The gravity of the matter of the Londiani accident victims and public interest and voiced concerns of the victims coupled with competing political interest threatened the justice for the victims;
6. That the clergy through Rev Joyce Tonui refunded Kshs 100,000/= being the amount paid as pastor's facilitation fee through Mpesa through the theological principle restitution.

7.0 RESPONSE TO TERMS OF REFERENCE FOR THE LONDIANI ACCIDENT ADHOC COMMITTEE

After intense cross examinations, observations and submissions from the various witnesses the adhoc committee wishes to respond to the terms of reference as follows:-

i. The exact number of people who had passed on as a result of the Londiani accident and morgue charges per deceased person;

The number of people who succumbed in the Londiani accident was 52 out of which 49 were processed at Londiani Sub County Hospital, 2 at the KCRH and 1 at Nakuru Provincial Hospital. The total morgue charges for 49 bodies at Londiani Sub County Hospital is kshs 850,850 and the two bodies at KCRH was kshs 38,500 and the morgue fee for a person who passed on at Nakuru PGH was kshs 31,350 (including treatment).

ii. The exact number of casualties as a result of the Londiani accident and the cost incurred per patient;

The total number of casualties was 77 as per the submission from the CECM Health services and medical superintendent for Londiani sub County Hospital. However, there were about 50 relatives of the victims that were attended to and discharged at Londiani Sub County Hospital. A number of relatives also streamed to KCRH in search of their loved ones and were also attended but an exact number could not be ascertained because there were no records at the casualty.

iii. The total amount of money raised at the fundraiser for the Londiani accident victims;

After careful examination of the documents provided to the committee a total of Kshs 14,589,624 – from cash Londiani of Kshs 13,653,660 and pay bill 935,964 from pay bill number **8062001** with account name titled **Londiani accident victims support**. The figure of cash collected was confirmed at equity bank, Kericho branch. The committee noted that the cash was not confirmed at source and no explanation was given as to why this was not done.

iv. The amount to be waived by the County Government of Kericho for the health services rendered to the said victims (both casualties and deceased);

The total amount of money waived by the KCRH was Kshs 224,699 comprising of medical bill for 4 patients of kshs 186,199 and morgue fee of 13,500 and postmortem fee of 25,000 (for 2 deceased patients at KCRH) and at Londiani Sub County Hospital waived morgue charges of Kshs 850,850 and that Nakuru PGH waived a total bill of kshs 366,380/=

The total bill waived by the KCRH for the casualties amounted to Kshs 282,219 and the morgue fee waived both for KCRH and Londiani Sub county Hospital was kshs 889,350/=. The adhoc committee also notes that 3 patients are still admitted at KCRH with a medical bill amounting to Kshs

198,224/= which the adhoc committee anticipates that it shall be waived by the KCRH.

v. **Report on breakdown of how the funds raised was distributed to the casualties and the families of the deceased including their places of residence;**

The adhoc committee found out that 48 families have received Kshs 90,000 tamounted to Kshs 4,320,000/=

And 8 survivors had been compensated according to the records furnished to the committee amounting to Kshs 480,000/=

This makes a total of Kshs 4,800,000/= amount disbursed to casualties and to families of deceased.

However the committe established that a total of Kshs 14,589,624 was collected and disbursed as follows but the disaster committee spent the from the kitty as follows:-

Kericho district hospital	- 2,037,524
Londiani Hospital	- 1,534,190
Supertrix ltd (tents at Londiani stadium)	- 2,945,000
Supershine ltd (Tents at Rays)	- 411,000
Rays Hotel (Lunch for 100 pax)	- 100,000

PPSM Department (Transport, refreshment & printing) - 423,000/=

County Commisioner (Fuel & meal allowance for the team) - Kshs 300,000

Affected person - fatalities 90,000*53 - 4,770,000/=

Affected person - Survivors 60,000*12 - 720,000/=

Damaged Motor bikes - Kshs 300,000/=

Total earmarked expenditure of **KSHS 13,540,714/=**

Balance at bank - Kshs 112,946

A total 13,653,660 was declared by the county secretary despite the statement dated 4th August, 2023 showing bank balance of Ksh 4,617,639/-

Inspite of the unclear criteria in the disbursement of the victim funds, the committee presents the following proposal using the same ratios and the total amount raised of kshs 14,589,624 as our baseline;

1. Cost of motorbikes – **Kshs 300,000**
2. Affected person – fatalities **164,880.27** *52 - 8,573,774.40/=
3. Affected person – Survivors **238,160.40** *24 - 5,715,849.60/=

vi. Composition of committee (if any) formed for utilization and distribution of the said funds and terms of reference for the said committee;

The adhoc committee in its deliberations observed that there was controversy regarding the membership of the committee formed for utilization of funds. The submissions from the members who attended the meeting revealed that the meeting was sanctioned through a phone call by the county secretary with a membership of 9 county government and 1 national government officer and one Member of Parliament. The chairperson of the said meeting was the County Secretary and the secretary was the County Chief Officer in charge of the Executive office of the Governor (*refer to annexure*)

Three senior county Government officials stated as members have since disowned the said meeting through sworn affidavits, these are;

1. Hon. Rosemary Rop – CECM, Water, Energy, Environment, Forestry and Natural Resources Management
2. Hon. Judith Chirchir- CECM, Education Culture, Libraries and Social Services
3. Hon. Daniel Rop- CECM, Information, Communication E- Government Youth Affairs, Gender and Sports

vii. How many vehicles were used for facilitation to support the victims ,the departments they were drawn from and the fuel cost used per vehicle;

During the emergency operation following the Londiani accident on 30th June, 2023 the total number of vehicles used were as follows:-

30th June, 2023

- GKB 134B – 15 LITRES (Diesel)
- GKB 633Y – 20 LITRES
- 35CG077A – 50 LITRES
- 35CG079A – 50 LITRES
- KCA 006W- 20 LITRES

1st July, 2023

- KCA 006W- 30 LITRES
- GKB633Y – 20 LITRES
- Generator – 160 LITRES

2nd July, 2023

- KCA 006W- 20 LITRES

3rd July, 2023

- 35CG080A – 10 LITRES
- GKB633Y – 50 LITRES
- 35CG079A – 30 LITRES
- 35CG080A – 20 LITRES

6th July, 2023

- GKB 633Y – 40 LITRES
- 35CG080A – 10 LITRES
- 35CG079A – 50LITRES

Summary of fuel per vehicle and cost per vehicle

Vehicle No.	Number of Litres	Unit (current price) during the period	Cost	Total cost
35CG080A	20	167.99		3359.80
GKB633Y	130	167.99		21838.70
35CG077A	50	167.99		8399.50
35CG079A	130	167.99		21838.70
KCA006W	70	167.99		11759.30
Red cross	160	167.99		26878.40
GKB134B	15	167.99		2519.85
Total	575			96,594.25

Cost of fuel per vehicle from 30th June, 2023 to 6th of July 2023

viii. What properties were destroyed during the incident and how much was paid out from the fund as compensation ; and

The committee heard from oral submissions that one business and three motorbikes were damaged. The committee however could not establish how much was compensated and what properties was destroyed because of lack non – disclosure of information by the Kipkelion East traffic commandant whose role was to corroborate information on the properties destroyed except for the kshs 300,000 set aside to purchase three damaged motorcycles.

ix. Report on breakdown on utilization of the said funds for activities other than the compensation to the casualties and the families of the deceased.

Expenditure other than compensation to the casualties

- Kericho district hospital – 2,037,524
- Londiani Hospital – 1,534,190
- Supertrix ltd (tents at Londiani stadium) – 2,945,000
- Supershine ltd(Tents at Rays) – 411,000
- Rays Hotel (Lunch for 100 pax) – 100,000
- PPSM Department (Transport, refreshment & printing) – 423,000/=
- County Commisioner (Fuel & meal allowance for the team) – Kshs 300,000
- Damaged Motor bikes - Kshs 300,000/=
- Total expenditure of **KSHS 8050714**

A total 13,653,660 was declared by the County Secretary and the equity bank statement dated 4th August, 2023 showed bank balance of Kshs 4,617,639/-.

8.0 SPECIFIC ADHOC COMMITTEE OBSERVATIONS

County Secretary, Dr. Wesley Bor

Forgery of minutes; the county secretary acknowledged minutes dated 18th July 2023 to be true however on cross examination of various witnesses the committee established that the minutes were a forgery as some of the members listed in the minutes swore affidavits(exhibits) to confirm that

they never attended the said meeting. From the witness testimonies the committee deduced that the county secretary colluded with the secretary of the committee to forge minutes. Further the various correspondences submitted had conflicting dates. This amounts to violation of article 10 & 232 of the constitution of Kenya 2010, Section 13 of leadership and integrity Act, section 9 of Public Ethics Act 2012 and section 27(3)(f)(g) of the County Assemblies Powers and Privileges No 2017.

Approval of withdrawal of funds contrary to the provisions of section 138 of Public Finance management Act. The county secretary confirmed to the committee that he chaired a meeting that approved withdrawal of money from the fundraiser kitty that had been deposited in a donation account and subsequently signed withdrawal cheques. This is a violation of the provisions of the Public Finance Management Act which requires any fund in donation account to be spent in accordance with article 224 of the constitution of Kenya 2010.

Oversaw misappropriation of funds, from his testimony, witness testimonies and evidence submitted, it is evident that the county secretary oversaw the misappropriation of funds raised in londiani that was meant for accident victims. The fundraiser money was used to pay for services that were not intended such as for paying tents and allowances for staff of the county while taking emergency services.

Abuse of office, from the witness submission and his evidence on oath, the committee established that the county secretary exercised his powers contrary to the provisions of the law by exceeding his authority. He acted arbitrarily by overseeing allocation and withdrawal of money raised in londiani fundraiser, an action that is outside his mandate under Section 44 of the County Governments Act.

Chief Officer, Executive Office of the Governor - Alphonse Rotich

Forgery; the chief officer of the office of the governor was the secretary of the committee meetings held on 18th and 20th July 2023. Ordinarily the

secretary of a committee is the one who writes the minutes. 5 witnesses testified that Alphonse was the secretary of the committee. On cross examination of the 3 witnesses it was established by the committee that the 3 witnesses never attended the meetings held on 18th and 20th July yet they are listed in the minutes as attendees. Daniel Rop was listed as one who opened the meeting through a prayer. The three witnesses swore affidavits to that effect. (Exhibits)

This establishes that the minutes were forged. On cross examination of the chief officer, he confirmed that he was the secretary of the committees. This amounts to violation of section 347 and 349 of the penal code 2012 and article 10 & 232 of the constitution of Kenya 2010.

Abuse of office; the committee established that the chief officer by issuing verbal direct procurement to two companies to wit; Supertrix and supershine without adhering to the provisions of section 103 and 104 of Public Procurement and Asset Disposal Act and Section 45(2)(b) of Anti-Corruption and Economic Crimes .

Violation of Procurement Rules and procedure; the chief officer sourced for provision of tents and catering services at Rays Hotel whereas this is the sole mandate of the procurement department. The directors of Rays hotel, supertrix ltd and supershine events testified that they were called by the chief officer, office of the governor to provide various services during the londiani fundraiser.

CECM in charge of Health Services; Brenda Bill Bii.

Abuse of office; the CEC in her sworn submissions stated that she took it upon herself to examine post londiani in the aftermath of the accident and requested for reimbursements of the consumables used during the emergency of the londiani accident and went ahead to instruct the med sup to cost the pharmaceuticals and non-pharmaceuticals utilized during the

accident. This contrary to the governor's directive on waiver of all hospital bills. This amounts to abuse of office.

Non-disclosure of information & Accountability, the committee established that the cec in charge of health failed to disclose the donation amounting to **Kshs 1,862,890/=** from KEMSA. This is a violation of article 10 & 232 of the constitution of Kenya 2010.

Oversaw misappropriation of fundraiser funds, the committee established that the CEC was a member of the committee that planned and authorized the expenditure of the londiani fundraiser funds. Priority was given to other expenditures than to assisting the victims yet the nature of the incident was majorly a department of health issue.(Exhibit).

The committee further established from the exhibits and witness statement (Kericho County Referral Hospital Accountant) that the Kericho County Referral Hospital bill was reviewed upwards from **Kshs 600,000/=** to **Kshs 1,880,336/=** on the directive of the med-sup. The Cec therefore failed in her duties by failing to ascertain whether the bills from Kericho County Referral and Londini Sub-county Hospital were the accurate bills as compared to expenditure.

The committee further noted that **Kshs 157,188/=** was included in Kericho county referral bill. On interrogation of the CEC she indicated that the amount was meant to cater for a bill incurred by Barsiele fire victim. The committee established that the fire victim's bill was catered for by NHIF. These actions amounts to violation of article 10 & 232 and section 45(2)(b) of the Anti-Corruption and Economic Crimes.

Ag.Chief Officer, PSM Betsy Chebet Kirui.

Non-disclosure of information & Accountability, the committee established that the chief officer failed to disclose to the committee the actual amount that she received from cashier Willy Chirchir. She testified that she received **423,000/=** but the committee established that she

received **Kshs 823,000/=** (Exhibit) This is a violation of article 10 & 232 of the constitution.

Perjury. The chief officer lied on oath that she received **Kshs 423,000/=** which she later returned Kshs 90,000/= to the cash office. However the committee established that she received a total of **Kshs 823,000/=**. The chief officer committed the offence of perjury as stipulated under section 27(g) of the County Assemblies Powers and Privileges, 2017.

Misuse of fundraiser funds. According to the minutes of Londiani disaster committee dated 18th July 2023 and the witness testimony, the department of PSM was allocated Kshs 423,000/= which amount the Chief Officer acknowledged receipt, this amount was meant for transport, refreshments and printing. The chief officer in charge of ICT testified that they did all the printing for the fundraiser function at zero cost. The committee could not ascertain where the amount meant for printing was utilized. Further, the committee established that the chief officer, who is the accounting officer of the department paid out kshs 100,000/= to a widower out of the fundraiser kitty yet the same was a pledge made by the governor thus that amount ought to have been paid by the governor himself. This is contrary to the provisions of article 10 & 232 of the constitution of Kenya 2010 and is an offence under section 45 (b) of the Ethics-Corruption and Economic Crimes.

Misappropriation of fundraiser funds; the chief officer allocated kshs 90,000/= out of the Kshs 423,000/= that she received from the fundraiser kitty towards psycho-social support of county disaster management staff. This amounts to misappropriation of the said funds as the aim of the fundraiser kitty was to support Londiani victims and not county staff who were doing their official duties.

Abuse of office; the committee established that the chief officer committed the offence of abuse of office by misappropriating fundraiser funds meant for Londiani victims and also by giving false information under oath. This is a

violation of article 10 & 232 of the constitution of Kenya 2010 and section 27(g) of County Assemblies Powers and Privileges Act.

CEC Finance & Economic Planning, Leonard Ngetich.

Violation of the provisions of section 138 of Public Finance Management Act; the CECM in charge of finance of and economic planning violated this provision by authorizing the withdrawal of funds from the county donation account that was meant for assisting londiani victims . The act provides that the funds in a donation account should be administered as per the provisions of article 224 of the constitution of Kenya 2010.

Abuse of office; the CECM failed in his mandate as head of county treasury by authorizing payments for services from londiani fundraiser kitty to wit procurement of tents and lunch at Rays Hotel .This was contrary to the purpose and intent of the fundraiser and subsequently the funds raised thereon.

Further, the cec authorized reimbursement of alleged waiver of hospital bills contrary to the governor's directive on waiver of all hospital bills. The cec also failed to ensure that the procurement laws were adhered to in procuring catering and tent services. The committee noted that the cec was not able to answer questions of financial issues of the county yet he is the head of county treasury and the chief adviser to the county government on matters finances.

Non-disclosure of information, transparency & accountability; the CECM in charge of finance and economic planning failed to disclose to the county assembly receipt of a donation to the kericho county donation fund as stipulated under section 138 of Public Finance Management Act.

Chief Officer in Charge of Finance; Gilbert Bii

Misappropriation of fundraiser funds; the chief officer in charge of finance made payments from the county donation account contrary to the provisions of section 138 of the Public Finance Management Act. The committee noted that he authorized payments from the donation account were services that wasn't part of the purpose of the fund. The witnesses produced cheques in proof of the same. This is a violation of the provisions of article 10 & 232 of the constitution of Kenya 2010 and section 138 of the Public Finance Management Act.

Abuse of office;The committee noted that the chief officer made payments contrary to the provisions of section 138 of the Public Finance Management Act. Further, he wrote cheques to Kericho County Referral and Londiani Sub county hospital in contravention of the governor's directive on waiver of hospital bills.

Professional Negligence; The committee noted that the chief officer made payments to suppliers without documentation contrary to the provisions of the law. He wrote cheques to Supershine and supertrix limited.The committee further noted that he made payments for services and items from the donation account which should have been paid from the emergency fund account.

Violation of procurement rules; The committee noted with concern that some of the suppliers that the chief officer paid were not prequalified as provide for under the public procurement and asset disposal act and public finance management act.

The chief officer failed to withhold the statutory 2% withholding tax from the suppliers contrary to the provisions of income tax and finance act. This occasioned the government a loss of revenue. This amounts to an offence under Section 97 of Tax procedure Act

9.0 GENERAL ADHOC COMMITTEE OBSERVATIONS

The adhoc committee after deliberations and scrutiny of documents made the following observations:

- i. That the cost of medical care and more so purchase of drugs in our County Referral hospital and Londiani sub County hospital is on the higher side and as compared to level Nakuru PGH. The Committee also established that patients in our county referral hospital are buying drugs in spite of the waivers by H.E. the Governor which is against Article 43 (1) (a) on the rights to quality health care. The health facilities do not have clear way of effecting waivers as all the waivers to revenues should be approved by the County Assembly in line with Section 159 (1) (c) of the Public Finance Management Act, 2012 ;
- ii. That the county operates donation accounts that are not declared to the county assembly for appropriation thus violating Section 138 of the Public Finance Management ACT. 2012. The appointment to special committees to action expenditure from any County Account be it a donation account shall be appointed by H.E. the Governor with regards to expenditures must be effected in line with Article 224 of the CoK, 2010;
- iii. That the County Government of Kericho pursue intergovernmental relations and deliberately support the establishment of a county disaster management team from all the stakeholders and the red cross champions the efforts of disasters and emergency responses ;
- iv. That the committee was disturbed by the set of documents availed from the department of Health services for supplies and medical bills using patients records to solicit support without their knowledge and consent, a case in point is the request made by the County Referral hospital accountant to the medical superintendant of kshs 2,037,524/=

- v. That the protocols in terms of financial request was not adhered to with regards to the public finance management;
- vi. The “disaster management committee” led by Dr. Wesley Bor abused of office by authoring expenditure from the Londiani Kitty victims to disregard
- vii. The working relationships between the chief officers - are the chief officers doing their own things behind the backs of the CECM AND county Secretary;

10.0 SPECIFIC COMMITTEE RECOMMENDATIONS

After careful examination of evidence the committee makes the following recommendations:-

- I.** That the County secretary violated various provisions of the law through forgery of minutes, Approval of withdrawal of funds contrary to the provisions of section 138 of Public Finance management Act, Oversaw misappropriation of funds, Abuse of office, the committee recommends to H.E. the Governor Dr. Eric Mutai for removal from office of one Dr. Wesley Bor, the County Secretary and head of County Public Service.
- II.** That the CECM, Health Services violated various provisions of the law through Abuse of office, Oversaw misappropriation of fundraiser funds, Non-disclosure of information & Accountability, the committee recommends to H.E. the Governor Dr. Eric Mutai for removal from office of one Brenda Bill Bii, CECM for Health Services.
- III.** That the CECM, Finance and Economic Planning violated various provisions of the law approval of withdrawal of funds contrary to the provisions of section 138 of Public Finance management Act, Abuse of office and Non-disclosure of information, transparency & accountability the committee recommends to H.E. the Governor Dr. Eric Mutai for removal from office of one Mr. Leonard Ngetich CECM for Finance and Economic Planning and head of County Treasury.
- IV.** That the County Chief Officer in the Executive Office of the Governor violated various provisions of the law through forgery, abuse of office, violation of procurement rules and procedure the adhoc committee recommends to H.E. the Governor Dr. Eric Mutai for removal from office of one Mr. Alphonse Rotich, County Chief Officer in the Executive Office of the Governor.

- V. That the County Chief Office Finance violated various provisions of the law through misappropriation of fundraiser funds, abuse of office, professional negligence, and violation of procurement laws the adhoc committee recommends to H.E. the Governor Dr. Eric Mutai for removal from office of one Mr. Gilbet Bii, County Chief Office Finance and Ag, Chief Officer Economic Planning.
- VI. That the County Chief Officer Lands, Housing, Physical planning and Housing and Ag. Chief Officer Public Service Management violated various provisions of the law through Non-disclosure of information & Accountability, perjury, misuse of fundraiser funds, misappropriation of fundraiser funds, abuse of office the committee recommends to H.E. the Governor Dr. Eric Mutai for removal from office of one Ms. Betsy Chebet, the County Chief Officer Lands, Housing, Physical planning and Housing and Ag. Chief Officer Public Service Management.

11.0 GENERAL COMMITTEE RECOMMENDATIONS

That the adhoc committee makes the following recommendations:

- I. That all the monies taken out of a county donation account be reimbursed and be paid to the victims of the Londiani accident as it was intended and that the County Government of Kericho to meet all the other expenses including medical bills for patients still admitted and requiring medical care;
- II. That all the county bank accounts signatories be trained on the financial guidelines including regulations of the public finance management;
- III. That all committees mandated to oversee any expenditure of funds in a county account or otherwise must be properly constituted by the appointing authority – H.E. The Governor;
- IV. That all the expenditure of the funds in any donation account should be approved by the County Assembly in line with the provisions of section 138 of the PFM Act and article 224 of the constitution of Kenya 2010;
- V. That the relevant stakeholders pursue the cost of medical care in the Kericho county health facilities with aim of reducing the burden of high cost of health care in the level three, level four and level five facilities;
- VI. That the committee recommends the establishment of a clinical audit team in each facility to ascertain the cost of medical care in line with provision of article 43 of the constitution of Kenya on the right to the highest attainable standard of health, which includes the right to health care services, including reproductive health care.

- VII. That the committee recommends that in times of emergencies and in line with the constitutional provisions on efficient and effective service delivery;
- VIII. That the committee recommends that public officers provide services in government offices observing and respecting code of ethics. The committee noted inconsistencies in correspondences from various offices.

12.0 ACKNOWLEDGEMENT

The County Assembly of Kericho thank the Deputy President H.E. Rigathi Gachagua, Hon. Moses Wetangula, Sopeaker National Assembly, Hon. Aaron Cheruiyot, senate Leader of Majority Party and host of leading for making the burden of the victims lighter through a fundsdrive for the londiani accident victims on 4th July, 2023.

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Assembly for the necessary support extended to it in the execution of its mandate.

In a special way, the adhoc committee expresses its gratitude to the medical personnel, the paramedics, the boda boda riders, the neighboring counties facilities, all emergency teams including all the National Government officers for their rescue efforts when the accident occurred on the 30th June, 2023.

Furthermore the committee acknowledges the exemplary services rendered by the staff of the county assembly and county executive in the facilitation and compilation of the public views. Indeed their devotion and commitment to duty have made the work of the committee easier in production of this report.

Mr. Speaker Sir,

Pursuant to Section 14 (1) (b) of the County Government Act, 2012 and Kericho County standing order 207, It is my pleasant duty to present the

Report of the Kericho County Assembly adhoc Committee on the Londiani
Londiani accident.

Signed..... Date.....

Hon. Moses Rotich

Chairman – adhoc committee on londiani accident victims

Member of County Assembly Tendeno Sorget Ward