



**OFFICIAL HANSARD REPORT**

**COUNTY ASSEMBLY OF BOMET**

**THIRD COUNTY ASSEMBLY**

**ASSEMBLY DEBATES**

**Vol. 2 NO. 111**

## DAILY HANSARD

*The Assembly met at the Main Assembly Chamber,*

*Dr. Joyce Laboso Centre at 2:30 p. m*

Third County Assembly - Second Session

Wednesday Afternoon 25<sup>th</sup> October, 2023

*(The Assembly met at 2:30 p.m. in the*

*County Assembly Mini Chamber at County Assembly Buildings)*

*[Hon. Deputy Speaker (Hon. L. Rotich) in the Chair]*

### PRAYER

**Hon. Deputy Speaker (Hon. L. Rotich):** Good afternoon members. There is no quorum. I order the Serjeant-At-Arms to ring the bell for ten minutes.

*Quorum bell rung*

**Hon. Deputy Speaker (Hon. L. Rotich):** I still ask the Serjeant-At-Arm to ring the bell for another five minutes.

*Quorum bell rung*

### POINT OF ORDER

**Hon. C. Langat (Boito ward, UDA):** The quorum is attained Hon. Deputy Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** Okay welcome Hon. members for this afternoon session, clerk kindly takes us through the items in the order paper.

### PAPERS

**Hon. R. Ruttoh (Chemamer ward, UDA):** Thank you very much Mr. Speaker I would like to lay the following papers on the report on the county assembly selection committee, the proposed replacement of members to some committees I beg to lay.

**Hon. Deputy Speaker (Hon. L. Rotich):** Kindly proceed.

### NOTICES AND MOTIONS

**Hon. C. Langat (Boito ward, UDA):** Thank you very much Hon. Deputy Speaker, and before I give notices of motion let me welcome Benard Sang who comes from my ward and is following the proceeding in the gallery. Hon. Deputy Speaker I beg to give notice of the following motion that pursuant to the county assembly resolution on the adoption of the report of the County Public Investment and Accounts Committee on the examination of the report of the auditor general on Bomet Water Sanitation Company for the year ended 30<sup>th</sup> June 2021 this County Assembly approves the appointment of the following members Hon. Josphat Kipkirui to represent budget and Hon. Ernest Rotich to represent water as co-opted members of the County Public Investment

and Accounts Committee to undertake a ground enquiring for established the systemic issues within Bomet water and sanitation company limited that have greatly affected the supply of water and sanitation services within the county and to propose actionable recommendation including but not limited to restructuring or dissolution of the company. Hon. Deputy Speaker, I beg to table.

**Hon. Deputy Speaker (Hon. L. Rotich):** Kindly proceed and table.

**Hon. R. Rutttoh (Chemamer ward, UDA):** Thank you very much Hon. Deputy Speaker I beg to give notice of the following motion, that pursuant to Standing Orders 166 (3) this County Assembly approves the report of the committee on the selection table on 25<sup>th</sup> October 2023 and subsequently appointment of Hon. Ann Chepkemoi as a member of the committee on Agriculture, fisheries and livestock. Mr. Speaker, I also beg to give notice of the following motion that pursuant to standing orders 166 (3) this county assembly approve the report of the committee on selection tabled on 25<sup>th</sup> October 2023 and subsequent appointment of Hon. Leonard Rotich as a member of county public investment and accounts committee. I beg to lay.

**Hon. Deputy Speaker (Hon. L. Rotich):** Kindly proceed. Okay, I commit the two motions to House Rules and Business Committee to slot time for deliberation.

### QUESTION AND STATEMENTS

**Hon. N. Chemutai (Nominated MCA, UDA):** Thank you, Mr. Speaker. A question by Hon. Catherine that was committed to the committee on trade, industry tourism, and property on 26<sup>th</sup> September 2023 in the question Hon. member inquired about the status of newly constructed market stoles within Bomet town particularly sought information on:

1. The name of the contractor awarded the project, the cost of the construction, the scope of the work, and the timeline of the project.
2. Whether the construction of the market stalls was within the approved procurement plan and if so she requests for relevant documents to that effect.
3. Why accessibility to the market stalls by PWDs was not taken into consideration.
4. Whether the construction of the market stalls is completed and functioning. Mr. Speaker, the committee sought the information on the question on the question of the department's CEC, and the response was as follows:

The construction of the newly constructed market stalls within Bomet town does not fall within the Department of Trade, energy, Industry, Tourism, and Investment and therefore not captured in the annual development work plan and procurement plan. The committee observed the following:

1. The department's CEC did not provide a satisfactory answer to the question sort since this is the user's department and should have questions and opinions and a feel on the stalled project.

2. The project was constructed by the Municipality under the Department of Lands, Housing, and Urban Planning so the relevant department should provide the member with sufficient information.
3. The committee notes the concerns of members and intends to follow up on the matter once information is received. It is noteworthy that the matter touches directly on the trades of the Bomet market.

Mr. Speaker, I, therefore, request that this question be redirected to the relevant committee for its deliberation and further action. Thank you, Mr. Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** Thank you very much Hon. member. I have seen that you request that relevant committee for its deliberation and the relevant committee is which committee Hon. member?

**Hon. N. Chemutai (Nominated MCA, UDA):** Lands, Housing and Urban Planning.

**Hon. Deputy Speaker (Hon. C. Korir):** I do not know whether the chair for that committee is present. That question that has been asked is directed to the Committee on Lands, Housing, and Urban Planning.

#### POINT OF ORDER

**Hon. C. Langat (Boito ward, UDA):** Hon. Deputy Speaker, the law allows you to direct any question or any statement to be answered by any committee because all the committees are equal to the challenge Hon. Deputy Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** Correct Hon. member. You are actually in order on that point only that the question had been asked and committed to the wrong committee. I believe it will be better handled by the Trade and Urban chaired by Hon. Busienei. That is why this question is redirected back to your committee. Thank you very much.

**Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM):** Point of information Mr. Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** Who do you wish to inform?

**Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM):** I wish to inform you, Hon. Deputy Speaker.

**Hon. Deputy Speaker (Hon. C. Korir):** You wish to inform the speaker?

**Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM):** Yes.

**Hon. Deputy Speaker (Hon. C. Korir):** All right. Proceed to inform me.

**Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM):** Thank you, Mr. Speaker. Hon. Charles had earlier informed you that your powers are so high that you can direct any committee to respond to any question provided by members. Mr. Speaker, the committee on trade

has the answers to the question, so the committee can proceed, Mr. Speaker. It is my request. Thank you.

**Hon. Deputy Speaker (Hon. C. Korir):** I agree with you Hon. member and I have taken into consideration all the matters considering that they had directed the question to the CEC trade and because it is not within their path view to deal with such matters, I think it is best to be dealt with by the urban committee, I think that rests the matter.

**Hon. D. Ngeno, Deputy Minority Leader (Kongasis ward, CCM):** Noted Mr. Speaker.

**Hon. Deputy Speaker (Hon. C. Korir):** Thank you.

#### **POINT OF ORDER**

**Hon. C. Langat (Boito ward, UDA):** Hon. Deputy Speaker, by the time the members accept because they should have risen on a point of order to say they have been directed to handle a matter that is not within their powers, it will not be prudent for them now to refuse yet there was time Hon. Deputy Speaker.

**Hon. Deputy Speaker (Hon. C. Korir):** I believe the committee...

#### **POINT OF ORDER**

**Hon. B. Rotich (MCA Chebunyo – Independent):** Thank you, Mr. Speaker. I believe standing order number 50 (2) (C) and I quote “a member may request for a statement from the committee chairperson relating to matters under the mandate of the committee.”

**Hon. Deputy Speaker (Hon. C. Korir):** Correct.

**Hon. B. Rotich (Chebunyo ward, INDEPENDENT):** Mark the word ‘under the mandate of the committee’... “The speaker may appoint a day for the statement or direct the statement be issued on the same day.” Thank you, Mr. Speaker.

**Hon. Deputy Speaker (Hon. C. Korir):** Excellent. That was a great point of order. Thank you. I am happy that now members are using the standing orders. I think it goes back to the directive that I had given. This matter will better be dealt with by the Urban Committee. So please you have two weeks that is 14 days to come up with a report on this. Hon. chair, is that okay?

**Hon. D. Busienei (Chemagel ward, UDA):** Much obliged Mr. Speaker.

**Hon. Deputy Speaker (Hon. C. Korir):** Thank you very much.

**Hon. D. Busienei (Chemagel ward, UDA):** Mr. Speaker, there is also a question that was directed to urban.

**Hon. Deputy Speaker (Hon. C. Korir):** Where?

**Hon. D. Busienei (Chemagel ward, UDA):** Number two in the questions and statements.

**Hon. Deputy Speaker (Hon. C. Korir):** So the questions are not yet done? Let us proceed on that.

**Hon. D. Busienei (Chemagel ward, UDA):** Mr. Speaker. This question was raised by Hon. Josphat Kirui, which was directed to lands housing and urban asking for the total number of Casual engagements by the department for the last 2 years and their respective wards of residence, two, of the reasons why the said casuals have not been paid and their wages since May 2023 to date. Mr. Speaker, we sought information from the relevant department and there was some hitch Mr. Speaker, there were some transfers of town administrators therefore it was a bit delayed and they were asking for about seven days from now that most of them are now settled, some have send this report and some are yet to send so they were anticipating to send this report by next week Mr. speaker so they were requesting for seven more days so that they can respond to this question comprehensively.

**Hon. Deputy Speaker (Hon. C. Korir):** Thank you very much chair. I grant you that as per your request, you are requesting for seven days, however because of our calendar, I grant you 14 days. Parliament calendar. Thank you very much I think there is another question. Clerk, are we proceeding? Before we proceed to the motion part, I want to ask members of the powers and privileges committee that we meet out there after the session, the Committee on Powers and Privileges. Do the members of that Committee know themselves? The Clerk-at-the-Table can inform the members of that Committee to meet in my office after this. Proceed, Hon. Member.

### MOTION

THE REPORT OF THE COMMITTEE ON LABOUR AND PUBLIC SERVICE ON THE REVOCATION OF THE APPOINTMENT OF MR. KIPKOECH RONO MICAH BY THE BOMET COUNTY PUBLIC SERVICE BOARD

**Hon. B. Rotich (Chebunyo ward, Independent):** Hon. Deputy Speaker, Sir, I beg to move the following Motion:

THAT, pursuant to the provisions of the County Assembly Standing Order 201 (5) (e), this County Assembly adopts the report of the Committee on Labour and Public Service...

*(The speaker left the Chair)*

*(Hon. Deputy Speaker took the Chair)*

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Benard, proceed with your Motion.

**Hon. B. Rotich (Chebunyo, Independent):** Hon. Deputy Speaker, Sir, thank you. I beg to make the following Motion:

THAT, pursuant to the provisions of the County Assembly Standing Order 201 (5) (e), this County Assembly adopts the report of the Committee on Labour and Public Service on the revocation of Early Childhood Development Education Assistant by the County Public Service Board.

Hon. Deputy Speaker, Sir, the Committee on Labour and Public Service is one of the sectoral committees established under Standing Order 201(1) and the Second Schedule to the Standing Orders.

The Committee on Appointments was constituted on 13<sup>th</sup> October 2022 and comprises the following members: -

No	NAME	POSITION
1.	Hon. Benard Rotich	Chairperson
2.	Hon. Olivia Kosgey	Member
3.	Hon. Evaline Sang	Member
4.	Hon. Evaline Mibei	Member
5.	Hon. Philip Korir	Member
6.	Hon. Felody Chepkirui	Member
7.	Hon. Peter Rono	Member

Hon. Deputy Speaker, Hon. Josphat Kipkirui, MCA Singorwet Ward on 6<sup>th</sup> June 2023 sought answers from the Chairperson, Sectoral Committee on Labour and Public Service regarding the revocation of the appointment of Mr. Kipkoech Rono Micah by the Bomet County Public Service Board. Specifically, the Hon. members sought answers to the following issues;

- i. The reason why the appointment letter dated 10<sup>th</sup> July 2020 was withdrawn by the County Public Service Board;
- ii. The reason why the decision of the Public Service Commission dated 28<sup>th</sup> March 2023 on the appeal against the revocation of appointment of the said person has not been implemented by the County Public Service Board; and
- iii. When the County Public Service Board intends to comply with the decision of the Public Service Commission regarding the said person.

Following the request for answers to the question raised by the Hon. member, the committee resolved to conduct an inquiry into the matter and table a report in the County Assembly with a view of having the report debated, adopted, and recommendations forwarded to the County Public Service Board for implementation. This was besides facilitating the issuance of a response by the County Public Service Board for reporting to the Assembly by the Chairperson.

The decision of the Committee to conduct an inquiry into the matter was informed by Standing Order 201 (5) (e) which mandates Sectoral Committees to investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly. The Committee sets its terms of reference for the inquiry as follows;

- i. To establish if there is concrete information on the revocation of the appointment of Mr. Kipkoech Rono Micah as an ECDE assistant;
- ii. To establish the circumstances surrounding the revocation of the appointment of Mr. Kipkoech Rono Micah; and
- iii. To establish the status of the implementation of the decision of the Public Service Commission regarding the person.

The committee resolved to engage the following stakeholders to make submissions regarding the matter at hand;

- i. The Bomet County Public Service Board;
- ii. Mr. Kipkoech Rono Micah (the affected person); and
- iii. Mr. Andrew Koech, BOM Chair, Kibarbart ECDE.

The Committee;

- (a) Held a meeting with the County Public Service Board on Tuesday 25<sup>th</sup> July 2023
- (b) Invited Mr. Kipkoech Rono Micah to a Committee sitting on Wednesday 9<sup>th</sup> August 2023.
- (c) Invited Mr. Andrew Koech, BOM Chair Kibarbart ECDE to a Committee sitting on Wednesday 13<sup>th</sup> September 2023.
- (d) Analyzed the submissions received the outcome of which informed its findings and recommendations.

The Board in their response stated that:

- a) The Board issues appointment letters based on facts. Investigation is carried out when complaints are received from stakeholders.
- b) Micah was given an appointment letter which was later revoked. The Board revoked the appointment letter of Mr. Micah after receiving complaints from the community.
- c) The board conducted due diligence and found that Ms. Viola had been volunteering in the ECD since 2016 and Mr. Micah held in for two weeks since Viola who was nursing a young baby.
- d) Mr. Micah was not an employee in the said ECDE Centre but had gotten wind of the criteria to be used in confirming the ECD assistants.
- e) That no employment relationship was established between Mr. Kipkoech and the CPSB since he did not render any services and no wages was ever paid to him.
- f) He was invited to the Board's offices on 22<sup>nd</sup> July 2020 and he was given an explanation for the withdrawal of the letter and he was satisfied with the explanation given.
- g) Mr. Micah wrote a letter to the County Public Service Board dated 28<sup>th</sup> July 2020 indicating that he was satisfied with the decision. He appreciated the CPSB for the smooth, free, and



fair recruitment process of the ECDE assistants, an indication that he had accepted to anticipate other employment chances in the future.

- h) The Public Service Commission made a ruling alluding that the appellant was not satisfied with the decision of the County Public Service Board to revoke his appointment.
- i) The County Public Service Board indicated that it is yet to implement the decision of the Public Service Commission.
- j) They relied on the facts from the Department of Education in confirming the employment of ECDE teachers.
- k) The Board is guided by the Budget approved and therefore, they cannot deploy an extra teacher.

Mr. Kipkoech Micah Rono submitted as follows

- a) THAT he had been teaching in one of the private schools in Bomet East when the parents from Kibarbart ECDE centre approached and convinced him to reopen the school following its closure as the then teacher got another job. With permission from the ECDE's chair, Mr. Andrew Koech, Mr. Micah Rono reported that he successfully reopened the school and encouraged the parents to organize for the preparation of porridge which in turn attracted the learners to a population of twenty-one (21) learners.
- b) THAT in April 2020, the CPSB advertised the position of ECDE Assistant which he was voluntarily occupying and he applied for the same. He was invited for an interview on 3<sup>rd</sup> July, 2020 and was interviewed in the presence of the PTA chair Mr. Andrew Koech who witnessed the entire process. He further said that his efforts at Kibarbart ECDE centre impressed the panel.
- c) THAT on 10<sup>th</sup> July he received an offer of appointment letter from the CPSB and he accepted the offer on 13<sup>th</sup> July 2020 by signing the letter.
- d) Mr. Rono Kipkoech Micah told the Committee that he was subsequently invited by a member of the CPSB, Millicent Soi via a text message to deliver the original appointment letter and his original ID and to appear before the Public Service Board at 2 p.m. which he did. He said that upon delivery of the same, he was informed that he had since been replaced by another person.
- e) He further said that his plea to be informed of the reason for the revocation of his appointment, he was informed that the board has made a final decision on the same. He became so devastated and even cried in pain as a victim of corruption and he stressfully and emotionally went back home. On 27<sup>th</sup> July 2020, he went back to the CPSB to pursue

the matter but Millicent Soi refused to return the appointment letter to him presumably for him to have no recourse. However, he said that he had made copies of the acceptance letter.

- f) In an effort to claim his appointment letter, he was accompanied by the parents of learners at Kibarbarta EDCE Centre on 28<sup>th</sup> July, 2020 to the CPSB's office where he was accused of having brought goons. He added that he was threatened with prosecution if he did not apologize and accept in writing, the Board's demands for him to relinquish his appointment. Under duress, undue influence, and threats he said that he had no option but to write the acceptance letter on 28<sup>th</sup> July 2020.
- g) Finally, Mr. Rono informed the Committee that he realized that what had been done to him was an injustice and that all his effort to be given his appointment letter back was in vain. He said that he later sought assistance from his Advocate who noted that he was duly appointed as an ECDE Assistant and hence led to the CPSB being served with a letter on 1<sup>st</sup> February 2021 demanding Micah's reinstatement.

Mr. Andrew Koech submitted as follows:

- a) That he has been the BOM chairperson of Kibarbarta ECDE Centre since the year 2016 when the ECDE centre was established.
- b) The teacher who was teaching at the time the school was started was called Ms. Joyce Chepchirchir and later that year, Ms. Viola joined.
- c) The ECDE centre is being hosted by Kibarbarta AGC church.
- d) Madam Viola was teaching in the school until February 2020 when she proceeded for maternity leave.
- e) Mr. Micah Rono came to relieve Viola for three weeks and took a break when the schools were closed due to the covid 19.
- f) The interviews were conducted in July 2020 and he was in the panel at Aisaik where the interviews were conducted.
- g) He would later learn that Mr. Micah's appointment was revoked.
- h) There were no complaints from the school or community regarding the appointment of Mr. Micah Rono.

Hon. Deputy Speaker, Sir, the issues for determination are as per the terms of reference of the inquiry as set by the Committee. Based on evidence from various stakeholders, the Committee analyses the shreds of evidence and determines the issues as follows-

- (i) The reason why the appointment letter dated 10<sup>th</sup> July 2020 was withdrawn by the County Public Service Board

- a. From the submission of the County Public Service Board, the Committee established that the Board revoked the appointment of Mr. Kipkoech Rono Micah because of the protest and complaints from the community that Mr. Rono was erroneously hired by the Board.
- b. The Committee established that there were no official complaints from the community contesting the recruitment of Mr. Kipkoech Rono. The CPSB insisted that there were official complaints from the community contesting the appointment of Mr. Micah, but they failed to supply copies of the said complaint to the committee for verification and noting despite several reminders.
- c. Section 75 of the County Governments Act, 2012 states that

*“If it comes to the attention of the County Public Service Board that there is reason to believe that any process or decision under this Part may have occurred in an irregular or fraudulent manner, the County Public Service Board shall investigate the matter and, if satisfied that the irregularity or fraud has occurred, the County Public Service Board may—*

- I. Revoke the decision;*
- II. Direct the concerned head of department or lawful authority to commence the process afresh; or*
- III. Take any corrective action including disciplinary action”*

The Committee established that the County Public Service Board invoked the provisions of Section 75 of the County Governments Act, 2012 to revoke the appointment of Mr. Kipkoech Rono Micah. However, upon further scrutiny of the submission from the Board, the Committee established that the recruitment of Mr. Rono was done in accordance with the law and in a regular manner. Therefore, it was utterly wrong and unlawful for the Board to revoke the appointment of Mr. Rono with the application of Section 75 of the County Governments Act, 2012.

- d. Hon. Deputy Speaker, Sir, in a nutshell, the Committee did not establish any reason as to why the appointment of Mr. Kipkoech Rono Micah was revoked by the County Public Service Board. The reasons stated by the board were very flimsy and unverifiable.
- (ii) To establish the circumstances surrounding the revocation of the appointment of Mr. Kipkoech Rono Micah

The Committee established the following circumstances surrounding the revocation of the appointment of Mr. Kipkoech Rono Micah;

- a. In April 2020, the County Public Service Board advertised the position of ECDE Assistant, which was voluntarily occupied by Mr. Kipkoech and he applied for the same.
- b. That he was invited for an interview on 3<sup>rd</sup> July 2020 and he explained his efforts at Kibarbartta ECDE which impressed the panel. The BOM Chairman of the ECDE Centre was present to witness the interview.
- c. On 10<sup>th</sup> July 2020, he received an offer of appointment letter from the CPSB and he accepted the offer on 13<sup>th</sup> July 2020 by signing the letter.
- d. He was subsequently invited by a member of the CPSB, one Milcent Soi, through a text message to deliver the signed appointment letter but upon delivery of the same, he was informed by Milicent Soi that he has since been replaced by another person.
- e. His plea to be informed of the reason for the revocation of his appointment, she responded by telling him “*tumeamua hivyo tu*”. He was extremely devastated and even cried in pain as a victim of corruption.
- f. He went back to the CPSB on 27<sup>th</sup> July, 2020 to pursue the matter but Milicent Soi refused to return the appointment letter to him presumably for him to have no recourse. Fortunately, he made copies of the offer of appointment and the acceptance. He was taken to a meeting where various persons were seated and with no valid reason, he was orally asked to agree to his appointment being given to a different person and he refused and left the meeting in distraught.
- g. On 28<sup>th</sup> July, 2020, he requested some of the parents of the learners of Kibarbartta ECDE centre to accompany him to the CPSB to corroborate his pleas but he was accused of having brought goons.
- h. He added that he was threatened with prosecution if he did not apologize and accept, in writing, the Board’s demands for him to relinquish his appointment. Under duress, undue influence, and threats, he had no option but to write the acceptance and appreciation letter on 28<sup>th</sup> July 2020.
- i. That he later sought assistance from his Advocate which led to the CPSB being served with a letter on 1<sup>st</sup> February 2021 demanding reinstatement and payment of salary for six months as he had not received a termination letter.
- j. That the CPSB responded on 2<sup>nd</sup> February 2021 stating that he misled the CPSB to believe he was an ECDE Assistant at Kibarbartta ECDE Centre.

- k. That, he replied to the CPSB through his advocate on 17<sup>th</sup> February 2021 stating that all facts given to the CPSB were true and the CPSB could not investigate its own decision as it had confirmed circumstances under which the appointment was revoked.
- (iii) To establish the status of the implementation of the decision of the Public Service Commission regarding the person.
1. The committee established that Mr. Kipkoech Rono Micah appealed the revocation of his appointment on 28<sup>th</sup> April 2021 to the Public Service Commission. The Public Service Commission made a decision on the said matter on the 28<sup>th</sup> March 2023 as follows;
    - a. That Mr. Kipkoech Rono Micah be deployed to serve as an ECDE Assistant or be re-assigned to a position equivalent to that of ECDE Assistant with effect from the date he reports for duty.
    - b. That the period between 13<sup>th</sup> July 2020 when he accepted the offer of appointment and the date, he reports to duty be deemed to be included in the processing of his appointment.
  2. The Committee established that the County Public Service Board is yet to appeal the decision of the County Public Service Commission which was rendered on 28<sup>th</sup> March 2023.

Hon. Deputy Speaker, Sir, based on the submissions received and having determined issues forming the inquiry subject, the Committee recommends as follows-

1. That the County Public Service Board should implement the decision of the Public Service Commission rendered on the 28<sup>th</sup> day of March 2023 and communicated on the same day. In this circumstance, the County Public Service Board should subsequently issue Mr. Kipkoech Rono Micah with an appointment letter to serve as an ECDE assistant commencing from 13<sup>th</sup> July 2020 as per the decision of the County Public Service Commission.
2. The County Public Service Board should provide to this Assembly the extent of implementation of recommendation (1) within one month after the adoption of this report.

Hon. Deputy Speaker, Sir, thank you. I request Hon. Philip to Second.

**Hon. P. Korir (Kiprerer ward, UDA):** Hon. Deputy Speaker, thank you. I rise to Second the Motion. I congratulate Hon. Benard Rotich for the report. As a Committee, we have carried out several investigations on the County Public Service Board and realized that the Board has been messing this county regarding employment matters.

Hon. Deputy Speaker, I request the Hon. Members that since we now have full evidence, we remove the members of the CPSB and start afresh. Not only Milicent but also many others as well. The County Public Service Board has made this county to be like a garden and not like a public

entity. I request the Hon. Members that we give a Motion for the removal of the County Public Service Board immediately.

*(Question proposed)*

**Hon. R. Ruttoh (Chemamer ward, UDA):** Hon. Deputy Speaker, thank you for giving me this opportunity to contribute to the Motion by Hon. Benard Rotich. As said by our senior, the Committee has done a good job. I believe that this is one of the Committees reading letter by letter, sentence by sentence. The issue of Mr. Micah was brought up in early May, if I am not wrong, and it has taken a lot of time not because they were lazy but because they were conducting proper research on the said teacher.

As earlier said, I want to mention that I am one of the victims from Chemamer Ward. As I stand here, I am disturbed by the Public Service Board because even during the recent recruitment, my Ward was disadvantaged, yet it is the same Board that did the recruitment. It is unfair for one to say that my residents are not willing to apply for the position. After shortlisting, those waiting for the interview alone were over 60. Unfortunately, those who were appointed were only six.

As I speak, I have an ECDE teacher recruited at the same time. His name is Samuel Mutai from Kibiwot Primary School. He was deployed to teach in a nearby ECDE called Kuresiet ECDE but up to date the teacher is not working and has not been given a specific station after it was said that the letter was revoked. Mr. Samuel Mutai, to date, has not received any revocation letter. The complaint raised by Mr. Micah is therefore cutting across the entire county. I therefore cannot accuse my senior Hon. Philip when he says that the Board should be disbanded.

It is my recommendation that after this report has been debated by this Assembly, it is fair that you give direction for us to form an ad hoc committee so that we can deal with this issue once and for all. I am saying this with bitterness after seeing that our people are suffering yet they are qualified. It is not that they did not qualify, but the letter was revoked due to unclear circumstances.

Hon. Deputy Speaker, thank you. I support.

**Hon. D. Busienei (Chemagel ward, UDA):** Hon. Deputy Speaker, I listened as the report was read and there was a lot of confusion. There is one lady who taught briefly in the said ECDE. She went on maternity leave. Somebody else was employed but later wrote a letter apologizing for a mistake he made by threatening the said ECDE teacher. Hon. Deputy Speaker, these two teachers have rights.

There could be mistakes that the Board has made. After you bathe your child, you cannot throw the child together with the water. The lady too deserves the job. If she is going to lose her job because she had gone to deliver, that will be wrong. We may deal with the Board for the mistake they have made. This person came up with it as an afterthought. The lady therefore deserves.

Hon. Richard said that he is also affected. I am affected too but we cannot discriminate. I expected the Committee to give a list of names of those affected for us to have a comprehensive report but the Committee decided to deal with one report, the one that was asked. I urge the Assembly to give the Committee more time to give us a comprehensive report on other people and to also accommodate the rights of the female teacher.

Hon. Deputy Speaker, let us accommodate this issue with a sober mind. I am not rubbishing the report of this Committee. I respect the Committee and especially the Chairperson. He is one focused and educated Chairperson and I know he is doing a good job but I once served as a human rights activist and it would not be right for us to violate another person's right. We have to accommodate everyone.

I, therefore, urge the Assembly to give the Committee another opportunity to deliberate comprehensively and accommodate the feelings of the complainant and the other female teacher.

Hon. Deputy Speaker, thank you.

**Hon. M. Manyei (Nominated MCA, UDA):** Hon. Deputy Speaker, thank you. I have followed keenly the information given by the Hon. Chairperson. There is a statement in this report which I would like to read. The board conducted due diligence and found that Ms Viola had been volunteering in the ECDE since 2016 and Mr Micah filled in for 2 weeks since Viola was nursing a young baby. Hon. Deputy Speaker I'm so sad to learn that one Mr Kipkoech Ronoh just came for 2 weeks to relieve Madam Viola because she was on maternity leave. I want to ask whether when our mothers are on maternity leave, our men would want to oust us completely from what we do.

Madam Viola I hear has an appointment letter and one Mr Kipkoech Ronoh is also saying he has an appointment letter for the same ECDE so I am urging the committee to be given more time so that we may know the fate of one Mrs Viola. Thank you.

**Hon. R. Cheptoo (Rongena/Manaret ward, UDA):** Thank you Hon. Deputy Speaker let me comment on the issue of the same case of Viola and Mr Rono. As we have been told that Mr Rono came for 2 weeks and relieved Viola, I'm very much concerned with this scenario where whenever there is any advertisement of employment you realise that people are being told come for even one month because there is recruitment of teachers so we realized Madam Viola had stayed there for more than six years of which she was the right person to be given that position and later since Mr Rono was given that chance and he accepted that he made a mistake, apologized and later he came to complain so I want to urge the committee that whenever we advertise for any job we are supposed to consider the people who have stayed in that facility for long because everybody needs the position, for those who have sacrificed...

*(Point of order)*

**Hon. P. Korir (Kiprerer ward, UDA):** Thank you Hon. Deputy Speaker. The position was advertised and all procedures of recruitment were followed. Micah did not make any mistakes because all the procedures of recruitment were followed so I don't know whether the lady applied or not. Maybe she did not appear in the interview or anywhere, how do you recruit a person who did not appear anywhere?

**Hon. Deputy Speaker (Hon. L. Rotich):** Before you proceed Hon. member I believe the chair is noting these weighty measures; the issue in contention is the fate of Viola. The floor is now yours Hon. Cheptoo kindly proceed.

**Hon. R. Cheptoo (Rongena/Manaret ward, UDA):** In the report, the chair has informed us that Viola has been there before and that Mr Rono came in for two weeks to relieve Viola because of she went on maternity leave which is why I was concerned that whenever there is this issue of employment most of the people maybe those who are working in private sectors and or other counties may decide to come and take opportunity for those who have been therefore long. So that is just a request that whenever we are advertising any job let's consider all the teachers who have suffered and sacrificed, thank you.

**Hon. Deputy Speaker (Hon. L. Rotich):** Okay chair following up on the issue of Viola kindly come clear on the dates. It has been mentioned by one of the Hon. members that Viola acted from 206 up to which year? And then when was the advertisement placed, did Viola apply for the position Hon. Philip said maybe Viola did not apply for that position so chair we need clarity on the same. Hon. Benard, you will be given time to reply.

**Hon. M. Manyei (Nominated MCA, UDA):** Thank you Hon. Deputy Speaker I also rise to comment on the same. Let me answer Hon. Philip, I heard him say that maybe Viola didn't apply for the position. I think Viola also applied because she could have not gotten the appointment letter, you cannot get a letter without applying so on my side I hope Viola also applied. Another thing as my inquiries I hear that Micah received a letter from the Public Service Commission ruling so chair may I request you to go back and collect more information on this? Thank you, Hon. Deputy Speaker.

*(Point of order)*

**Hon. P. Korir (Kiprerer ward, UDA):** Hon. Deputy Speaker if somebody got an appointment letter no one can revoke except the court of Kenya but I don't know which illegality was used to revoke public service board unless if somebody gave us a fake document and or maybe if a document did not belong to Micah may be revoked but somebody has documents and interview was done and letter was revoked again. I don't know whether it is in order Hon. Deputy Speaker.



*(Point of order)*

**Hon. D. Busienei (Chemagel ward, UDA):** Is it in order Hon. Deputy Speaker for members who sat in this committee to say maybe this lady did not apply and then maybe, it seems they are really confirming that they are not sure of this report because they are implying when they say maybe they are not sure so I would urge you to direct that they sit properly, they come up with a comprehensive report and since we've listened to the report and according to the chair the said person, the wife of the said person benefited and was employed as a ECDE teacher and is also complaining that this madam's appointment be rescind. Hon. Deputy Speaker this county belongs to everybody and that madam who delivered deserves her right.

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. chair before I give you time to make your reply when you dealt with the issue of Kipkoech Rono it is coming up that there are many other similar issues affecting the ECDE teachers. Samuel Mutai has been mentioned, Viola, who was in charge of the centre before Kipkoech Rono came in was also mentioned so what is not coming out clearly is the issue of Kipkoech Rono. What was the main complaint? And as the committee did you consider other happenings in other ECDE centres. So Hon. Benard I can see that there are a lot of questions in your tray I want to give you the right of reply so that you make such clarifications.

**Hon. B. Rotich (Chebunyo ward, INDEPENDENT):** Thank you Hon. Deputy Speaker for this opportunity. From the issues that the Hon. members have raised I want to make this very clear. That the committee has not recommended the revocation of the female teacher's appointment, secondly the public service commission made a ruling having considered all the factors in play. The issue here is revoking someone's appointment on issues of hearsay. We want to follow the law.

Hon. Deputy Speaker from section 75 of the County Government Act 2012 states that if it comes to the attention of the County Public Service Board that there is reason to believe that any process or decision under this part may have occurred in an irregular or fraudulent manner which the board confirms that the process was irregular. There was no fraud Hon. Deputy Speaker so there was no legal way that satisfies or can justify the revocation of the appointment of Mr Micah Kipkoech Rono. Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** Okay I want to direct the...

*(Point of information)*

Whom do you want to inform Hon. member?

**Hon. B. Rotich (Chebunyo ward, INDEPENDENT):** In brief, I want to beseech this Hon. Assembly to adopt this report to allow Mr. Micah Kipkoech Rono to be given back his appointment letter. When Mr Micah Kipkoech Rono is given back his letter that doesn't mean that Mrs Viola's

appointment will be revoked. If we adopt this report both of them will be employed and I want to make that very clear. Thank you.

**Hon. Deputy Speaker (Hon. L. Rotich):** Hon. Members, in this report that was sought to establish why Kipkoech Rono was asked to return his appointment letter and the committee has established that many issues made the revocation of the letter and it is simply hearsay and if Kipkoech Rono will be vindicated and given back his appointment letter it will not stop even the issue of appointment letters to these other lady and even Samuel Mutai whom they have been mentioned in your deliberations. I believe that the committee is up to the task and another question and statement can be done for these other people who have been mentioned.

I want to ask the committee and the Hon. members to also issue questions and statements requiring a clear appointment of Viola and Samuel Mutai and others who may be having the same problems, Hon. Ruttoh.

**Hon. R. Ruttoh (Majority whip, Chemaner ward, UDA):** As a point of information Hon. Deputy Speaker I believe I will inform the Assembly including you that when we are here as Hon. members we are here to do what is called oversight and representation. When we talk of oversight; if there is anything that didn't follow the right procedure and existing law, it is up to us to correct where there is a mess.

Secondly Hon. Deputy Speaker we are here to represent those who are not in a position to have their voices heard but in our case, we are here to stand on their behalf. Therefore, the plea and the cry by the said victim Mr. Micah is very important for this Assembly to sympathize with this family, to sympathize with this future. To also concerned with the parents who brought up Mr. Micah up to where he is and the only way Mr. Micah can be safeguarded is through this Assembly. And when we are dealing with Mr. Micah it does not mean that we want to save Mr. Micah and disadvantage somebody else who has succeeded. It was a turn for Madam to be employed and we support the existence of her in that centre to teach but our concern is for this person who has received a letter and later on revoked.

For instance, Hon. Deputy Speaker if one of us Hon. Busienei later on revoked his nomination paper after the election it would not have been good for him and his family and the entire society. Or if Hon. Richard Ruttoh who is standing now was denied his right after winning an election it would have been unfair and therefore the way it was not unfair for you to revoke what the people is their right Mr. Kipkoech also not to be revoked what the public service board had earlier given instead we need to safeguard the law. I, therefore, want to humbly request this Hon. Assembly to adopt this report of this committee, they have done a very wonderful job, they have not victimized anybody, and they are trying to save the life and the family of Mr. Micah Kipkoech and others

which I believe the committee will re-sit and consider also their plea, for instance, Mr. Samuel Mutai from Chemaner ward and the rest, I have another lady from Kipyosit near Sonogut. She is not coming from my ward but I have received an outcry from the family saying that the lady's appointment was also revoked. When that lady is brought to this Assembly I believe Hon. members who are representing the gender side, the ladies I don't believe you will just sit and watch when your colleague is being victimized and denied her right.

It is my humble request Hon. Deputy Speaker that we don't attempt to water down what the labour committee has done. We need to adopt this report and if there is another thing we do we also request the committee to sit and reconsider the rest of those who were also left aside without being employed. I, therefore, say I stand with you and this Hon. Assembly in adopting this report, thank you very much Hon. Deputy Speaker.

*(Point of order)*

**Hon. D. Busienei (Chemagel ward, UDA):** Hon. Deputy Speaker, majority whip seems to imply that we are going to throw out this report yet we are still yet to make a decision. The issue of this one complainant, we are not saying that we are not listening to his report but the big question here is how many positions were advertised. If he is going to be given this position, the position that was advertised if they were twenty, it remains to be twenty because this cannot employ more people than that was advertised so there is a technicality here. It would not break any bone...

*(Point of order)*

**Hon. R. Ruttoh (Majority whip, Chemaner ward, UDA):** Hon. Deputy Speaker I just want to inquire if it is order for the senior Hon. member who I respect because of his seniority just to ask this Hon. Assembly the number of advertised positions which is not our work. Our work is to investigate the reason as to why this individual and the rest which I believe will be brought to this Assembly, was it right for him to be revoked or it was wrong. If it was wrong we say it was wrong, if it was right we say it was right. We don't need to ask the number of advertised positions because it was not our work. The only thing which I know is the letter which has been brought before me which is a representative of Chemaner ward to be told this is the appointment letter which I was given and later on it was revoked, this is the message of revocation can you go and inquire. I have inquired that one and we have heard from the report which was read by the chair that the report was given by the County Public Service Board and as per what is written here by the committee is a very comprehensive information which was given to the committee but it was not satisfactory and, therefore, it is our role as elected leaders to safeguard these young man to be given the opportunity to serve this nation.

I am requesting the Hon. Member not to bring up the number of advertised positions to this Assembly but let us deal with this gentleman who was neglected and his appointment letter revoked. That was my point of order Hon. Deputy Speaker, thank you.

**Hon. Deputy Speaker (Hon. L. Rotich):** Kindly proceed and clarify why you asked the number of positions which were advertised then.

**Hon. D. Busienei (Chemagel ward, UDA):** Hon. Deputy Speaker, Hon. Richard is deliberately diverting what I was saying. Hon. Richard is a member of Budget and Appropriations Committee and he is saying it is not our business to know whether there is advertised position and he is sitting in the Budget and Appropriations Committee and in fact I would like to ask him later whether he is read that the budget that was raised was tampered. I was saying it will not break any arm if we postpone for a week. I don't know what is the urgency. I don't see any reason that we come and ask the same question that we are deliberating on today. If we postpone for a week or two to get a comprehensive report and the members that Hon. Richard that they also have a complaint on the same issue, if it can be accommodated through the same question that was raised here, I don't see whether we are making any mistake Hon. Deputy Speaker.

I was just urging that this issue be answered alongside others. Maybe the committee is tired but I am urging them to seek for more time and give us a comprehensive report that we are asking.

Hon. Deputy Speaker I am still on the issue of this lady because if she is going to lose this position, we are violating on her right because already she has served and if she loses it will be due to our recklessness. I was urging and I would like the Hon. chair to reconsider that you give us a comprehensive report and if need be if you need us to come as a friend to that committee, we are ready to come. So I was just asking and requesting because we would not like to go the way of voting because if we subject it to vote today we shall be defeating and making that person to leave this job forever so I would not have wanted and wished to go to that direction that is why I was urging Hon. Deputy Speaker, thank you very much.

**Hon. R. Cheptoo (Rongena/Manaret ward, UDA):** Thank you Hon. Deputy Speaker. I want to comment on the issue of the number of staff which was supposed to be employed in that school of which I suspect it was one position but in that one position there are two people who applied for the same position and the first person who was given appointment letter is Mr. Rono and later realizing that Madam Viola has been there for long.

I believe that was the main reason why the appointment letter was revoked and later the letter was given to Viola. When the chair said that he is not aware he has no reason why the revocation was done, he is lying to us. Let him tell us the revocation was done because of Viola and that is why she was given that chance and it was removed from Rono and awarded to Viola.

We can request so that we can maintain both of them instead of one loosing.

*(Point of order)*

**Hon. B. Rotich (Chebunyo ward, Independent):** Hon. Deputy Speaker, is it right for the Hon. Member to say I am lying because I am presenting facts and evidence and basing on the law? I think she should apologize, thank you.

**Hon. Deputy Speaker (Hon. L. Rotich):** Kindly withdraw that word.

**Hon. R. Cheptoo (Rongena/Manaret ward, UDA):** Before I withdraw, Hon. Chair can you please give us the number of positions that were advertised in that school if it was one or two?

**Hon. Deputy Speaker (Hon. L. Rotich):** The chair has been given the right to reply this statement is opening a Pandora's Box and the major point of contention is the fate of Viola from where I sit I also want to ask, did Viola get her appointment letter and proceed to work as an ECDE teacher?

**Hon. B. Rotich (Chebunyo ward, Independent):** She is serving already as Hon. Deputy Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** Up to currently?

**Hon. B. Rotich (Chebunyo ward, Independent):** Yes Hon. Deputy Speaker.

**Hon. Deputy Speaker (Hon. L. Rotich):** In that case chair I want to put the question and then further ruling on the same. I now want to put the question that pursuant to the provisions of the County Assembly Standing Order 201(5) (e) this County Assembly adopts the Report of the Committee on Labour and Public Service on Revocation of Early Childhood Development Education (ECDE) Assistants by the County Public Service Board.

*(A vote is taken and the Nays have it)*

Hon. chair and Hon. members there are weighty issues that need to be investigated and in the point of contention, there are other members of the public who have been mentioned to be included in the investigation so that the reinstatement of Micah Kipkoech Rono does not cause a revocation of another teacher. So kindly, this same motion will be brought back to the Assembly and having considered all those weighty issues which have been raised by Hon. members.

### **ADJOURNMENT**

**Hon. Deputy Speaker (Hon. L. Rotich):** The Assembly is now adjourned to tomorrow 2:30 pm.

The Assembly rose at 4.20 p.m