

BARINGO COUNTY ASSEMBLY

THE HANSARD

The House met on 20th April, 2021 at 2:40Pm.

The Speaker (Hon. Kiplagat) in Chair

PRAYER

The Speaker (Hon. Kiplagat): Clerk!

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Kiplagat): Hon. Members there is a communication here regarding your P9 forms, we advise that all the P9 forms for respective Hon. Members of County Assembly are ready and they can be collected in the payroll office, you have to arrange to get them from the payroll office, thank you... next order!

MOTION

REPORT OF COUNTY ASSEMBLY SERVICE BOARD ON CONSIDERATION AND APPROVAL
OF EXTERNAL MEMBER OF THE BOARD BY THE COUNTY ASSEMBLY

The Speaker (Hon. Kiplagat): Hon. Purity Talaam.

Hon. Talaam: Thank you Mr. Speaker I want to move a motion aware that, the County Assembly Service Board is established by operation of section 12 of the County Governments Act, 2012 as read together with sections 8 and 46 of the County Assembly Services Act, 2017 as a governance body for each County Assembly;

Noting that, by statute, the County Assembly Service Board should comprise the following–

- a) The Speaker of the County Assembly, as the Chairperson
- b) A Vice Chairperson elected by the Board from the members appointed under paragraph (c);
- c) Two members of the County Assembly nominated by the political parties represented in the County Assembly according to their proportion of members in the County Assembly; and
- d) One man and one woman appointed by the County Assembly from amongst persons who are experienced in public affairs, but not members of the County Assembly.

Recognizing that, the mandate of the CASB is outlined in section 11 of the CASA, 2017 as follows:

- (a) Direct and supervise the administration of the services and facilities provided by, and exercise budgetary control over, the Service;
- (b) Determine and review the terms and conditions of service of persons holding or acting in the offices of the Service;
- (c) Initiate, co-ordinate and harmonize policies and strategies relating to the development of the Service;

- (e) Do such other things as may be necessary for the well-being of the members and staff of the County Assembly.

Regretting that, the County Assembly lost one of its external Service Board Member, Ms. Maccah Hamisi who passed on, on 3rd January, 2021, who was appointed to the Board in 2018 under section 12 (3) (d) of the County Governments Act, 2012 and that the Service Board is currently in the process of filling the vacant position;

Now therefore, this Motion urges Baringo County Assembly to adopt the report of Baringo County Assembly Service Board as follows:

1. Adoption of Baringo County Assembly Service Board report in the matter of consideration by the County Assembly on approval of nomination of external member of the Board submitted in accordance with section 12(3) (d) of the County Governments' Act of 2012.
2. Approval of nomination of Mrs. Rebecca Arupe Lomong Rutto for Appointment as external Member of Baringo County Assembly Service Board in accordance with section 12(3)(d) of County Governments Act of 2012.

Mr. Speaker I beg to move the motion as I also read the report here.

Mr. Speaker Sir, the report of County Assembly Service Board on nomination of a candidate for consideration by the County Assembly for appointment as a member of the Board is prepared and submitted in accordance with Standing Order No. 44 of the County Assembly, section 12(3)(d) of County Governments Act, 2012 and section 8 of the County Assembly Services Act, 2017 and other applicable laws.....

The Speaker (Hon. Kiplagat): What is it Hon. Kibai

Hon. Kibai: Mr. Speaker I am standing on a matter of procedure and I think you will guide us, is it in order for the commissioner or the board member to...

(Loud consultations)

I thought it is procedural to read the report then read the motion because I think the report should precede the motion, thank you.

The Speaker (Hon. Kiplagat): It is Ok and well noted and it is still Ok because you can see the motion has not even been seconded and that is why she is going ahead to read the report and after she is done with the report then we resume to our normal way for secondment and then for debate so I think she is Ok... proceed Hon. Purity.

Hon. Talaam: Thank you Mr. Speaker and I can as well read the motion after the report... Mr. Speaker Sir, the County Assembly Service Board is established by operation of section 12 of the County Governments Act, 2012 as read together with sections 8 and 46 of the County Assembly Services Act, 2017 as a governance body for each County Assembly.

Mr. Speaker Sir, County Assembly Service Board is comprised of the following –

- e) the Speaker of the County Assembly, as the chairperson
- f) a Vice Chairperson elected by the Board from the members appointed under paragraph (c);

The Speaker (Hon. Kiplagat): Order Member there is a point of procedure... what is it Hon. Leparsalaach.

Hon. Leparsalaach: Thank you Mr. Speaker, my point of concern is that you are now moderating this motion and in the report you are the chairman of the service Board so my concern is will it be fair for you to moderate a motion that you have some interest in it, thank you

(Applause)

The Speaker (Hon. Kiplagat): I will give guidance on that and it is well noted I am the chairman of this report and at the same time I am the Speaker of this County Assembly and you know that the Speaker has no vote so as expected of the Speaker my role is that of an arbiter the members will debate until the end so Hon. Leparsalaach that is the position I am an umpire I don't have a vote, it is only that I am the chairman of the Service Board and the same time I am the Speaker.

You remember that there was a report of an Ad Hoc committee in which I was the chairman and I sat here, it is so long as that neutrality is maintained there will be no problem, thank you and Hon. Purity proceed.

Hon. Talaam: Thank you Mr. Speaker I am going to read point c;

- g) two members of the County Assembly nominated by the political parties represented in the County Assembly according to their proportion of members in the County Assembly; and
- h) one man and one woman appointed by the County Assembly from amongst persons who are experienced in public affairs, but not members of the County Assembly.

Mr. Speaker Sir, the mandate of the CASB is outlined in section 11 of the CASA, 2017 as follows:-

- (d) Direct and supervise the administration of the services and facilities provided by, and exercise budgetary control over, the Service;
- (e) Determine and review the terms and conditions of service of persons holding or acting in the offices of the Service;
- (f) Initiate, co-ordinate and harmonize policies and strategies relating to the development of the Service;
- (g) Initiate programmes:-
 - (i) For training and capacity building of members and staff of the County Assembly and other persons;
 - (ii) That promote ideals of parliamentary democracy as set out in Article 127(6)(d) of the Constitution; and
 - (iii) That promote public awareness and participation in the activities of the County Assembly; and
- (f) Do such other things as may be necessary for the well-being of the members and staff of the County Assembly.

Declaration of Vacancy of Member of the Board;

Mr. Speaker Sir, the vacancy in the County Assembly Service Board was occasioned by the demise of Ms. Maccah Hamisi on the morning of 3rd January 2021 after a short illness. Ms. Hamisi had been appointed to the position in 2018 to meet the requirements of section 12(3)(d) of the County Governments Act, 2012.

Mr. Speaker Sir, the declaration of the vacancy for the position of member of the County Assembly Service Board was done in accordance with the First Schedule of the County Assembly Services Act, 2017 which provides as follows:

Upon the convening of the first sitting of the County Assembly or whenever a vacancy arises in the membership of the Board under section 12(3)(d) of the County Governments Act, the Secretary of the Board shall, within fourteen days of that first sitting or the occurrence of the vacancy or within such time as would be reasonable, by notice in the Gazette and at least two daily newspapers of national circulation, declare a vacancy and invite interested qualified persons to apply’.

Mr. Speaker Sir, declaration of the vacant position of member of the County Assembly Service Board was done through an advertisement in the Daily Nation Newspaper on Wednesday, 17th February 2021 with the requirements for interested and qualified persons to submit their applications so as to reach the Secretary of the Board before close of business on Thursday, 4th March 2021. The advertisement was also placed in the County Assembly Website.

Mr. Speaker Sir, the copy of the advertisement is marked as Appendix I.

Long and Short List of Applicants;

Mr. Speaker Sir, the First Schedule of County Assembly Services Act, provides that any person qualified in accordance with the Act may make an application to the Secretary within fourteen days of the publication of the notice.

Mr. Speaker Sir, at the close of the advertisement on 4th March 2021, eleven (11) applications had been received by the Secretary of the Board. The following are the names of all applicants for the position: The name of the applicant followed by the sub-County then the Ward as follows:

1. Sultana Rael Jebichii Kulei - Baringo Central - Ewalel Chap Chap
2. Anab Bashir – Baringo South - Marigat
3. Zubeda Mohammed Ali –Baringo Central - Kabarnet
4. Abigael Jepkorir Morogo – Baringo Central - Sacho
5. Salima Faiza Bashir – Baringo South - Illchamus
6. Naomi Jepkoech Singa – Eldama Ravine - Koibatek
7. Joyce Maxyn Cherop – Baringo Central - Kapropita
8. Rebecca Arube Lomong Rutto – Tiaty – Tangulbei/ Korossi
9. Razia Mbaraka (Ph.D) – Eldama Ravine - Koibatek
10. Saumu Omar Chirchir – Mogotio – Emining
11. Nancy Oundo Dalla – Funyula - Namboboto

Mr. Speaker Sir, more information about the eleven (11) applicants are contained in the Long list marked Appendix II.

Mr. Speaker Sir, by applying the requirements for appointment and other suitable criteria, the Board shortlisted the following five (5) persons to be interviewed for the position of member of the CASB.

1. Salima Faiza Bashir – Baringo South - Illchamus
2. Joyce Maxyn Cherop – Baringo Central - Kapropita
3. Rebecca Arube Lomong Rutto – Tiaty – Tangulbei/ Korossi
4. Razia Mbaraka (PhD) – Eldama Ravine - Koibatek
5. Saumu Omar Chirchir – Mogotio – Emining

Setting Criteria for Interviews;

Mr. Speaker Sir, paragraph 3 of the First Schedule of County Assembly Services Act, states that the Board shall, within fourteen days after the last date of submission of applications under paragraph 2, consider the applications, shortlist, conduct interviews and recommend the name of one applicant qualified for the position.

In addition, Mr. Speaker Sir, section 9 of the County Assembly Services Act states that –

‘A person shall not be qualified for appointment as a member of the Board under section 12(3)(d) of the County Governments Act unless such person –

- a) is a citizen of Kenya;
- b) holds a degree from a university recognized in Kenya;
- c) has at least ten years’ experience in public affairs; and
- d) meets the requirements of leadership and integrity in Chapter Six of the Constitution.

Mr. Speaker Sir, besides the requirements of the Act stated above, the Board set out the criteria for use in conducting interviews as follows:

Qualifications and Experience;

The following were considered under this category –

- a) 10 Years of relevant experience (experience in similar position in public service is added advantage)
- b) Masters Degree in relevant field (is added advantage)
- c) Bachelors Degree in relevant field (mandatory)
- d) Member of relevant Professional Body, e.g., IHRM (is added advantage)

Understanding about the Position

Mr. Speaker Sir, the following questions were set under this category –

- a) What is your understanding about the functions of the County Assembly Service Board?
- b) What is the procedure and grounds for removal of an external Member of the Board?
- c) What value do you think you will bring to the Board and what makes you more suitable to be Member
- d) Describe the key Procedures for conducting Business and Affairs of the Board.

Technical Competency Assessment;

Mr. Speaker Sir, under this category the following questions were formulated -

- a) What is the legal composition of the County Assembly Service Board?
 - b) What is the procedure and grounds for removal of Clerk of the County Assembly?
 - c) What are the responsibilities of the Staff Advisory Committee to the Board?
 - d) What are the key functions of Human Resource Management?
 - e) Which are the types of Leave available to the Public Service in Kenya?
 - f) Highlight the provisions of Human Resource Policy on Conflict of Interest by Public Officers
- General Knowledge;

Mr. Speaker Sir, under the general knowledge category, candidates were to answer the following questions –

- a) What are the Roles of the County Assembly?
- b) What are the possible grounds for removal of a Governor by County Assembly?
- c) What instrument/document guide the Business/affairs of a Legislative Body (County Assembly)
- d) Who is the accounting Officer for the County Assembly and the County Assembly Service Board?

Current Affairs

Mr. Speaker Sir, the candidates were to answer the following questions under current affairs –

- a) What is the meaning of the following:
 - ECOWAS
 - COMESA
 - SDGs
 - CRA
- b) What are the main pillars of Big Four Agenda?
- c) What is Emotional Intelligence; why is it important?
- d) What are the maximum number of Cabinet Secretaries in Kenya Government?
- e) How many members are in Baringo County Assembly? From how many Wards and Sub-counties?

Mr. Speaker Sir, the interviews were scheduled to take place on Friday, 1st April 2021as from 9.00.

Results of Interviews;

Mr. Speaker Sir, the candidates were interviewed on the scheduled date in the order of time allocated to them. All the shortlisted candidates attended and participated in the interviews conducted in the County Assembly Building (Committee Room II). Arising from the interviews, the Board documented the profiles of the interviewees as follows:

Salima Faiza Bashir;

Mr. Speaker Sir, Ms Salima Faiza Bashir has the following academic qualifications:

- Bachelor of Commerce (Finance) 2nd class honors (lower division) from Kenyatta University
- KCSE Mean Grade B plain
- Computer applications
- CPA Part I and Part II

Her work experience spans over 14 years as follows:

- National Government Constituency Development Fund (CDF) Baringo South Constituency office
 - January 2014 to 2020: Position of Records Management officer
- Maandalala Enterprise Limited Nakuru
 - 2010 to 2013 : Position of Accountant
- Independent, Electoral and Boundaries Commission (IEBC)
 - August 2018 : Position of Presiding Officer
- Interim Independent Electoral Commission (IIEC)
 - August 2010 : Position of Presiding Officer
- Kenya National Bureau of Statistics (KNBS)
 - August 2009: Position of Census Supervisor
- Mogilla Enterprises
 - April 2006 to July 2008 : Position of Accountant

Rebecca Arupe Lomong Rutto;

Mr. Speaker Sir, Mrs. Rebecca Arupe Lomong Rutto is a PhD candidate in Gender and Development Studies at Kisii University. Other academic qualifications include –

- Master of Philosophy in Gender and Development studies from Moi University
- Bachelor of Education Science 2nd Class honors (lower division) from Moi University
- Higher Diploma in Human Resource (KNEC) from Bartek Institute
- Higher Diploma in Entrepreneurship Development (KNEC) from Bartek Institute

She has also completed Courses in Strategic Leadership Development Programme and Senior Management at Kenya School of Government Other short courses and workshops attended include the following:

- SMC course from KSG Kabarnet
- Writing Winning Protocol
- Performance Management

- Strategy Execution with Strategy Maps and Balanced Scorecard Master Class
- Certificate in development participation
- Channels of Hope Training Facilitator
- HIV and AIDs Care and Management
- Lot Quality Assurance Sampling
- Disaster Preparedness, Community Owned vulnerability and Capacity assessment

She is a member of the following professional bodies and Institutions:

- Institute of Human Resource Management Associate Member (Mem. No 06691)
- Kenya Institute of Management (KIM) full member (Mem. No. 2858)
- Teachers Service Commission Reg. No TSC/521933/Y

Mr. Speaker Sir, Mrs. Rutto is the immediate former member of Baringo County Public Service Board having served the full 6-year non-renewal term. Previously she worked at World Vision Kenya in different capacities and work stations.

She serves in the Board of Management of Tangulbei and Kapkiamo High Schools.

Dr. Razia Mbaraka (Ph.D);

Mr. Speaker Sir, Dr. Razia Mbaraka is a holder of Doctor of Philosophy in Business Administration, Master of Philosophy in Human Resource Management and Bachelor of Business Management from Moi University. She also holds a Diploma in Business Studies from Kenya Teachers Technical College and Secretarial Studies Single and Group certificates

Mr. Speaker Sir, Dr. Mbaraka who is currently a Senior Lecturer in Moi University has worked in various Institutions for over 35 years in different capacities and places as highlighted below:

- Moi University
 - 10th January 2019 to date: Position of Senior Lecturer
 - February 2014 to January 2019: position of Lecturer
 - January 2012 to January 2014: Position of Assistant Lecturer
 - January 2011 to January 2012: Part time lecturer
 - August 2010 to December 2012: Position of Administrative officer grade 12
 - May 2007 to August 2010: Position of Senior Administrative Assistant E/F
 - 1998 to 2007: Position of Secretary Grade” E”
- University of Nairobi
 - 1997 to 1998: Position of Secretary Grade D
 - 1994 to 1997: Position of Secretary Grade C
- Egerton University
 - 1991: position of Secretary Grade B

- Office of the Provincial Director of Agriculture Rift - Valley Province
 - 1987 to 1991: Position of Short hand Typist I Job Group “G”
 - 1985 to 1987: Position of Short hand Typist II Job Group “F”

Saumu Omar Chirchir

Mr. Speaker Sir, Ms. Saumu Omar Chirchir holds a Master of Business Administration in Strategic Management and Bachelor of Business and Office Management from University of Nairobi and Jomo Kenyatta University of Agriculture and Technology respectively. She is also a holder of Diploma in Project Management from Kenya Institute of Management and Diploma in Business and Office Management from Kenya School of Professional Studies.

Ms. Saumu has completed Senior Management and Project Management Courses.

Mr. Speaker Sir, the candidate is currently working with Independent Electoral and Boundaries Commission as a Regional Liaison Coordinator. Previously, she worked at the Ministry of Public Service, State House and Office of the President as an Administrative Assistant.

Joyce Maxyn Cherop

Mr. Speaker Sir, the candidate holds Bachelor of Education in Special Education from Kenyatta University and Diploma in Special Needs Education from Kenya Institute of Special Education as well as P1 Certificate from Migori Teachers College.

She is currently a teacher in the School for the Deaf and Blind in Kabarnet. Her teaching career spans over 10 years.

Mr. Speaker Sir, Ms. Joyce Maxyn Cherop has held positions of responsibility as follows:

- Head of Kitchen and Stores Department
- Head of Sports and Games
- Secretary Department of Learning and Resources

Ranking of Candidates;

Mr. Speaker Sir, arising from the interviews conducted on all shortlisted candidates, the Board aggregated the scores of every candidate and thereafter calculated an average percentage score as tabulated below: and I think members have this report and they can see but I can go through;

Name of Candidate, Average score in% and the ranking

1. Salima Faiza Bashir – 50.0% - ranked number 5
2. Rebecca Arupe Lomong Ruto -81.6% - Ranked number 1
3. Dr. Razia Mbaraka – 61.0% - Ranked number 3
4. Joyce Maxyn Cherop – 62.8% - Ranked Number 2
5. Saumu Omar Chirchir – 53.2% - Ranked number 4

Recommendation for Appointment of Mrs. Rebecca Arupe Lomong Ruto

Mr. Speaker Sir, section 8 of the County Assembly Services Act states –

‘In nominating or appointing any person as a member of the Board under section 12(3)(d) of the County Governments Act, the County Assembly shall have regard to –

- a) the national values and principles set out in Article 10 of the Constitution; and
- b) community and cultural diversity of the County.

In addition, Mr. Speaker Sir, paragraphs 4 and 5 of the First Schedule of the County Assembly Services Act states as follows:

(4) The name of a person recommended under paragraph 3 shall be submitted to the County Assembly for approval and appointment in accordance with the Standing Orders of the Assembly.

(5) If the Assembly approves a person recommended under paragraph 3, the Secretary, shall within seven days after the approval, publish the name of the person in the Gazette.

Mr. Speaker Sir, the Board in exercise of the mandate conferred by County Assembly Services Act, hereby nominates Mrs. Rebecca Arupe Lomong Rutto for approval by the County Assembly to be appointed as member of the Board under section 12(3)(d) of the County Governments Act.

Mr. Speaker Sir, the nomination of Mrs. Rebecca Arupe Lomong Rutto is premised on the following:

1. She was ranked the best candidate during the interview by scoring 81.6 per cent.
2. She possesses a wealth of experience in public affairs especially Human Resource Management having served as a member of County Public Service Board.
3. Her training and professional affiliation in Human Resource Management is particularly useful to the Board.
4. Mrs. Rutto has successfully completed Strategic Leadership Development Programme and Senior Management Courses.
5. She has attended and participated in a host of short courses and workshops which have enhanced her conceptual and managerial skills.
6. She demonstrated passion and desire to serve the Board as a member and contribute in improvement of the County Assembly Service.
7. Her nomination meets all requirements of the County Governments Act, County Assembly Services Act and other applicable laws.

Mr. Speaker Sir, I beg to Move and request commissioner Hon. Solomon Makal Member of Kolowa to second

(Applause)

Hon. Makal: Thank you Mr. Speaker I want to second the motion, Mr. Speaker that is what we did and I want the Hon. House to approve. Mr. Speaker an advertisement was open for everyone and we then did fair and transparent interview and we got the best candidate as Lomong as per the ranking and I saw that she is the best and suitable candidate.

Mr. Speaker mine is to request this House to approve this candidate and so I beg to second Mr. Speaker.

(Applause)

The Speaker (Hon. Kiplagat): Now I will proceed to propose the motion, that is;

(Question proposed)

Hon. Members debate is now on and I will start from my right and then go to my left... proceed
Hon. Member, Yes Hon. Member of Tenges.

Hon. Tochim: Hon. Speaker I want to appreciate the opportunity and want to thank the Service Board for the work they have done and I stand here to oppose

(Applause)

I have two points for why I am opposing this motion, number one is that the Service Board should show the face of Baringo County and the members we have are not representing the whole County or the Sub-Counties, Mr. Speaker we have six Sub-Counties in Baringo; in Baringo Central it is bound and believed to be represented by the Speaker and the clerk, Mogotio Sub-County have Hon. Purity Talaam and in Baringo North we have Rev, Elijah Boiwo and in Tiaty we have our hard working Hon. Solomon Makal.

Mr. Speaker, the Sub-Counties which are not represented are Eldama Ravine and Baringo South, I stand here to wonder and to question to how the Service Board Could not realize that Tiaty have one member representing that Sub-County so by Having Rebecca Lomong we will have two members at expense of Baringo South and Eldama Ravine Sub-Counties

(Applause)

Number two...

The Speaker (Hon. Kiplagat): What is it Hon. Diana Siriti

Hon. Siriti: Mr. Speaker I want to inform my colleague Hon. Tochim that in Tiaty we have Tiaty West and Tiaty East and Tiaty West is represented by Hon. Makal but Tiaty East is vacant...

(Applause)

(Loud Consultations)

The Speaker (Hon. Kiplagat): Hon. Tochim just proceed... Order Members every member will get an opportunity to say something, Hon. Tochim you can just proceed...

Hon. Tochim: I will just proceed and I will not respond to Hon. Siriti because her point of information is not needed because we have Gazzeted Sub-Counties and proposed Sub-Counties so the other one has not yet been Gazzeted.

Now Mr. Speaker I just said I have two points Mr. Speaker so my second point is on considering equality and equal opportunities for the minorities, we know very well the late Commissioner Maccah Hamisi God rest her soul in eternal peace represented the minority and the Muslims, I would be convinced if the member to be approved today is coming from a minority group, we have neglected the Muslim Community, how are they represented in the Service Board; they are included because they are members of this County and by refusing and denying them this opportunity because the late Maccah represented the Muslim Community it will mean we are not recognizing the presence of the Muslim community who are part of us and part of this County,

by denying them this opportunity will show that we are not recognizing the Muslim community and so I stand to oppose Mr. Speaker

(Applause)

The Speaker (Hon. Kiplagat): On my right... yes Hon. Cheruiyot

Hon. Musa Cheruiyot: Thank you Mr. Speaker for giving me this chance to contribute to this motion, Mr. Speaker I want to be on record that I stand to oppose this motion

(Applause)

The reason why I am opposing Mr. Speaker sir is that we have discussed a lot of issues in this Honourable House concerning equity and equal representation of our County, Mr. Speaker sir this County is a County of great diversity, it is a County that has representative from all communities, all religious groups and we have the minorities Mr. Speaker sir.

The other time Mr. Speaker when we were talking about employment I remember I raised those issues that this Assembly has for a long time neglected some parts of this County in employment, there are areas which has very few employees even in this Assembly and there are areas which has large representation of employees and I thought Mr. Speaker when this Service Board which is in place now included the late Maccah I thought this then was to be the time to remember those who were neglected in light to the representation they had of the Muslims.

Mr. Speaker sir as I stand here I represent a Ward which has diverse groups of religious background, different ethnic groups and Mr. Speaker I very bad this afternoon because I know a group of people are going to be left out. It is this existing Service Board that came up with the list of minorities... we never vetted the members the other time but since then we thought this was to be the time to remember the minorities....

(Loud Consultations)

Mr. Speaker sir I don't need any information...

The Speaker (Hon. Kiplagat): What is the point of Order Hon. Leader of Minority Party

Hon. Limo (Minority Leader): Mr. Speaker I am standing on a point of Order as well as a point of procedure Mr. Speaker, as you look at this House Mr. Speaker we have the Speaker, the Deputy Speaker, the Majority Leader and the Minority Leader, including the sitting arrangement and the type of seats Mr. Speaker. My first point Mr. Speaker is, how can a whole Deputy Speaker sit in a lesser chair to an ordinary member in this House Mr. Speaker?

(Laughter)

Mr. Speaker will a Deputy Speaker sit in a chair that is lesser than that seated by an ordinary member? Secondly Mr. Speaker when we came to this Assembly we signed and said which denomination are we coming from, is it then in order that some Hon. Members purports to be Muslims and yet they are not Mr. Speaker...

(Laughter)

Mr. Speaker even their medical cards indicate that they are not Muslims Mr. Speaker...

(Laughter)

This House should not look like a kitchen Mr. Speaker, this House should not look like a market Mr. Speaker, this House should look like a Hon. House and must be respected by every person Mr. Speaker and by all denominations Mr. Speaker, we have Christians and Muslims and a member should not purport to be a Muslim when we are in Ramadhan Mr. Speaker and purport to be one Mr. Speaker. I want you Mr. Speaker to guide this House and lead this House to the best part of it Mr. Speaker.

Mr. Speaker we are discussing a very important motion today and I want you to guide this motion so that we may not have emotions in it and guide this House to a good conclusion, thank you Mr. Speaker.

The Speaker (Hon. Kiplagat): Order Hon. Francisca proceed you can't have a point of order on top of another point of order you have to wait and I will give you an opportunity...

(Loud consultations)

Proceed Hon. Francisca

Hon. Francisca Cheburet: Thank you Hon. Speaker I want to Counter our Minority Leader Mr. Speaker because he is the one who moved the motion that we should come with different varieties of dressing sometimes in our cultural regalia, he is going against his motion Mr. Speaker. The other point is this is a Muslim and we are talking of a motion that represents our late sister Hon. Maccah, may her soul rest in peace, we are representing her up to and including our dressing, are we wrong Hon. Speaker, thank you.

(Applause)

The Speaker (Hon. Kiplagat): Now to you Leader of the Minority party I want to give a direction on that, religion or faith is so engrained in to human heart, we don't know whether these people just converted last night?

(Laughter)

Let us see them tomorrow, if they come tomorrow without the head gear then you will fill for yourself... we will not have any issue with that, proceed Hon. Member... no, no the issue of the chair today we have a problem with sitting space so I will not want to see any chair as superior than another, a chair is a gadget which helps you to sit for now so can we proceed...

(Laughter)

I have already ruled that anybody can sit on any chair today except the Speaker's chair

(Applause)

Next please proceed Hon. Cheruiyot.

Hon. Musa Cheruiyot: Thank you Hon. Speaker I think that was side shows and interruptions and I was contributing to an important motion and I don't know why members feel that they want to interrupt those who are contributing. Mr. Speaker sir I was saying that this was the time when the minority groups in this County were to be remembered, they have been being left out in many opportunities that have been coming up and as the chair of Baringo County Assembly Service Board Mr. Speaker you included the minority and this is the time we need to hold dear to this opportunity which has come and some of us are not going to let it out just like that.

Mr. Speaker some of us have things to stand in, I stand for something and I cannot be changed easily, if I have believed on something I stand for that, and I believed that last time you gave the minority an opportunity to have a chance in this Baringo County Assembly Service Board and that was it Mr. Speaker sir and that is the same reason that I see when the Muslim community are left out I felt that we are doing a de-service to our County, these are among the reasons why I oppose this motion Mr. Speaker.

Secondly Mr. Speaker I don't know how the Service Board members came with this grading, Mr. Speaker sir I don't understand... may be it had some interests which I believe may have preceded this Mr. Speaker, I know and think that the way the points were awarded was not sincere and genuine and that they were awarded according to merit or awarded according to performance... that is my opinion Mr. Speaker sir and I feel and stand on it and I don't even need any correction Mr. Speaker sir.

As I conclude and resume to my sit Mr. Speaker I want to say history will judge this County Assembly harshly, it will judge us harshly if we leave these opportunities which come up... as I conclude Mr. Speaker, I represent a Ward that has very few people employed in this Assembly and even in the County Executive and Mr. Speaker it doesn't mean that they are not qualified and I thought as members of a respected House of Baringo County Assembly we need to look at others equally like us, Mr. Speaker sir we need to remember even the unfortunate in our County, so Mr. Speaker I stand to oppose this motion and I want to be in record that today I stood to oppose this motion, thank you Mr. Speaker sir.

(Applause)

The Speaker (Hon. Kiplagat): I will go to my left, Hon. Kakerel.

Hon. Kakerel: Mhe. Spika ninasimama kuunga mkono hoja hili...

(Applause)

Kwa sababu ya kwanza ikiwa kwamba nimeangalia kikao cha leo Mhe. Spika na nikaangalia nyuma kule Tiaty na nikahurumia mtoto aliye zaliwa kwa mchnga ya Tiaty kuona ya kwamba wakina mama wanavaa vitu ambayo hayajawahi valiwa kwa hii nyumba siku nyingine...

(Laughter)

Vitambara hizo ambazo hawajawahi kuvaa na ni kwa sababu ya mwanamke mwenzao...

(Loud consultations)

Nimeona vibaya sana Mhe. Spika ya kwamba kwa sababu huyu mtoto amesoma na akapita vizuri mbele yenu kwa bodi ninayoiamini sana ya kwamba wanaweza kupitisha kitu ambayo ni ya ukweli

(Applause)

Mhe. Spika ninataka kusema ya kwamba kwa akina mama hawa ambao wamevaa buibui siku ya leo kwamba muvae hivyo hivyo na muende muswali leo jioni.

Mhe. Spika ninataka kusema ya kwamba kulingana na taratibu na ripoti ambayo tumeweza kusoma ya kwamba huyu Mhe. Lomong amekaa kwa Service Board na amejua taratibu ya kukaa kwenye bodi....

The Speaker (Hon. Kiplagat): Order Hon. Kakerel... what is the point of Order Hon. Kandie...

Hon. Kandie: Mhe. Spika ninasimama mbele ya hii nyumba kupinga maneno ya Mheshimiwa Kakerel ambaye anatuita wakina mama na anajua ya kwamba sisi ni viongozi... Mhe. Spika sisi tumevaa vitambaa kwa kuonyesha heshima kwa marehemu Maccah aliye fariki na tunajua ya kwamba hii kiti ni ya waislamu.

The Speaker (Hon. Kiplagat): Order Hon. Julia you had raised a point of order what was it?

(Loud Consultations)

Proceed Hon. Kakerel.

Hon. Kakerel: ...kwa huruma ya marehemu Maccah Mhe Julia ungetuita kama wamama tutembelee watoto ya marehemu kwa sababu wewe ni kiongozi ya women caucus.

(Loud consultations)

The Speaker (Hon. Kiplagat): Order Hon. Julia! proceed ...

Hon. Kakerel: Mhe Spika ninaendelea

The Speaker (Hon. Kiplagat): Members everyone will have time to contribute.

Hon. Kakerel: Ninaomba wajumbe wanipe nafasi ya kuongea. Rebecca Lomong anatosha kwa sababu alikuwa serikali ya Cheboi na alifanya kazi mzuri. Ameolewa kwa jamii ya Tugen kwani hamridhiki naye? Akiandikwa, inaonyesha ya kuwa Baringo hakuna mgawanyiko kati yetu mbarikiwa.

The Speaker (Hon. Kiplagat): Thank you member for Ravine Hon. Ngotie.

Hon. Ngotie: Thank you Mr. Speaker sir, for this opportunity to contribute to this important motion on replacement of one commissioner. Mr. Speaker sir I oppose this motion...

(Applause)

We are in a holy month of Ramadhan of Muslims but not restricted to Muslims alone. During this time, all Muslims are expected to do godly things and not argue. In solidarity with our Muslim brothers, I debate soberly; so far we have debated in a friendly manner.

(Applause)

Mr. Speaker sir, this season also is to sacrifice and give to the less fortunate, encouraging and giving generously. Mr. Speaker we sometimes talk emotionally in funerals. I look at you in the eye because I respect you. We were not there when you chose late Maccah but in your wisdom you thought she was fit to be one commissioner though she did not have the outlined qualifications. We all agreed that minority group benefited from the seat.

Mr. Speaker sir, in the funeral of our late sister, you encouraged Muslim sisters to apply for the job when advertised on the condition that they meet the required qualifications. I believed they went to canvass and ensured the qualified applied for the job and were shortlisted in the preliminaries. We hear from the corridors that during the first pre-qualifications, there is one Muslim sister who was leading the pack and was to get the job.

But somewhere in the middle something happened which I do not know. If Lomong qualified in the right way without any inducement or without outside pressure is say Inshallah let that be. But if there was any inducement or any outside forces cutting the Muslim not to get the seat, may

Allah give the retribution because we cannot do it. You will get the payment in full and served cold.

(Applause)

Who is going to stand with our Muslims here Mr. Speaker? If it is possible, we have on Muslim sergeant at arms she can be given opportunity to contribute sometimes on their behalf of them.

(Laughter)

Who is to stand on their behalf if we cannot stand with them during this time? What has happened is that the common decency has been thrown out of the window and replaced with political thuggery!

I believe one day the board will act independently without outside influence. Mr. Speaker sir you have written all the qualifications of those selected and ask if the current external board member or previous members had the outlined qualifications stated?

It is a mockery that seminars are included as one of the qualifications and wonder if we should include our daily seminars in our CVs when searching for a job!

Mr. Speaker sir the candidate who was to get the job is working and she can balance with this commissioners temporary job. I have no grudge with Lomong whatsoever and I usually meet her in her hotel.

Mr. Speaker I am a happy man because I was not part of delegation that went to the funeral and promised lies to the Muslim community. Is this the way of rewarding them by slapping on their faces?

I am sure by the end of this debate, whichever way it goes, some members will regret the rest of their lives on the position they have taken especially by voting yes to this report by the commissioners.

With those few remarks Mr. Speaker sir, I still feel that we should not pass the name of Lomong as a commissioner of this Assembly and instead still rethink who was supposed to be a commissioner.

Finally, balancing of regions is a silent rule we use though not written. Baringo South and Ravine sub counties not have any representative in the board; was it not prudent the two sub counties to be given the slot?

I have no powers and rest my case and beseech Honorable members who want to pass this report to shoot down not because your sister Lomong is interested in future; we will come back and pay you.

With those few remarks, I oppose the motion.

(Applause)

The Speaker (Hon. Kiplagat): Thank you very much. Hon. Lotela.

Hon. Lotela: Mr. Speaker I stand this afternoon to support this motion. This is a time than we need to engage well and speak in a manner that is going to get into our minds as MCAs of this House. We all know that this position was open to the public and that gave transparency.

Our Muslim is not a community but religion and our late sister may her soul rest in peace Maccah represented a minority by then.

Mr. Speaker this House chose to have the best candidate; Lomong contested for Speakers seat but we chose the current Speaker because he was the best.

(Loud Consultations)

Mr. Speaker it is good to listen and have your time to reply.

Secondly, the best thing which we did as a House was when selecting for our clerk. We knew the Speaker was coming from Baringo Central but we decided to vote and take the current clerk, who was the best candidate coming from Baringo Central; what that tribal

(Applause)

Did we go for religion or spirituality? That is a double standard Mr. Speaker. If leaders can go as far as to bending professionalism and transparency for spirituality then it is not good. Going to heaven is not dictated by the faith we profess.

I used to call my mentor and colleague bishop but I do not know what to call after this. Baringo County is a County of diversity and Rebecca Lomong comes from Pokot community but she is mother to children called Kandie, Chepsongol, Kipruto, Kerich but not Lomong, Lotela e.t.c.

Mr. Speaker we have relationship with Baringo North and Tiaty the former Baringo East. Our first M.P came from Baringo North by extension, we are in Baringo North and it is also Baringo East. There is no way you cannot separate the two regions confirmed by marriage and blood Mr. Speaker.

Mr. Speaker Rebecca Lomong Constitutionally is a Tugen from Baringo North by her status. She is our immediate member of County public service board and very necessary for the office. Her valuable experience will bring good to our County.

Regional balance Mr. Speaker can never be replaced by profession and experience that is a loose term. Mhe Purity and Makal were selected on basis of parties not regions and the two external members representing public interest Mr. Speaker not religion, faith, sect or any faction of our professional strata. We cannot bend this!

Mr. Speaker you cannot curse the Speaker who was chairing but members also who each had checklist of scorecard. Let us not criticize the way of recruiting people.

If my friend from Ravine where I schooled thinks that Lessonet who is aspiring to be a governor...

(Loud Consultations)

The Speaker (Hon. Kiplagat): Order! Order! Don't bring names of people who are not here to defend themselves.

Hon. Lotela: Mhe Speaker the friend has just informed me that my former boss may

(Loud Consultations)

...it is not rumors...

The Speaker (Hon. Kiplagat): What is it Hon. Kibai

Hon. Lotela: ...It is alive in this House Mr. Speaker. With those remarks I support the motion and urge members to support it.

(Applause)

Hon. Kibai: Mr. Speaker I respect what Hon. Lotela from Silale was debating but to insinuate a member who is not in this House by mentioning Hon. Lessonet

The Speaker (Hon. Kiplagat): Order Hon. Kibai I had ruled on that.

Hon. Kibai: But it should be in record.

The Speaker (Hon. Kiplagat): I have ruled that it is not proper to bring names of people who cannot defend themselves...

Hon. Kibai: He should apologize.

The Speaker (Hon. Kiplagat): I have already done that...it is not in order...

(Loud Consultations)

...on my right Hon. Fransisca Cherutich with the new gear it is hard to recognize you...proceed

Hon. Fransisca Cherutich: Thank you Mr. Speaker sir allowing me to debate on this particular motion. I rise to oppose the motion because of a number of reasons. Today in this floor...protect me Mr. Speaker.

The Speaker (Hon. Kiplagat): Hon. Fransisca Cheburet give time to your namesake in the floor contributing.

Hon. Fransisca Cherutich: Today in this floor debating on a motion on what happened on 3rd of January when we lost one of our member of service board Maccah Hamisi and I pray that we be sober when discussing this motion because it is not issue of life and death.

I oppose the motion because in the burial of our late sister, the Speaker and the Clerk to the County Assembly stood and promised the Muslim community will remembered for this slot.

In the book of Ecclesiastes 5:4 it says; when you make a vow to God do not delay that vow in fulfilling it, he has no pleasure if fools, fulfill your vow. It is better not to vow than to make a vow and not fulfill it. Do not let your mouth lead you into sin and do not protest to the messenger, my vow was a mistake; that is what the bible says it is not Hon. Fransisca. Now back to the motion...

(Loud consultations)

The Speaker (Hon. Kiplagat): Let Hon. Fransisca finalizes. What is the point of order Leader of Minority.

Hon. Limo (Leader of minority): Mr. Speaker you see, I rose on a point of order the other time and you ruled that let us give time so that we can see the Muslims in the House if they will continue being Muslims.

Now, when a Muslim is giving his testimony he refers to Quran, when a Christian gives a testimony he refers to the bible and sometimes Muslims Mr. Speaker will give a comparison of a bible and a Quran, I wanted the same verse Mr. Speaker in Muslim so that the end justifies the means. Thank you.

The Speaker (Hon. Kiplagat): Order Leader of Minority you know there are scholars who are good in both religion so maybe we may be having one today so give her the latitude to proceed. Proceed Hon. Fransisca.

Hon. Fransisca Cherutich: Thank you Mr. Speaker for the ruling and I think it is high time we continue debating and put aside the issue of the Muslim. I think I started by saying that we are honoring or today we are remembering when we lost our sister and that is why we are dressed the way we are.

So on the same note, the issue of making a vow personally I wish that could have taken place also I agree with one Member who said issues of regional balance and I wouldn't want to repeat that because of time but it is true that Ravine and Baringo South do not have anybody in the service board.

I also want to give information in the sense that there is one Member who stood and said that when we were giving out the names of the two Members who are in the service board it was about the Members.

That is not true we sat as Jubilee Members and we did it under regions. Thank you Mr. Speaker.

The Speaker (Hon. Kiplagat): Yes Hon. Diana.

Hon. Diana: Thank you Mr. Speaker. I support the motion of approving the name of the Service Board Member that has been brought to the House. Mr. Speaker when we constituted the Baringo County Assembly Service Board we gave them the roles and mandates to deliver what it takes in the Baringo County Assembly.

Mr. Speaker this is one of their roles, we gave them the roles because we believe on the service board, they are the qualified people educated and they are competent. Considering the value of education Mr. Speaker is what you did.

Mr. Speaker when you were considering employment there was a criteria that we used to consider and that is why you had to consider qualifications and this one you valued the issue of education.

The one who emerged the best candidate Mr. Speaker sir was due to her competency and qualifications, if Members are arguing about the region we could not be doing what is right in Baringo because we know Baringo County is a cosmopolitan County and if we go as per regions or tribes we will not get what it takes for Baringo.

So bearing in mind that Baringo is a cosmopolitan County, the best candidate wins and Rebecca Lomong emerged the best and she deserves to be given this post. Otherwise I support the motion. Thank you.

The Speaker (Hon. Kiplagat): Yes Hon. Kimosop.

Hon. Kimosop: Mr. Speaker first of all I applaud the Service Board for performing their duty and bringing us this report to the floor, interestingly this time it is moved by one of the specially elected Member Hon. Purity and it shows that in the board it seems that you have choose to diversify the roles among yourselves.

Mr. Speaker away from what we say in burials and press conferences. When I am in this House I am an elected Member and a Constitutional office holder.

It is through this microphone that I discharge my mandate as a legislature and anything else that we say outside this House is a by the way; that is the reason why we have the HANSARD which our children and grandchildren will refer to and will know what at any given time their Member, their father, their elected Member or nominated Member said.

Mr. Speaker so this is power given to us by the Constitution and whenever I exercise is with a lot of discretion and a lot of caution. If we were to discharge mandates that we have here carelessly the president of this republic would have probably slaughtered people because he has the sword but he has to exercise it carefully.

Mr. Speaker my points are five and I will rush through them very quickly so that I can allow other Members to contribute. My first question is what is my role? What is the role of this House when it comes to a motion like this?

Our role is to oversight the process; to see whether the process was done right or it was done wrongly. In this case Mr. Speaker I ask myself as a Member an advert was placed in two newspapers of national circulation that means we invited the Country the County and everybody qualified to apply.

I would want to look at that advert and ask myself what was the expectation, what was the Assembly of Baringo doing by placing an advert? Mr. Speaker when you look at adverts that are always placed there are biased adverts which is allowed in law like you can say only women can apply.

There are adverts like those, only people from this particular region can apply or people with disability so I ask myself what kind of an advert was this, those are questions I ask myself as a Member as a checklist and an application was made, did Christians apply?

Were Christians supposed to apply? Did African traditional practitioners those who don't believe in Christianity and those who don't believe in Islam did they apply? Were they supposed to apply?

I also ask myself if for sure this House and Members who are supporting this position were taken, if for sure they knew that this was a preserve of the Muslim community then why did you allow everybody else to escort the applicants. That was not raised.

Mr. Speaker that is where I ask myself as a Member of this House. Mr. Speaker my item number two, what am I supposed to do here? I am supposed to either approve or reject now by approving this motion what happens we get an external service board Member by rejecting this motion what happens? Do the Member dramatized here with all this solidarity does that Member automatically becomes the qualified one.

I ask myself by rejecting this motion are we addressing for example regional balance, do that particular one go to Eldama Ravine or go to Baringo South or it would still go back to Service Board and the process will begin a fresh, how sure are we that they will bring it this year or next year and it would be within our discretion, those are my questions.

Mr. Speaker the third one, I am a learner in this House and I want to go on record on this; I am a learner I chose to take a back seat on this issue because this House has proven me wrong over and over.

I have always taken notes and every time I come to this floor these particular Members here have taken me through a syllabus. I am a strong believer or regional balance Mr. Speaker, remember I

even took a position against your own election as a Speaker of this House because I believed for sure that it was not possible to have the Senator come from Baringo Central, the Deputy Governor from Baringo Central, and now the Speaker to come from Baringo Central.

Members of this House Mr. Speaker overwhelmingly said we are going for merit, we are going for qualified Speaker and they voted for you and I had to go to the public there pick a microphone and congratulate you and ever since I have supported you because of the decision taken by the Members of this House.

Mr. Speaker I was overruled by Members, when we came to the issue of the clerk I for sure was a believer again of regional balance I said we cannot have a situation where we have the Speaker and the Clerk coming from the same sub-County.

Mr. Speaker these Members including my solidarity comrades from Eldama Ravine overruled me and they said the man you are supporting is from Eldama Ravine but we will go for merit and they went for merit and today we have CPA Koech.

Mr. Speaker I wonder with this House, do we then now sacrifice merit because you have taught me to believe in merit so do I come here and say we talk of regional balance and all that and yet we are told here that Rebacca Lomong had 81% in your own script and in the HANSARD you have always said that we go for merit. Mr. Speaker I have learnt a lesson that whenever you see merit you need to be very careful.

Finally, Mr. Speaker on my part is I come from the background of championing for human rights and fundamental rights of Minority Communities and in the school and class of minority communities we have indigenous communities and Mr. Speaker it is United Nations educational and social organization UNESCO that records who minorities are.

It is clear the Nubian community are recorded as minority, the Endorois community are recorded as minority community, the Ilchamus community are recorded as a minority community, the Pokot community are recorded as a marginalized community.

And I want us to get the distinction between marginalized and minority; we have people living with disability rights. I want to wonder among our Members here if we are really sincere who has raised a question in this House that 45 Members of this House... and Mr. Speaker when we were sworn in Hon. Member of Eldama Ravine my friend Ngotie the chair implementation broke a record because he came with a bible to swear and Mr. Speaker I was touched to the point that I moved aside and asked him why didn't you swear with the Assembly bible he said I don't trust this one because it has been held by many people, this is a family bible so Mr. Speaker we have 45 Members here whom none of them has confessed Islam but how are we doing in championing for the rights of the Islam community.

How are we doing it, zero one in this House, zero one in the cabinet of Kiptis, zero one on the cabinet of the Governor Cheboi, zero one in the public service board, we have not even championed when people with disabilities took us to Court because we did not nominate the members of the disability groups Mr. Speaker.

The Speaker (Hon. Kiplagat): What is the point of order Hon. Betty?

Hon. Birchogo: Is it in order for Hon. Kipruto Kimosop to mislead this House that the Government of the day or the County Government of Baringo has not done anything concerning the minority that is the Nubians.

The other day we passed a motion and we put one of the Member in the town board Zubeida to be an Member of town board and she is a Member of the Nubian community, I think as much as we want to be emotional on this matter we should put facts because we are on record. Thank you.

Hon. Kimosop: Mr. Speaker I stand guided and by the way Hon. Betty Birchogo are a few debaters in this House whom when she speaks I listen to because she does it with facts and when she provides such an information we must respect it.

Mr. Speaker that being the case, if it is a conversation we want to have on where to place our Muslim brothers and we are willing to travel with it but let's do it with sincerity.

Finally Mr. Speaker is I ask myself I look at all these; I lack the leverage to discuss the other Members because the motion brought us one name so it means that we have to look at this particular one name with the view of approving or rejecting.

I ask myself Mr. Speaker where do we place the women community who despite challenges have managed to struggle this much, the struggle for women empowerment Mr. Speaker is a global struggle and that is the reason Mr. Speaker even in our Constitution we still say in places like Baringo where 28 men get elected only two women get elected, we still say let us get a few more women because of empowerment.

Mr. Speaker when I supported Fridah Lotuya, when I supported Diana Chebotibin to be the CEC these are young progressive women who against all the odds they juggle between family and career; Mr. Speaker Rebecca Lomong represents that class of young women who every day are struggling to also compete in this cooperate world full of men and on that note Mr. Speaker I support this motion and I support Rebecca Lomong to be an external Member of the Service Board. Thank you.

The Speaker (Hon. Kiplagat): Yes Hon. Bowen.

Hon. Bowen: Thank you Mr. Speaker. Before I go to the motion, I thank you the Hon. Speaker, the Clerk and the Hon. Members for allowing me according to the ministry of health protocol to be working at home and coming to the Assembly. So I do not want you to mistake me whatever position I take I take as any other Hon. Member.

I am still a Hon. Member representing the minority group I have a few things, I want to request the Hon. Members that this is a Hon. Member and we do not want to interrupt another Hon. Member so that you become emotional and get hold of him when he is on the microphone. It is wrong.

Well mine is very brief as I have told you that Jubilee nominated me as a representative of the minority, I am here to represent the minority everywhere including the Muslim community I attended the late commissioners burial with a number of Hon. Members including the Speaker, the Clerk and the staff.

The community requested that they were really enjoying the fruits of Hon. Maccah but now that she has passed on we are requesting the Baringo County Assembly to consider getting one to replace her. When it is Baringo County Assembly it is not an individual it is everybody among us so it is our duty to see whether to reject that request or to accept it.

Secondly, I am here to say Maccah when she was representing her community she was also representing a regional area that is Baringo Central and now that you have said because the Hon.

Speaker is here can you... Hon. Speaker in fact when elders talk you know we don't hear properly so I wanted you...

(Loud consultations)

The Speaker (Hon. Kiplagat): Order let us give Hon. Bowen ... if for nothing else let it for his age.

Hon. Bowen: Thank you very much Mr. Speaker. Now I want Hon. Chepsongol to understand that he is not alone go and talk outside and not in the Assembly. Go to the press...

(Laughter)

The Speaker (Hon. Kiplagat): Order Members. Hon. Bowen please address the Speaker.

Hon. Bowen: Thank you very much Mr. Speaker I actually wanted to say I am of the opinion that this seat... I heard that there were some applications which were submitted, interviews were done, and short listing was done.

First question, the people who attended the burial including the area MCA who was championing should have informed the community that there is an application to be submitted, which is more qualified in your community; it is the responsibility of the representative.

The representatives are the ones to inform their people, if the County officials including the Clerk say that I have already put the notice it is our responsibility as leaders to advise them on what to do so that when they fail to get the chance they know that they had been informed.

In conclusion, I do not want to take much time but I want to say that history will judge us harshly, I am not talking the way Hon. Ngotie talked, I am talking passionately to say Baringo has 6 constituencies and if it is not possible for the community here to get it then give to communities which do not have commissioners, Eldama ravine and South Baringo.

I want to ask a question, Saima Fahiza Bashir got the least points during the interview ,is it because she got grade B in KCSE and the rest four applicants did not show their grades.

If grades are to be shown show the grade of each applicant so that we know that this one did very well when she was being admitted to the university, lastly if I was a teacher, I was an inspector I can have the four or five applicants and I have my own committee and I want to interview them Lomong might not be the first, it will depend on the interest that I have.

This is a House that will be respected what we are doing today will be reflected by the communities, let us give to the community, Lomong is in Baringo North I agree she has been going round I have met her several times she wants to be the next women representative and we want to say that when Lomong is in North we have a representative from North.

In County Assembly Service Board have a representative from Tiaty so why should we repeat two regions as if we are not representing Baringo. Thank you Very much Mr. Speaker.

(Laughter)

The Speaker (Hon. Kiplagat): Yes Hon. Leparsalaach.

Hon. Leparsalaach (Deputy Minority Leader): Thank you Mr. Speaker. I rise to oppose this motion, let me speak as a minority. Minority in terms of background and I think it is only a minority who understands the pain of other minorities.

Mr. Speaker sir we are debating a motion on one of our Members who passed on earlier this year and Maccah was a Muslim by faith but was a Nubian by community and one Member has just alluded here that the Nubi community who reside in Kenya and in Baringo for so long and Mr. Speaker sir they also reside in my Ward.

They are actually a minority both nationally and a minority within Baringo County, when we heard the first group of the board members and they chose Maccah to be a commissioner the Ilchamus community actually did not complain.

There was an intention of taking that board to Court but we intervened and said since there is a Nubian then the Nubians are more minorities compared to us. Mr. Speaker sir in your report recommendations for appointment; you said In appointing a person or any person as a Member of the board under section 12 (3) (d) of the County Government Act the County Assembly shall have regard to; let me go to 2 (b) community and cultural diversity of the County.

So Mr. Speaker sir it is a measure that any credible organization and in this case the service board members should have considered that community cultural diversity. Mr. Speaker sir Hon. Kimosop elaborated the pain of representing a minority.

Mr. Speaker sir for a very long time the Ilchamus Community have been actually vying in Baringo South but all in vain because of our numbers the same to the Nubians.

Mr. Speaker sir you are an aspirant of Member of Parliament Baringo central come 2022, in this town we have the Nubians who do not have any other place to go and you will become their Member of Parliament.

Mr. Speaker sir if in your vocabulary the minority in that case are the Nubians do not appear anywhere because of the merit then it will be very unfair for the minorities. We agree that the merit should be there but there are other parameters which should be taken into considerations when we are doing all these things....

(A slight sound of explosion)

(Loud Consultations)

The Speaker (Hon. Kiplagat): Can the sergeant-at-arms confirm it is not a repeat of what happened the other time.

(Laughter)

This is a very serious matter; the Sergeant-at arm has just informed me that it is a bulb that has blown so let us proceed.

Hon. Parsalaach: Thank you Mr Speaker sir in my conclusion let me urge the members and I besiege you that as the second Assembly of Baringo history will judge us harshly. Because the Nubians don't have somebody to represent then the majority of us do not want to consider that a minority has to be given space in this County Assembly. Let me end by saying that I totally reject and oppose this motion. Thank you.

The Speaker (Hon. Kiplagat): I can see there is quite a number of hands, sergeant at arms can you move so that I can see who is there. Yes member of Kabarnet Ward.

(Laughter)

Hon. Kibet: Thank you Mr. Speaker sir I don't know how people are procuring, I did not raise my hand but you have ruled so it is okay I can take it.

The Speaker (Hon. Kiplagat): But you can still go back I thought I saw your hand. Proceed Hon Kibet.

Hon. Kibet: Maybe because I am the host MCA, I really wanted to listen to the contributions of members and I will be the last person to contribute

The Speaker (Hon. Kiplagat): That is okay. I can still give you time. Hon. Mailuk.

Hon. Mailuk: Okay thank you Mr. Speaker for giving me this opportunity to also submit my views on this motion and before that I want to say to the Fatumas and Abubakars who are here, Allah Akbar.

(Laughter)

I am standing here to support this motion brought by Hon Purity Tallam and the name of Rebecca Lomong has been picked on merit which is something that is so important and we want as an Assembly to be checking and deciding according to the qualifications because at times we compete but due to nepotism, favoritism we make decisions that are not according to qualifications and I just want to congratulate the service board for making sure that a qualified candidate has been brought to this Assembly.

Mr. Speaker there is a statement that is being peddled here that the Hon Speaker and other members who were at the burial of Hon Maccah gave a promise. I just want to tell this Hon House that the service board is made up of five members and the decision is not made by one member; it is not only made by the Speaker so we should not crucify our Speaker by saying that he made a statement. This is a report or a final decision that was made by a number of service board members who awarded marks These are marks that are made by several members of the service board who are in this Assembly.

Secondly, in the advert there was no place that stated that it should go to the Muslims; it was an open advert, even if you check the rankings that are appearing in the report that the Muslim community are not even in position two. If it was not the decision of the service board to take the first position they should have taken the second position who is a Tugen. We should not dwell so much on that because it was not in the advert and again there was no agreement in the Assembly that we give it to the Muslims but a decision by one person. According to our Constitution it is well stated that Pokots are also listed as the marginalized. Having Lomong being nominated to this position is great because she is supposed to get this position and request that when Hon Parsalaach was speaking he is also representing minority community because Pokots are part of the minority community in Baringo and Kenya at large. So we should not say Lomong is not part of the minority she is.

Mr. Speaker the original home of Lomong is Tangelbei/Korossi the Ward that I am represent. She was my voter but currently she is a voter in Baringo North and she is jobless. At times we advocate for job opportunities for those who don't have jobs. Members are advocating for a person who already has a job. I urge the Hon Member from Ravine that you are agitating to be the member of Service Board is employed let us consider the one that is jobless currently so that we proceed ahead. Thank you Mr. Speaker.

The Speaker (Hon. Kiplagat): Member of Kabartonjo.

Hon. Kipchew: Thank you Mr. Speaker for giving me this chance to say something about this motion. First I want to be on record that I support this motion. I also want to thank members of the service board for doing their work with due diligence and giving us the best candidate. Mr. Speaker if the service board could have brought a name as per what the members are saying the board would have been crucified on this floor. I want to urge the members that let us not bring the culture that will destroy us at the end of the day. We wanted the best and you have brought the best. If the members wanted the opposite then bring us a motion that will put things upside down then we shall follow the same. By this time looking at Lomong and with all the qualifications and looking at what she scored she is the best candidate to sit on the board.

Mr. Speaker, if we come here and say that this one is from this church then we should have in black and white that we should have a Christian, ile ya Owuor hapa then we know those slots so that we are able to move forward. When it was advertised it was not indicated a person, it was only a qualified Kenyan and Lomong is one of the qualified person in the Republic of Kenya. Secondly she comes from a marginalized community which is Pokot though married in Baringo North but where she schooled and struggled to get education while in the hardship and marginalized area. I stand to support this motion thank you.

The Speaker (Hon. Kiplagat): Thank you very much Member of Barwessa.

Hon. Rono: Thank you Mr. Speaker, It is today that I am seeing your chair is being crucified for the first time. Mr. Speaker I thought when I retire from politics I will aspire to be a Speaker but from today I will not simply because I think today you have been harassed. I just don't want to belabor what I want to say. From the advert Mr. Speaker it seems the service board wanted a person from marginalized or Minority group. Again from the interview it seems the board wanted a female. The interview panel is composed of Assembly service board which is a Constitutional office which is mandated actually to do the interviews and it was done by the board, the Service board was supposed to come with the best candidate of all.

Looking at whatever you have presented and I just want to quote what I heard you because I was not there when you were burying our commissioner the late Ms Maccah, may her soul rest in peace. I heard that the Muslims were requesting that maybe next time when there is an interview you consider one of their own. From your answer I don't know you will just get from other places is that you said you apply if the best candidate comes from Muslim community then he/she will be given the job. The Speaker never declared that a Muslim will be given the job.

Mr. Speaker, looking at what the service board has done and what we have done in this House; we have never disapproved any staff or any member brought to this House so it will be punitive for us to start today by disapproving Lomong. If we have never disapproved my answer will be yes when we see the score and I have been asking a question when we will disapprove a member in this particular House? One, when they will fail the integrity test of chapter six of the Constitution. I have never seen any petition against Lomong. So I will support and urge all Hon Members to approve Lomong. Thank you.

The Speaker (Hon. Kiplagat): Okay on the right Hon Chepsongol.

Hon. Chespongol: Mheshimiwa Spika kama kuna siku niko na furaha itakuwa ni leo. Nataka nipongeze wajumbe vile wanavyojadili hoja hii ya bodi ya uajiri katika bunge letu la Baringo. Mhe Spika nataka niseme ya kwamba kulingana na sharia maandishi ambayo tunasoma katika karatasi hii ni kwamba bodi walifuate sharia Mhe Spika kwa sababu wengi wetu wale

watangulizi amabao wameweza kuongea kujadili hoja hii ni kwamba tunasema hii kiti ingeenda kwa waisamu. Hakuna mahali ambapo imeandikwa kwamba kiti hii ya bodi ya uajiri itaajiriwa kulingana na sharia ya kanisa hii na dini hii. Haionekani Mhe Spika. Kwanza ukisome sheria yam waka 2017 (12) (3) mahali ambapo inaonyesha wale waliweza kupeana barua zao za kuajiriwa, kuna mahali inasema the board shall within 14 days of the first sitting or the occurrence of a vacancy or within such a time as would be reasonable by the notice in the gazette and at least two daily newspapers of a national circulation declare a vacancy and invite, nataka usome hapo vizuri invite interested, qualified persons to apply. Kuna mahali imeandikwa waislamu na wakristo waaply? Sasa hapa mnakuja kudanganya sisi kwamba mbona haukuenda hapa? Kuna mahali ilisemekana lazima. Kwa hivyo Mhe Spika nataka niambie wajumbe wakati tunapojadili mambo tuweze kujadili kulingana na vile sheria inavyotueleza.

Vile vile mimi leo nimeshikwa na mshangao sana. Mnakumbuka hoja nyingi ambazo zimeletwa kwa hili bunge na wengi wetu wanaopinga leo walikuwa kibao mbele kuunga mkono hoja hizo. Leo wengine wanasema wewe ni interested endeni msome standing orders ama sharia za bunge. Kwa hivyo Mhe Spika nataka nimweleze Mbunge mteule Mhe Bowen kwamba yeye ndiye mtetezi wa wachache walio wanyonge na amesema yeye ni mwakilishi wa wachache ilihali yeye sio minority. Sisi watugen tuko wengi na kwa sharia wewe hungefaa kushikilia hicho kiti maana kuna wale wangepata kukikalia. Kwa hivyo unaposimamama hapa na kusema natetea... Hicho kiti ambacho uko nacho nicha wengine ambao wanalia wakisema kama wangepata hicho kiti wangepata wakilishi. Usije hapa na kuongea kana kwamba wewe ndio mwaminifu ilihali kuna wengine wanalia juu umenyang'anya. Hicho Kiti Kingekuwa kwa wanubi, Ilchamus, Pokot. Nataka mzee ajireshimu kama yeye vile anasema ni mzee. Jambo la tatu la kusema.

The Speaker (Hon. Kiplagat): Order, Hon Chespsongol, I have a problem with the microphone. What is the point of order Hon Bowen?

Hon. Bowen: Mr. Speaker sir the Hon Speaker who has just left should know that the elderly forms part of the minority. For that reason I fall in that category. Constitution chapter 59 on the human rights you will get the minority group. Elders fall under that category. So I don't represent anybody I represent the minority. Macciah is one of those that I really support and I want this House to consider her even if she has left. Thank you very much.

The Speaker (Hon. Kiplagat): Okay, I think Hon Chespsongol you have heard that information. You can proceed.

Hon. Chespsongol: Mhe Spika unajua wakati wa kufa kwa nyani miti yote huteleza kwa hivyo tunamuheshimu mzee lakini lazima ajireshimu hapa ni bunge la watu wote, vijana kwa wazee lakini tuko na waheshimiwa hatutasema wewe ni mzee umekuja hapa vumilia. Kwa hivyo nikimaliza nataka kusema kwamba bodi hii wamefanya kazi yao na wamefuata sharia na nataka niwapongeze .so lazima tufuate sharia na tuseme kulingana na urafiki. Juzi tuliweza kupitisha mwingine mbaye wengine walikuwa wanapinga lakini tukaunga mkono baada kushinda kwa hivyo hiyo ndio desturi ya bunge hii ambayo ningeoenda kuomba wajumbe kwamba Mhe Ngotie amenena hapa na ako na haki ya kutetea watu wake waislamu Mhe Spika. Mhe Francisca ako na haki kutetea kwa sababu ananyemelea kiti ya Ngotie lakini Ngotie ako mbali sana. Kwa hivyo nataka niseme asante sana naunga mkono kwamba tupitishe mtoto waa Baringo hii.

The Speaker (Hon. Kiplagat): Time is really moving let us limit by just the last on my left yes Minority Leader, I think three here. Leader of Minority.

Hon. Limo (Minority Leader): Mr. Speaker I am a very happy man today that we are full to the brim. The Speaker and the Deputy Speaker always find it difficult getting the quorum in the House but today some people are almost missing seats; the seat that was supposed to be occupied by the Deputy Speaker has been taken by Hon Silas Tochim. I still insist that seat looks so nice and sexy to an extent that it should belong to the Hon Deputy Speaker. Nonetheless I want to contribute to this motion. Mr. Speaker, we are children of Baringo and we are elected and specially elected to represent this County. Every one of us got a chance either by being elected or being nominated and we came here, we celebrated, we raised our bibles in vows to uphold the Constitution and other laws of this society Mr. Speaker. Each and every one congratulated his friend for being successful and that is the trend. We went ahead to vet the CECs, some of them had credential issues and some had questionable background but we talked and agreed as a House to give them an opportunity as the children of Baringo. Hon Members can attest that we did that. We went ahead to vet the COs and finally the Service Board.

Mr. Speaker people forget so easily and we tend to have divergent views and that is normal in human beings. I am not supporting this motion because Lomong is a child raised in Tiaty. For your information we gave her out to a Tugen from Kabartonjo and she is siring children from Kabartonjo in Baringo North and if she dies today and God forbid she will be buried in Kabartonjo and not Tiaty. That is to say Mr. Speaker that is legally owned by the people of Tugen. When people try to bring issues of tribal and community I find that we are going off the direction. Secondly, there are many people in Baringo not only the Nubians and the Muslims. In that case Muslims do not belong to Baringo Central. Sometimes you are being accused because you come from Baringo Central I think that is a side show; Mr. Speaker they want to divert the attention of the House because majority of the members outside here come from Central. They want to bring the blame to the Speaker and probably the Clerk. But Mr. Speaker you are the Speaker because you qualified to be the Speaker of this House, same to the Clerk because of the merit. This is not an exceptional case we are in today. Can we reason as a House and let us appreciate. If this lady comes from Tiaty and she has a degree and masters, can we even appreciate that a lady from Tiaty has a Masters Degree. I think she is the second or the third lady who has Masters in the entire Tiaty Mr. Speaker and that is the basis of why I support this motion. She is a lady that comes from the marginalized community, she is married to the majority community and I want to believe that she struggled. These are the seeds of the people and ladies who struggled.

Mr. Speaker, I find Hon Members who are also by their profession the merit and the advantage, God gave them the opportunity to be specially elected. We appreciated them including Julia Kandie who was speaking here who is the Chair of Women Caucus in this Assembly. That shows us that we want to appreciate our girl child and those people coming from the minority and the marginalized communities. Therefore, I want to plead and ask this Hon House that just the way we passed the 10 CECs with some having some issues, the COs, the Service Boards including the budget which sometimes is dented can we even forgive each other on the things we have done that is so ill and we for once as an Honorable House pass this lady. Let us give her an opportunity to serve for the remaining one and half years and she will appreciate. At time will come when Honorable members from Eldama Ravine will tell us that we are requesting this Honorable member to be this one or this way and we will agree, we will come together and we will say as a House let us just pass. Therefore, Mr. Speaker with due respect I support this motion and I urge the members to also support it. Thank you Mr. Speaker.

The Speaker (Hon. Kiplagat): Thank you I now go to my right, yes Hon Julia.

Hon. Julia: Bwana spika napinga hoja hili

(Loud consultations)

The Speaker (Hon. Kiplagat): Hold on Hon. Julia.

Hon. Julia: Bwana spika napinga hoja hili na niko na sababu tatu. Kwanaza Tukiangalia wale ambao walituma ombi la kuajiriwa tunaona kwamba kuna mmoja wao alikua amehitimu zaidi na alikua na ujuzi hivyo basi angestahili kupewa kazi hii. Bwana spika ulituelezea kwamba shinikizo ukapigiwa simu na wakubwa. Nataka niwaambie ata hao wakubwa kwamba pia nao wanahitaji kura ya wanyonge

The Speaker (Hon. Kiplagat): Order Hon Kandie. You can only say things you can prove. Withdraw and apologize before you proceed please.

Hon. Julia: Bwana. Spika.

(Loud consultations)

The Speaker (Hon. Kiplagat): I have given direction.

Hon. Julia: Kuna mtu anataka kunisaidia Bwana Spika... yule candidate wa Eldama Ravine alikuwa amehitimu kupewa kazi hii kulingana na masomo na ujuzi wake, tunasema kwamba huyo candidate amemnyanyaswa na sisi kama wajumbe kina mama tumekuja kuwakilisha wenzetu bila kujali anatoka wapi, sisi hatujali ikiwa mwenzetu wa Baringo South asipopata na yule wa Eldama ravine apate kwa sababu amehitimu.

Bwana Spika nataka niongee na wajumbe wale ambao waliochaguliwa 2017-2022, nawauliza mtaenda kuambia nini wananchi ikiwa mnarudish wale walikua katika serikali ya Cheboi kazini na hamkuweza kuandika wengine kazi. Itakua historia kwani hakuna kitu ambayo mmefanya na hakuna maana yoyote kuchaguliwa kwenu...

The Speaker (Hon. Kiplagat): What's is the point of order Hon. Chepsongol.

Hon. Chepsongol: Mhe. Spika nimesimama kwa Hoja ya nidhamu kwamba kuuliza kama ni haki kutaja jina la mtu ambaye hayuko mhali hapa kujitetea. Tuelekeze Mhe. Spika.

The Speaker (Hon. Kiplagat): Mhe. Spika if you can avoid names it will be good you can just say the previous regime.

Hon. Julia: Mhe. Spika nilikua nasema kwa mfano tu. Mhe Spika mumesema kwamba Lomong anatoka Tiaty, mimi ni mzaliwa wa Baringo North lakini nimeoleka baringo south na hakuna siku nimesimama katika bunge hili na kusema natoka Baringo north. Kwanini Lomong imeandikwa anatoka Tiaty, katika serikali iliyopita aliajiria kuwakilisha Tiaty na pia sasa anawakilisha Tiaty. Kwanini huyu mama ambaye ameoleka kirasmi hawezi simama na kuwakilisha Baringo North.

La pili, Kama Lomong aliweza kupitia gari za bunge za kaunti, na ninaweza kudhibitisha.

(Loud consultations)

The Speaker (Hon. Kiplagat): What's your point of order Hon. Kimosop!

Hon. Kimosop: Mr. Speaker this is Baringo County Assembly and you cannot address the House like we are in a baraza and Mr. Speaker you need to restrain the member because she is not in order...

The Speaker (Hon. Kiplagat): Order! Hon. Julia sit.

Hon. Kimosop: It is not in order for her to allege that she cannot substantiate. She is also not in order to mislead the House. Hon. Lomong married through a wedding and a proper engagement and dowry was paid in Baringo North but if the ID reads Tiaty it does not invalidate the fact that she is married in Baringo North and she had a House warming in her matrimonial home in Baringo North at the beginning of the year.

The Speaker (Hon. Kiplagat): Hon. Julia please proceed.

Hon. Julia: Mhe. Spika nafikiri yale Mhe. Kimosop amesema haikuwa ya nidhamu kwani ni mambo tu ya kitambulisho. Mhe. Spika nataka nimwambie Mhe. Kiongozi wa wachache kwamba Tiaty watu wamesema Mhe. Kakerel ana degree tatu na masters moja...

(Loud consultations)

The Speaker (Hon. Kiplagat): Can we give Hon. Julia time to finalize.

Hon. Julia: Bwana Spika nataka niwaeleze waheshimiwa kutoka Tiaty kwamba ikiwa wanapenda Tiaty wangechagua mtoto kutoka Tiaty ambaye hajaoleka sehemu zingine. Tuna degree kadhaa katika Tiaty mmoja wao ni Josephine ambaye ana masters pia ni mpizani wa mhe. Makal na ninaamini kwamba wakati alikuja kuhojiwa nafikiri ulitupa karatazi zake...

(Loud consultations)

The Speaker (Hon. Kiplagat): Order there is a point of order from Hon. Makal.

Hon. Makal: She is out of order insinuating that there were other people from Tiaty, I want to tell her that it was only Lomong who applied.

The Speaker (Hon. Kiplagat): Hon. Makal it is not upon you to order that a member is out of order the best you can do is to request the Speaker to do that. Hon. Julia that is a matter of facts.

Hon. Julia: Mhe. Spika Josephine Agui alituma ombi na kwa vile Makal ako katika Service Board karatazi zake zilitupwa kwani ni mpinzani wake. Bwana Spika sisi hatupingi hoja hii kwa sababu Lomong anatoka Tiaty wala hatupingi kwa sababu anatoka Baringo North bali ni hizo eneo bunge mbili tayari wamewakilishwa. Sisi kama Baringo South ambao hatuna mwakilishi tunawaunga mkono Waislamu, yule ambaye anatoka Baringo South tunajua kazi yake alikua katika ofisi ya mhe. Kipchoim na alifanya miaka sita na ninajua kwamba hakuptata nafasi kwasababu mlikua na lengo lingine. Ningependa kumwomba Mhe. Lemlem ambaye anatoka wadi la Marigat ambaye anajua shida zetu za Marigat asimame kidete wakati wa kupiga kura na aangalie masilahi ya watoto wa Marigat kwani alichaguliwa kuwakilisha Marigat pamoja na Baringo South.

Ningependa kumwambia Mhe. Kimosop kwamba wakati unaleta hoja za Baringo South sisi tunakuunga mkono lakini ikifika mtoto wa Marigat...

The Speaker (Hon. Kiplagat): What is your point of order Hon. Kimosop

Hon. Kimosop: Mhe spika sio vyema mhe. Julia kusimama na kupotosha nyumba hii hakuna mtoto wa Marigat ama Baringo kusini ambaye jina lake limeletwa ila ni mmoja ambaye ni

Rebecca Lomong. Ni muhimu kuelezea kwamba yule mtoto wa Marigat ni wa tano. We only have one name and it is not fair to say that we are opposing somebody from Baringo South we may only approve or reject one name.

The Speaker (Hon. Kiplagat): Hon. Julia can you please finalize.

Hon. Julia: Kwa niaba ya Waislamu, wanubi na wale wachache katika Baringo kaunti na kwa niaba ya Spika wetu ambaye tunamwamini, tunakuomba kama mungu akikuguza roro na uweze kumkumbuka Macca vile alifanya tafadhali tuangushe hoja hii asanteni sana.

The Speaker (Hon. Kiplagat): Members can we agree because of time let two on both sides. Hon. Cheserem and Hon. Francisca Cheburet on the right, Hon. Kibet and Deputy Speaker. I think that will be fair because we are all crowded here and we have Covid-19 issues and you will all have an opportunity to vote, Hon. Francisca.

Hon. Francisca Cheburet: Mr. Speaker I stand to strongly oppose this motion. Commissioner Macca Hamisi has been like a sister to me we used to meet here after we all appeared on the nomination list to be in this Assembly and when she got this seat we were all happy. I am a Christian but she wears a skirt like me, I stand for that daughter of the soil in Tugen they say...

(Hon. Chepsongol loudly consults)

... protect me from Hon. Chepsongol I kept quite when he was talking.

The Speaker (Hon. Kiplagat): Proceed.

Hon. Francisca Cheburet: In Tugen there is a saying that says, "*chii niyoe muma ak chii nikomii keyoe muma ku omei g'oki*" Hon. Speaker I am so bitter today that you and the Clerk were preparing ...

(Loud consultations)

The Speaker (Hon. Kiplagat): Order! Can you proceed and interpret the saying first for the record.

Hon. Francisca Cheburet: The quote says that those people who were there when people were taking an oath and those who made the oath all of them are cursed. The two who were there taking the oath were the Clerk on our behalf and the Speaker and we the MCAs who went to the burial are the witnesses. Some of us we want to come out of the curse.

(Hon. Chepsongol loudly consults)

Hon. Chepsongol we are not speaking together can you protect me Hon. Speaker

The Speaker (Hon. Kiplagat): You are accordingly protected Hon. Francisca. Chief whip give her all the time.

Hon. Francisca Cheburet: Why are you scared and you come from Baringo North where the quote originated.

The Speaker (Hon. Kiplagat): Order Hon. Chepsongol.

Hon. Francisca Cheburet: In my view having gone through these report and I have undertaken HR at a degree level and I understand getting a degree on a lower division I have seen others who have masters, degrees and you never indicated they got a lower, upper or first class Honors.

I don't know how these happened and according to my analysis, I saw degree in education yet according to your advertisement you indicated relevant courses yet there are those who did masters in business administration. I am saying according to this list Hon. Chepsongol and in my view I feel...

(Loud consultations)

The Speaker (Hon. Kiplagat): Hon. Chepsongol you are a senior member please hold your horses, Hon. Chepsongol is reminding members that he is a Holder of a PhD.

Hon. Francisca Cheburet: He is also reminding me that he is doctor that Hon. Murkomen in auction said that "not like those doctorate that you are given in the streets" Thank you Hon. Speaker and he should not disturb me.

Mr. Speaker when we want relevance when choosing a service board member someone has a PhD in Business Administration in Human Resource and Management and I want to believe that since there was nobody when you were doing this interview we should get the HANSARD so that we see how you got these marks in my view it was skewed. Normally when we have interviews where people have interest you have one neutral person to sit in that interview. When I went through these documents there was no other person included so how do we trust these marks that were given as 81% can we get the HANSARD and if there was no HANSARD then where can we get these extra information so that we have a proof.

On the questions set, I can answer these questions even without preparing for an interview so I am right to say that the marks given were skewed. The other thing is if the County is crying of a wage bill the same member we have been told was in the service board previously. The auditor general everyday picks on this point meaning that things went wrong at your watch and do we want to bring the same to this House where we have another audit query which says that we have a ballooning wage bill.

In communication they say grapevine is 75% true, what makes this Honourable House to believe in these results, or should we seek other information through communication Houses like Safaricom to know what made you award the highest mark.

The other day in Garissa County when Yusuf Haji wentn to be with the lord, prudent leaders in Garissa sat down and negotiated and they decided to give the position directly to the son notwithstanding the other provisions of the law and as we seat today the son will be sworn in as a senator we to benchmarking from such counties. When we go for burials we speak but why don't we do what we say there? Why would we want to stick to the law doing these?

Hon. Speaker, I am so discouraged and when this went through your hands you were there you saw it, you are representing Baringo central and justice was not done for the minority. Macca was a Nubian and she was a Muslim. I remember when we took the service board to the court the other day we were told that even Macca will be removed and we never pursued the case. My sister Macca we are standing to the end and we hope that you are hearing us and I want to believe that justice will prevail. I oppose this motion.

The Speaker (Hon. Kiplagat): Member for Kabarnet Ward, I am alternating from left to right after member of Kabarnet we go to Hon Cheserem then the Deputy Speaker then we give to the mover

Hon. Kibet: Thank you Mr. Speaker sir, I want to declare my interest...

The Speaker (Hon. Kiplagat): Order! Hon. Julia give the host MCA time to Speak.

Hon. Kibet: Mr. Speaker sir it is with a lot of heavy heart that we are in this House, I do not blame the lady because she is a beneficiary of serious consideration. This lady was picked from the market and she needs to...

(Loud consultations)

The Speaker (Hon. Kiplagat): Order! Hon. Kibet, Hon. Julia I am protecting you, Hon Kibet it is wrong to refer to an Hon. Member as this lady, she is an Hon. Member so you will have to withdraw and apologize before you proceed.

Hon Kibet: Thank you Mr. Speaker sir I was saying...

The Speaker (Hon. Kiplagat): Please withdraw and apologize.

Hon. Kibet: I withdraw saying the lady but we are here stating facts.

The Speaker (Hon. Kiplagat): Order! Hon. Kibet for the satisfaction of Hon. Julia she has not heard you withdrawing and apologizing for calling her this lady.

Hon. Kibet: Thank you Mr. Speaker sir, I apologize.

The Speaker (Hon. Kiplagat): You have apologized and withdrawn?

Hon. Kibet: Yes.

The Speaker (Hon. Kiplagat): Proceed

Hon. Kibet: Mr. Speaker, I want to be on record all of us were doing something before, I was doing business, Hon. Julia was working in the market.

(Loud Consultations)

(Hon. Kandie loudly consults)

Hon. Julia was working in the market and what is wrong with that? Mr. Speaker I want to be very clear also...

The Speaker (Hon. Kiplagat): Hon. Kibet just proceed with your arguments, just proceed.

Hon. Kibet: Mr. Speaker if we cannot maintain discipline in this House, we will not be able to contribute. Mr. Speaker if you will allow this kind of intimidation and harassment then this House will not proceed as we all wish to because Mr. Speaker everybody must be heard. Mr. Speaker, I have listen very keenly and patiently on pronouncement here and I want to say I have an interest. The late Maccah, her soul rest in peace, was a close person to me and she was from my ward. Mr. Speaker for the record you have been attacked here and if it were not for you the late Maccah would not have come to this Assembly.

(Applause)

Mr. Speaker the position of nomination that the Hon. Mzee is talking about; he is an elder the seat that is occupied by him and he has eaten the sweat of Maccah Mr. Speaker.

(Hon. Bowen stands in his place)

(Hon. Kandie loudly consults)

That position was to go to the minorities. What am I saying Mr. Speaker? I want to be very clear here. Mr. Speaker we are here to protect the people.

(Hon. Bowen stands in his place)

(Loud Consultations)

Mr. Speaker I have listen...

The Speaker (Hon. Kiplagat): Order! what is it Hon. Bowen?

Hon. Bowen: This is a Honorable House where we need to respect each other. When a Member fails to get facts he talks about people. I am not an elder but a Hon. Member who was nominated by Jubilee and I have talked my facts. He should also talk facts instead of talking about me. I want to tell the Hon. Member, once you talk and you talked that you were in the burial, you were the one who was organizing then you will be haunted, thank you.

The Speaker (Hon. Kiplagat): Order Members. Hon. Kibet just go to the facts we are short of time.

Hon. Kibet: Mr. Speaker just on a light note...

The Speaker (Hon. Kiplagat): Just proceed.

Hon. Kibet: I don't know if this place has become a place to curse people or a shrine. Mr. Speaker the traditionalists should spare us the drama; we are here to talk like Hon. Members. Mr. Speaker if when you hear somebody saying I am cursing, are they God? You know if we are living with gods here Mr. Speaker we should be told for us to get organized in a better way.

(Laughter)

Mr. Speaker I am very particular. I have listened to every soul here. When they talk about Maccah it is just crocodile tears Mr. Speaker.

(Hon. Franciscah Cheburet stands in her place)

(Loud Consultations)

Let me explain Mr. Speaker. Let me explain the reason why. Mr. Speaker Maccah was a bread winner and *Mzee* Hamisi's legs were rotting in the hospital. Mr. Speaker, if Maccah was not alive and around with this job then the *Mzee* would have gone long time ago. I am here now to put to perspective that if we really want to help Maccah then we need to help her family.

(Applause)

(Loud Consultations)

Not this drama Mr. Speaker. We are just exposed to childish play Mr. Speaker.

(Loud Consultations)

Those who are crying here that they are the friends Mr. Speaker I know them. Mr. Speaker I have come to your office not once but almost three times asking how can we organize a fundraising for the pledge we made to make sure that the House of Maccah is completed. Mr I have also gone to the Clerks office...

(Hon. Kandie stands in her place)

Mr. Speaker that is...

The Speaker (Hon. Kiplagat): Hon. Julia what is it and what is the point of order?

(Hon. Chepsongol loudly consults)

Hon. Kandie: Bwana Spika nataka niombe ya kwamba, kama Mhe. Ernest ambaye ni Mhe. wa Wadi Kabarnet alikuwa anajali maslahi ya Maccah basi angejali maslahi ya Waislamu. Angeanza kampeini ya kwanza kusema ya kwamba...

(Loud Consultations)

The Speaker (Hon. Kiplagat): Order!...order!...

Hon. Kandie: Mtu kutoka hiyo familia achukue hiyo kiti Mhe. Spika...

The Speaker (Hon. Kiplagat): Order Hon. Julia you are overruled. Hon. Julia you are contributing and not a point of order. A point of order is where there is a problem, mistake, procedural issue or where it is going wrong but that is your counter argument.

Hon. Kandie: Bwana Spika nilitaka kusema ya kwamba Mhe. Ernest anadanganya hili bunge kwa kusema ya kwamba anatetea familia. Anatetea familia namna gani ikiwa yeye mwenyewe anapinga Waislamu wale wanataka warithi kiti Mhe. Spika.

The Speaker (Hon. Kiplagat): Noted, can you proceed Hon... and let me give you guidance Members. You know there are some statements that you really don't have to respond to everything that is being said...

Hon. Kibet: Mr. Speaker...

The Speaker (Hon. Kiplagat): Let's just move to the facts time is not on our side, proceed.

Hon. Kibet: Mr. Speaker I know they are fighting to stop me from saying the truth. Mr. Speaker the facts are these, I said I think I am the only soul who has come to the office to ask if we can organize the fundraising as soon as possible. Nobody can dispute that and the Clerk and the Speaker can confirm. Mr. Speaker sir this people really wanted and I want to tell you, I have come to your office several time to ask for the employment of the sibling of Maccah not once but several times and I said Mr. Speaker as the Hon. Member of Kabarnet, I would rather go for a position for even a sweeper from the family which is Permanent and Pensionable (P&P) than go for a position of 6 months.

Mr. Speaker that is my position and personally I am asking this Hon. Members I have been listening to Members, some of them in there own wordshave been saying we don't want one the family members to be employed.

(Loud Consultations)

(Hon. Franciscah Cheburet loudly consults)

Mr. Speaker that is the hypocrisy from most of these Members. If we want to be fair, the discussion here Mr. Speaker is that if Members were genuine, when you say Muslims, the muslims are millions in the world. If you go to Saudi Arabia they are the only ones so Mr. Speaker let us not cheat ourselves. They don't love Muslims they are pretending, look at how they look ...

(Loud Consultations)

They are pretending and I want to tell them that some of us leave with these people. The brother to Maccah is the Chairman of Supreme Council of Kenya Muslims (SUPKEM) Baringo Central. Mr. Speaker they may not be knowing more information about Muslim than myself who stays with the brother of Maccah. Mr. Speaker the brother of Maccah is the Vice Chair of SUPKEM Baringo and these people are just listening to us. Mr. Speaker, I want to ask you not to be intimidated. They have threatened you long enough. They have tried to say that it is about Muslims but it is not about Muslims.

Mr. Speaker each and every presenter here was trying to say that you know so and so...they have not talked about the agenda of today. Mr. Speaker, I want now to go into the real issue. Mr. Speaker what we have here is presentation of a name. What we are supposed to debate in this House Mr. Speaker is the qualification. Is Lomong qualified? Is Lomong fit for this position?

(Loud Consultations)

Mr. Speaker what we have listed here is presentation and we are not like we are in a court of law where we are trying to say arrest this one release this one. Mr. Speaker what has been presented in this House is the name of one Hon. Rebecca Lomong and as we Members don't participate in the interviews. Mr. Speaker there is a reason why they said the Assembly will have a board. Mr. Speaker you are the Chairman of the board and you have no vote. The Clerk is the secretary and he has no vote, so this decision was taken by the Service Board Members and Mr. Speaker what they should be disputing is whether Lomong is unqualified.

Mr. Speaker they have talked about minorities and I want to be very clear that when we came to this House, Persons With Disabilities (PWDs) went to court and the same souls who could not even agree to go for a ballot to produce a seat for a PWD today they are telling you that they sympathize with Muslims. If they cannot sympathize with people walking without legs or eyes here...these are lies Mr. Speaker.

(Applause)

Mr. Speaker I am about to finish.

The Speaker (Hon. Kiplagat): What is it Hon. Caroline? Is it a Point of Order?

Hon. Kessei: Thank you Mr. Speaker. It is a Point of Order and also I wish to inform the Hon. Member who has been speaking here, Hon. Kibet that the PWDs or the nomination process is taken through by the political parties. It is not an individual and so he should be informed that it is undertaken by political parties.

The Speaker (Hon. Kiplagat): That is okay. Hon. Kibet just proceed please and mind time.

Hon. Kibet: Mr. Speaker when they are faced with facts,... the facts were that we did not nominate a PWD. Mr. Speaker what was now laid on the table was can this souls be religious enough or kind enough to relinquish only one ... They would have even relinquish the one for *Mzee* because I don't think *Mzee* needed this Job.

(Laughter)

Mr. Speaker in place of a disable person. Mr. Speaker what has been put to test today in this House is the character of an individual. Most of these Members and I have seen. Most of the hard stands, those who are opposing with even the head scarfs are people who are beneficiaries of calmness of humanity. Mr. Speaker there are some Members here who have even gotten

nominations twice and it is because of that human nature that you see that let me allow this person to progress in life. Let me give this person the second chance. Mr. Speaker the same ladies who refused to concede a position. The same Hon. Members I apologize and withdraw.

Mr. Speaker I want to say that I have seen something here that people have talked about; how do we employ people into this Assembly? Mr. Speaker we have precedence. When we were getting the Clerk people said let us go for merit. Mr. Speaker and that is what we did. Mr. Speaker that precedence cannot be rubbished because Lomong seems not to be in good terms with most of the Hon. Members here and suspiciously Mr. Speaker all are ladies.

(Loud Consultations)

Mr. Speaker why should ladies fight their own? And we are saying Mr. Speaker Baringo has set precedence. The culture of mediocrity must be reduced.

(Loud Consultations)

(Hon. Franciscah Cheburet loudly consults)

Mr. Speaker I don't know why the Hon. Member Fatuma is agitated. The Hon. Member Fatuma please I have listened to you...

(Laughter)

The Speaker (Hon. Kiplagat): Order Hon. Kibet I am not aware because this name is going to HANSARD...

Hon. Kibet: No that is the name I was given today in the morning because of the new regalia. Mr. Speaker you forgive us because...

(Laughter)

The Speaker (Hon. Kiplagat): Proceed.

Hon. Kibet: Thank you Mr. Speaker sir. So Mr. Speaker that is the prayer I want to ask this House that after this function Mr. Speaker the family of...

(Loud Consultations)

Maccah and I have seen the Sheikh is here, Mr. Speaker the Sheikh should make sure that the family of Maccah gets employment in this Assembly.

(Applause)

The leadership of this House because all those other employment positions; the cleaners or soldiers don't require the qualifications.

(Loud Consultations)

So the hypocrites who have been crying here and almost removing there heads, they have not advocated for the family Mr. Speaker. They have not said anything but just say Maccah and then they say employ somebody from Eldama Ravine. They say Maccah and then employ somebody in Baringo South. We are saying today, let us employ a Member from Hamisis's family and that will solve our problem.

(Loud Consultations)

Mr. Speaker, I want to finalize. Mr. Speaker protect me from Fatuma.

The Speaker (Hon. Kiplagat): Members can...we have already asked him there is...I have already directed him there is no other name apart from the official names. Can you finalize Hon. Kibet?

Hon. Kibet: So Mr. Speaker sir.

The Speaker (Hon. Kiplagat): Time.

Hon. Kibet: Mr. Speaker sir, I think the new Members who have acquired a new status are enjoying their limelight so let us not refuse them the liberty to enjoy.

(Hon. Francisah Cheburet loudly consults)

I also apologize and withdraw. Are you happy now? Mr. Speaker sir, I want to finalize by saying that the employment of the service board according to the name that has been brought here, looking at the qualification, ... some people have tried to insinuate that the scoring, I mean Mr. Speaker at this time and age where interviews are programmed.

You say experience 20 marks, qualification 20 marks and that is the criteria and even anybody can do that. If the lady has scored 81% and another one 62% and to make it more difficult what we are talking about is that even number 2 is not a Muslim. So even if the scorers wanted a Muslim how would they set the score and the second one is not a Muslim?

Mr. Speaker we must refuse the insinuation and the belittling of this institution. The service board is constitutional body and must be protected. Mr. Speaker sir with all those many remarks, I recommend the employment of the family member of the late Maccah. Mr. Speaker someone has mentioned that we made promises. Mr. Speaker it is natural, I mean when we are there we are comforting the family and we will say many good things but how many have done good to the family? They also promised so many and others said even we are here with you.

Mr. Speaker the promises we made were in good faith and we will make sure that we fulfill those that are within our reach. Mr. Speaker this one the law was not with us and the family didn't have a qualified person who applied for this position. Mr. Speaker you should remove that burden in your mind and even the Clerk and those Members whom you still want to mourn, I can organize for you for a visitation you go and mourn there and then you come there.

The Speaker (Hon. Kiplagat): Finalize.

Hon. Kibet: Thank you Mr. Speaker I support.

(Loud Consultations)

The Speaker (Hon. Kiplagat): Because of time Hon. Cheserem please two minutes and the Deputy Speaker two minutes.

(Loud Consultations)

Hon. Cheserem: Thank you Mr. Speaker sir for this opportunity I stand to support this Motion. Mr. Speaker sir, I am known to have my own... Mr. Speaker sir...

(Loud Consultations)

The Speaker (Hon. Kiplagat): Order Members can we give time...

(Loud Consultations)

(Hon. Kandie stands in her place)

Hon. Julia...Order.

(Hon. Limo Stands stands in his place)

Hon. Limo: Point of Order.

The Speaker (Hon. Kiplagat): What is the point of order Leader of Minority?

Hon. Limo (Minority Leader): This is a Honorable House Mr. Speaker and we have heard for long and it is enough. Hon. Julia is making this House to look awkward Mr. Speaker.

(Hon. Kandie stands in her place)

If your rules will not allow you to suspend her then give her leave Mr. Speaker so that other Members can contribute Mr. Speaker. We feel for that Mr. Speaker, thank you.

The Speaker (Hon. Kiplagat): There is no point of order on top of another point of order, you are over ruled. Hon. Julia take your seat. Hon. Cheserem Proceed.

Hon. Cheserem: Thank you Mr. Speaker sir, I said from the onset that I support this Motion. I want to go on record to congratulate our service board for the good work. I am informed what you did. You gave us results related to experience. You gave us results informed by merit. Mr. Speaker sir you gave us a candidate who happens to have served for straight 6 years in our County Service Board and by extension being employed in our County Assembly Service Board will give us more or better service through experience and that is why I support this Motion.

Mr. Speaker sir the advert was very clear. I support this Motion because directly and not even indirectly, one time one of my family Members was denied a job and he was the best a graduate of Nairobi University. He was supposed to give service to this County but because merit was not looked at, he was denied. I am a parent as I stand here and can you imagine Mr. Speaker sir, all of us who have children here one time your child will be denied because of a name or unsubstantiated reasons.

Mr. Speaker, I stand to support those who qualified and they have merit and experience so that our children will apply and will be proud to be employed in this country in any position. Mr. Speaker sir, I want to take this opportunity to support this Motion to thank the parents of Lomong for siring one of the best experienced child of this County. I am very sure Mr. Speaker sir because I am aware she is even aspiring for a seat of County Women Representative if changes will not be made because she has the confidence.

When she was working in our County Service Board she knows when she will be going round. She will be speaking with confidence, determination and without fear because she served without favour and fear or favourism and that is why she is coming back again to extend such services to our people. Mr. Speaker sir I will not stand with those who are giving us side shows. Mr. Speaker sir on the issue of the promise, I know promises or when you are comforting people especially when they are in that state you will never say something that is contrary to what will go to their hearts. Mr. Speaker sir I stand also with the Member of Kabarnet ward. When we will go to rest we shall see how we can assist by giving an opportunity to that family.

(Applause)

Mr. Speaker sir, if a family Member or direct relative to the late Maccah, may her soul rest in peace, had applied for this vacancy and was denied Mr. Speaker sir I could be thinking

differently but now we didn't have that opportunity. Mr. Speaker sir, I stand to support this Motion, thank you.

The Speaker (Hon. Kiplagat): Thank you, Hon. Deputy Speaker.

(Loud Consultations)

Hon. Cheboiwo (The Deputy Speaker): Thank you Mr. Speaker sir. First, I want to thank Hon. Members today for being sober in debating this is actually redeeming the integrity of this House. It is unlike the other time when we were discussing Building Bridges Initiative (BBI) which....

The Speaker (Hon. Kiplagat): Order Members lets listen to the Deputy Speaker.

Hon. Cheboiwo (The Deputy Speaker): Which we were actually some of us felt ashamed on that day.

The Speaker (Hon. Kiplagat): Order...

The Deputy Speaker (Hon. Cheboiwo): I thank you Members today because you have upheld the integrity of this House. Mr. Speaker sir on the concern of the Motion, I belief on the one legal entity called service board which endowed to do all the recruitment and advertise all the positions and my work here as an Hon. Member is either to approve or disapprove basing on your findings, report and if there is any petition from outside the Assembly and by saying that Mr. Speaker sir I have gone through your report and I want to congratulate you.

(Applause)

Secondly Mr. Speaker sir I have looked and asked if there is any petition which has been filed against the nominated Member called Rebecca and I have not seen Mr. Speaker sir and with my integrity and the respect of my age and having faced about 8 elections and being blessed by God, I will support this Motion of the nomination of this Hon. Member called Rebecca Lomong, thank you and may God Bless you all.

(Applause)

The Speaker (Hon. Kiplagat): Back to the mover.

Hon. Purity: Okay thank you Mr. Speaker. As the mover of the Motion I want to first and foremost thank the Members for a healthy debate and secondly I want also to thank the Members for entrusting and giving us the opportunity to be in that board and what I want to say is that the process was free and fair. That one I can say it proudly. Lastly I beg this Hon. House to pass this Motion and we move forward, thank you very much.

(Question Put and Agreed to)

(Loud Consultations)

(Applause)

ADJOURNMENT

Order Members, this House stands adjourned until tomorrow the 21st of April 2021 at 9:30AM.

The House rose at 6:15pm