

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE HANSARD

WEDNESDAY 23RD NOVEMBER, 2022

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY 23RD NOVEMBER, 2022

The House met at 2:30 p.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

PAPERS

REPORT BY THE LIAISON COMMITTEE ON THE APPORTIONMENT OF ANNUAL OPERATING BUDGETS FOR FINANCIAL YEAR 2022/2023 AND RETREAT SCHEDULE FOR COUNTY ASSEMBLY COMMITTEES

Hon. James Mukhongo: Thank you Hon. Speaker. On behalf of the Chairperson who is the Deputy Speaker who has delayed to come, let me lay the report of the Liaison Committee on the Apportionment of the Annual Operations Budget for committees for financial year 2022/2023 and the committees' retreat schedule from November, 2022 to February, 2023 thank you.

Mr. Speaker: Honourable Members, the report by liaison committee on the Apportionment of Annual Operating Budgets for Financial Year 2022/2023 and Retreat Schedule for County Assembly Committees is hereby laid on the table of the House and it now becomes the property of the House accordingly.

NOTICES OF MOTION

REPORT BY LIAISON COMMITTEE ON THE APPORTIONMENT OF THE ANNUAL OPERATING BUDGETS FOR FINANCIAL YEAR 2022/2023 AND RETREAT SCHEDULE FOR COUNTY ASSEMBLY COMMITTEES

Hon. James Mukhongo: Thank you Hon. Speaker, I wish to issue a notice of motion, that, this House adopts the report by Liaison Committee on the Apportionment of Annual Operating Budgets for Financial Year 2022/2023 and Retreat Schedule for County Assembly Committees.

Mr. Speaker: Honourable Members a notice of motion having being duly issued by the Liaison committee on the Apportionment of Annual Operating Budgets for Financial Year 2022/2023 and Retreat Schedule for County Assembly Committees, I direct the Clerk to circulate this report to the Honourable Members. It is going to form business on our Order Paper in the course of this week; as per our weekly programme as read out yesterday during the sitting of the House.

MOTION

REPORT BY COMMITTEE ON APPOINTMENTS ON THE VETTING OF A NOMINEE FOR APPOINTMENT TO THE OFFICE OF COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE AND ECONOMIC PLANNING IN BUNGOMA COUNTY

Hon. Hentry Nyongesa: Mr. Speaker I am looking at the House and I am sensing that the House is not well constituted because the Chief Whip is seated on the seat that is not reserved for him.

(Laughter)

Mr. Speaker: Honourable Members for guidance purposes as you understand our Standing Orders, there are very specific areas reserved for the leadership of the House. Now it becomes very tricky for the Leader of the House while avoiding his official sitting place and masquerading and sitting somewhere else. So Honourable Members, kindly if you have been honoured to be in the leadership of the House, just sit in your official sitting area because it is reserved for you and nobody else can sit in your chair. In your absence, it will remain vacant.

(Applause)

To lead a House is an honour, so kindly just take up your positions. You may be alone, no neighbour to talk to but just persevere.

Hon. Meshack Simiyu: Mheshimiwa Spika, Mheshimiwa Hentry Nyongesa wakati ulikua umeingia kwa *chamber* kabla hata hujafanya kitu Nyongesa alikua amekaa chini kwa sababu nilienda kumwambia *you are out of order* (amekosea kwa nidhamu)

(Applause)

Mr. Speaker: Honourable Members, if what the Whip is saying is the true picture, then Hon. Nyongesa that was wrong of you. It is not me; it is the mace of the House that you are respecting. Out there we can call you, but once you walk in, the respect is not the Speaker but the symbol of authority in the House. So I think going forward, Hon. Nyongesa we don't want to go towards that direction because it will be nasty and it has punitive measures going

by the Standing Orders. So I think for now we are learning, let us ignore the sideshows and just have the main issue at hand.

Hon. Joseph Nyongesa (Leader of Majority): Thank you Speaker but for the purposes of record, you know we are two Nyongesas here. So you are only saying Nyongesa...

Mr. Speaker: I am very specific, the Hon. Hentry Nyongesa mentioned by the Chief Whip.

Hon. Joseph Nyongesa: Thank you Speaker, at least you are now well understood. Allow me read the second report on the vetting of the nominee for appointment to the Office of County Executive Committee Member for Finance and Economic Planning in Bungoma County. Page two is table of content. Allow me start from page three.

Pursuant to Article 179(2) (b) of the Constitution, Section 30 (2) (d) of the County Governments' Act, 2012 and Section 4 of the Public Appointments (County Assemblies Approval) Act No. 33 of 2017, His Excellency the Governor nominated Mr. Chrispinus Barasa for appointment as the County Executive Committee Member for Finance and Economic Planning; Vide letter Ref. No. CG/BGM/CS/GEN/VOL.VI (22) dated 2nd November, 2022.

On Tuesday 8th November, 2022, the Honourable Speaker of the County Assembly read the Message from His Excellency, the Governor to the House pursuant to Standing Order 45 (1). The name was then committed to the Committee on Appointments for vetting and reporting to the House within twenty-one (21) sitting days; pursuant to Section 4 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 208(4).

Subsequently, the Clerk of the County Assembly while complying with Section 7 (10) of the Public Appointments (County Assemblies Approval) Act, 2017, placed an advertisement in the print media on Thursday, 10th November, 2022; inviting the public to submit memoranda by way of written statements on oath (affidavits) on the suitability or otherwise of the nominee as stipulated in the Public Appointments (County Assemblies Approval) Act, 2017. By the close of the submission deadline on Wednesday, 16th November, 2022, the Committee had not received any memoranda regarding the suitability of the nominee.

The Clerk of the County Assembly through an advertisement in the print media on Thursday, 10th November, 2022, notified the public that the Committee on Appointments would conduct the approval hearing for the nominee on Thursday, 17th November, 2022 at 9:00 a.m. This was in fulfilment of the provisions of Article 196 (1) of the Constitution, Section 7 (5) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 56(3).

On Thursday, 17th November, 2022, the nominee appeared before the Committee for the approval hearing; in accordance with the provisions of the Constitution, the Public

Appointments (County Assemblies Approval) Act, 2017 and the County Assembly Standing Orders.

May I take this solemn occasion to acknowledge the Members of the Committee for their input and valuable contributions and time during the approval hearing and deliberations during the writing of this report. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the technical support accorded to it during the exercise.

On behalf of the Committee on Appointments and pursuant to Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and the provisions of Standing Order 202 (7); it is now my duty and privilege to present to the House, the Second Report of the Committee on Appointments on the approval hearing of the nominee for appointment to the position of County Executive Committee Member for Finance and Economic Planning.

Duly signed by the Hon. Emmanuel Mukhebi Situma,
Chairperson, Committee on Appointments

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

Section 14 (3) (a) of the County Governments' Act, 2012 provides that when the County Assembly considers any appointment for which its approval is required under the Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House.

The Committee on Appointments is established under Standing Order 208(1). Standing Order 208(4) provides that the Committee on appointments shall consider, for approval by the House, appointments under Article 179(2) (b) of the Constitution.

1.2 Committee Membership

1.	Hon. Emmanuel Situma	-	Chairperson
2.	Hon. Stephen Wamalwa	-	Member
3.	Hon. Joseph Nyongesa	-	Member
4.	Hon. Anthony Lusenaka	-	Member
5.	Hon. Joan Kirong	-	Member
6.	Hon. Everlyne Mutiambu	-	Member
7.	Hon. Grace Sundukwa	-	Member
8.	Hon. James Mukhongo	-	Member
9.	Hon. Francis Chemion	-	Member

10. Hon. George Makari - Member
11. Hon. Vitalis Wangila - Member

2.0 BACKGROUND

2.1 Notification of Nominations

Pursuant to Articles 179(2) of the Constitution as read with Sections 4 and 6 of the Public Appointments (County Assemblies Approval) Act, 2017, His Excellency the Governor through the County Secretary and Head of Public Service forwarded to the County Assembly a letter dated 2nd November, 2022, referenced CG/BGM/CS/GEN/VOL.VI (22) which is (Annexure 1); forwarding the name of the person nominated for appointment as County Executive Committee Member for Finance and Economic Planning.

2.2 Notification to the House and Committal to the Committee on Appointments

The Speaker in adhering to the provisions of Standing Order 45(1) and vide a communication dated Tuesday, 8th November, 2022; informed the House of the Governor's message on the nomination of County Executive Committee Member for Finance and Economic Planning.

Pursuant to Section 7(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 56 (1), the name and curriculum vitae of the nominee was committed to the Committee on Appointments for vetting and reporting to the House on or before Thursday, 22nd December, 2022.

2.3 Notification to the Public

Article 196 of the Constitution provides that the County Assembly shall facilitate public participation and involvement in the legislative business and other business of County Assembly and its Committees.

Section 7 (5) of the Act further provides that the Clerk shall notify the public of the time and place for holding approval hearings at least seven (7) days prior to the hearings.

Further, Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that;

“any person may, prior to the approval hearings and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.”

Pursuant to Article 196 of the Constitution as read with section 7 (4), and (10) of Public Appointments (County Assemblies Approval) Act, 2017; the Clerk of the County Assembly placed an advertisement in the print media on Thursday, 10th November, 2022 (annexure 2). The advert contained a notification inviting the public to submit memoranda by Wednesday, 16th November, 2022 at 9:00 a.m. in conformity with section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017.

On Thursday, 10th November, 2022 and pursuant to Article 196 of the Constitution, Section 7 (5) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 56(3); the Clerk of the County Assembly through the print media notified the general public that the approval hearing for the nominee would be conducted on Thursday, 17th November, 2022 (Annexure 3).

2.4 Notification to the Nominee

The Clerk of the County Assembly further invited the nominee through print media to attend his approval hearing in accordance with Section 7 (4) of the Public Appointments (County Assemblies Approval) Act, 2017 (Annexure 4).

2.5 Clearance and Compliance Requirements.

On the notice of appearance for the approval hearing, the Clerk of the County Assembly notified the nominee to provide Clearance and Compliance requirements from the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB) (Annexure 3)

In complying with the above requirement, the nominee submitted to the Committee certified clearance copies issued on diverse dates as follows;

NOMINEE	KRA	EACC	HELB	DCI	CRB
CHRISPINUS BARASA	20/09/2022	14/11/2022	14/11/2022	11/10/2022	14/11/2022

2.6 Issues for Consideration during the Approval Hearings

Section 7(8) and (9) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that:

7(8) an approval hearing shall focus on a candidate’s academic credentials, professional training and experience, person integrity and background.

(9) The criteria specified in the schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate.

Additionally, Section 8 of the Act provides that the issues for consideration by the relevant House in relation to any nomination shall be:

8. The procedure used to arrive at the nominee

- (a) Any Constitutional or statutory requirements relating to the office in question, and

(b) The suitability of the nominee for the appointment proposed having regard to whether the nominees' abilities, experience and qualifications meet the needs of the body to which nomination is being made.

While conducting the approval hearing, the Committee was guided by the provisions of Section 7 (8) and (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017.

(a) Procedure for Nomination

Articles 179(2) of the Constitution of Kenya, 2010, Section 30 (2) (d) of the County Governments' Act, 2012 confers upon the Governor the power to appoint County Executive Committee Members for the approval of the County Assembly

Sections 4 and 6 (1) of the Public Appointments (County Assemblies Approval) Act, 2017 further requires the appointing authority, upon nominating a person for appointment, to notify the relevant County Assembly.

In this regard, pursuant to Article 179(2) of the Constitution and section 4 and 6(1) of the Public Appointments (County Assemblies Approval) Act, 2017, the Governor notified the County Assembly of the nomination of Mr. Chrispinus Barasa for appointment to the office of County Executive Committee Member for Finance and Economic Planning.

(b) Constitutional and Statutory Requirements

Besides the Constitution, Section 35 (2) of the County Governments Act, 2012 gives guidelines on how to appoint persons to public office. They include:-

(i) Two-Third Gender Rule

Article 27(8) of the Constitution and Section 35 (2) of the County Governments' Act, 2012 provides that the County Assembly shall take measures to implement the Principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

(ii) Representation of Regional and Ethnic Diversity

Section 35 (2) (b), (c) of the County Governments Act, 2012 provides that the composition of the County Executive shall reflect the representation of the minorities, marginalized groups and communities; community and cultural diversity within the County.

(iii) Leadership Integrity

The Committee in determining the suitability of the nominee was guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution; in particular, Article 73 (2) of the Constitution provides the guiding principles of leadership and integrity to include:-

73 (2) (a) Selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;

(b) Objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;

- (c) Selfless service based solely on the public interest, demonstrated by
 - (i) Honesty in the execution of public duties; and
 - (ii) The declaration of any person interest that may conflict with public duties
- d) Accountability to the public for decisions and actions and
- e) Discipline and commitment in service to the people.

Article 75 of the Constitution requires a State Officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties.

This Article further prohibits a State Officer who has been removed from office under it from holding any other State Office.

Article 77(1) of the Constitution prohibits a full time State Officer from participating in any other gainful employment.

Article 78 of the Constitution disqualifies a person who is not a Kenyan Citizen from appointment as a State Officer.

In addition, the Committee considered Section 10 of the Leadership and Integrity Act, 2012 which provides that

A State Officer shall to the best of their ability

- (a) Carry out the duties of the Office efficiently and honestly.
- b) Carry out the duties in a transparent and accountable manner
- c) Keep accurate records and documents relating to the functions of the office; and
- d) Report truthfully on all matters of the organization which they represent.

(c) Suitability of the nominee with regard to the nominee’s abilities, experience and qualities.

Suitability of the nominee was assessed upon scrutiny of his academic credentials, professional training and experience, integrity, background and individual qualities; as well as his performance during the approval hearing conducted on Thursday, 17th November, 2022.

2.7 Memoranda from Members of the Public in respect of the Nominee

Pursuant to Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017

“any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold office to which the candidates has been nominated”,

The Clerk of the County Assembly placed an advertisement in the print media on Thursday, 10th November, 2022 (Annexure 2) inviting the Public to submit memoranda by way of written statements on oath (affidavit) on the suitability or otherwise of the nominee. The Committee, by the close of the submission deadline on Wednesday, 16th November, 2022, had not received any memoranda from the public on the nominee.

2.8 Pre- Approval Hearing Meeting

The Committee held a pre-approval hearing meeting on Wednesday 16th November, 2022 and observed the following;-

(i) THAT, the nominee had not notified the Clerk of the County Assembly of the withdrawal of his candidature from the approval process; as outlined under section 7(12) of the Public Appointments (County Assemblies Approvals) Act, 2017.

(ii) THAT, the Committee would examine the nominee against the criteria set out in Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017.

3.0 APPROVAL HEARING OF THE NOMINEE

The Committee conducted the approval hearing of the nominee on Thursday 17th November, 2022 at 9:00 a.m. The nominee Mr. Chrispinus Barasa was vetted under oath pursuant to the Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly of Bungoma Standing Orders.

3.1 MR. CHRISPINUS BARASA: - Nominee for the Position of County Executive Committee Member for Finance and Economic Planning

Mr. Chrispinus Barasa of Identification Number 22742117 appeared before the Committee on Thursday 17th November, 2022 at 9:00 a.m.in the County Assembly Plenary. He was vetted under oath pursuant to the Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly of Bungoma Standing Orders. The Committee noted the following:

Date and Place of Birth

That the nominee is a Kenyan male born on 2nd February, 1977 in Mt. Elgon and a resident of Wabukhonyi Sub Location, Namarambi Location, Ndivisi Division, Webuye East Sub County; Bungoma County.

The nominee is a Kenyan citizen living with disability and does not hold any other citizenship.

Academic and Professional Qualification

The nominee holds a Masters of Arts in Project Planning and Management from University of Nairobi (2014). He also holds a Bachelor of Commerce (Accounting) from Kenyatta University (2005). He is currently pursuing a Doctorate of Philosophy in Project Planning and Management at the University of Nairobi.

Employment Record

The nominee is current Economic advisor to His Excellency the Governor of Bungoma County. He previously worked as Finance Officer with Lugulu Mission Hospital from 2021 to August 2022; and as Chief Officer in the department of Finance and Economic Planning between 2014 and 2019.

The nominee has also worked in various capacities in the following Organizations:

ORGANIZATION	Designation	FROM	UNTIL
Ng'arisha SACCO Society.	CEO	September 2008	April 2014
Masinde Wangila & Associates	Partner	April 2021	To date
University of Nairobi	Part time Lecturer	February 2018	To date
Kibabii University	Part time Lecturer	January 2019	To date
Devolution Administration Institute. (Dai)	Senior Consultant	November 2019	To date
FAHARI Pharmacy	Chief Accountant	October 2006	February 2007

The nominee has a cumulative 16 years' work experience.

Professional Associations

The nominee is a member of ICPAK (Member No. **19812**)

Published writings

The nominee made a publication at the University of Nairobi in 2014 titled:

Factors influencing performance of Savings and Credit Cooperative Societies in Kenya: A case study of Cooperative Societies in Kenya.

Public Office, Political Activities and Affiliations:

The nominee currently holds the position of Economic Advisor as appointed by His Excellence the Governor of Bungoma County.

In 2014, he was appointed as the County Chief Officer for Finance and Economic Planning.

Income and net worth

The nominee's estimated net worth is 44 million shillings; with his sources of income being from salary and farming activities.

Potential Conflict of Interest

The nominee submitted that should he come across any matter that was tantamount to conflict of interest while serving in the Public Office, he would disclose the interest and recuse himself from the decision making process.

That should a family related conflict arise in line of his work, he would propose for separation in areas of work with the family member in question.

Pro-bono/Charity Work

The nominee has been involved in charity work through supporting the education of needy children.

Integrity

The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

3.1.1 General and Sector Specific Questions

The Committee posed several questions to the nominee on his knowledge of the public Service to which he responded as follows:-

On the measures that he would put in place to ensure that the County conforms to the President's directive on cutting down on government expenditure by 300 Billion shillings in the current financial year; the nominee informed the committee that he would capitalize on enforcing optimum revenue raising measures and exploring linkages with potential Partners while ensuring that necessary controls are adopted towards achieving this goal.

On how he intends to deliver a balanced County Budget and ensure fiscal discipline across departments; the nominee stated that if approved, he would endeavour to; offer leadership and guidance to all the County departments and Accounting Officers, apply necessary controls, strengthen monitoring and evaluation on all County projects as well as constant consultations with the County Assembly for budgetary goodwill.

On strategies to mobilize additional resources towards funding the County's budget, the nominee stated that he would champion for;

- Proper budgeting,
- a structured revenue policy,
- approval of the updated valuation roll laws,
- enforcement of the Ward revenue collection measures,
- strengthening of partnerships with potential development partners,
- improving on financial reporting with focus on grants and donations to unlock further opportunities,
- Deploying and remunerating casual revenue collectors; and
- Enhancing the capacity of departments on their rightful mandate.

With regard to possibility of raising the ceiling of the County Assembly to match the increasing administrative and operations costs, the nominee stated that he would spearhead justified negotiations with the Commission on Revenue Allocation over the Assembly's budget apportionment; and advise the Executive on the mandate of the County Assembly vis a vis the resource basket.

On fiscal interventions to curb audit queries; the nominee stated that if approved, his focus would be on compliance with the budget programs and that any arising deviations from the appropriated budget lines would be clearly captured, explained and corrected.

Regarding how he would address outstanding obligations in pending bills owed to various contractors and service providers by the County Government, the nominee stated that comprehensive verifications will be done on the bills beforehand and any commitments shall be in line with the laid down legal and administrative procedures.

4.0 COMMITTEE'S GENERAL FINDINGS ON THE SUITABILITY OF THE NOMINEE

The Committee having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (County Assembly Approval) Act, 2017, his curriculum vitae and having heard his oral submission during the approval hearing made the following observations: -

- (1) **THAT**, the nominee is currently the Economic Advisor to His Excellency the Governor of Bungoma County.
- (2) **THAT**, the nominee meets the requirements of Chapter Six of the Constitution on leadership and integrity.
- (3) **THAT**, the nominee has not been charged in a court of law for the past three (3) years.
- (4) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the Provisions of Article 75(1) (conflict of interest) and Article 76 (financial probity).
- (5) From his submission, the nominee demonstrated knowledge, skills and experience in leadership and institutional management. He was also conversant with role of the County Executive Committee Member as well as laws and policies related to his position.
- (6) **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to the State Office since he is a Kenyan citizen born in Bungoma County and does not hold dual citizenship.

5.0 COMMITTEE'S OBSERVATION

Pursuant to Section 7(8) & (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that the nominee met the integrity threshold; demonstrated knowledge of topical, administrative and technical issues touching on the portfolio to which he had been nominated; and had the requisite abilities, academic

qualifications and professional experience to be APPROVED for appointment as the County Executive Committee Member for Finance and Economic Planning in Bungoma County.

6.0 COMMITTEE'S RECOMMENDATION

Having conducted the approval hearings for the nominee pursuant to Article 179 (2) of the Constitution, Sections 4, 7 and 8 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 208 (4), the Committee recommends that this House; Approves the nomination of **Mr. Chrispinus Barasa** for **appointment** as the County **Executive Committee Member** for Finance and Economic Planning in Bungoma County, by His Excellency the Governor.

The adoption schedule is there and signed by all Members of the Committee. So, Mr. Speaker having reached there, allow me call upon Hon. Anthony Lusenaka to second the report.

Hon. Anthony Lusenaka: Thank you Chair, I second.

Mr. Speaker: Honourable Members a motion has been moved and seconded. THAT having conducted the approval hearings of the nominee pursuant to Article 179 (2) of the Constitution of Kenya, Section 4, 7 and 8 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order number 208(4), the Committee recommends that this House approves the nomination of Mr. Chrispinus Barasa for appointment as the County Executive Committee Member for Finance and Economic Planning in Bungoma County by His Excellency, the Governor. I propose.

Hon. Francis Chemion: Thank you Speaker, I rise to support what has been read to us by our leader. Mr. Chrispinus Barasa a man born in Mt. Elgon and ...

(Loud consultations)

Mr. Speaker: Honourable Members, be very silent. What he is reading is what is in the report.

Hon. Francis Chemion: That is where he was born.

Mr. Speaker: That is the true picture, proceed.

Hon. Francis Chemion: He is a resident of Webuye although sometimes he stays in Kimilili but as per the documents, he is a resident of Webuye, as per the ID. From our interrogation and vetting, this guy is competent enough to handle the docket of Finance. He has a vast knowledge on how to run that docket. He was able to enumerate to the committee the plans that he will put in place; he talked of how he will handle revenue issues, how he was going to handle even the dual carriage way, issues that we have been having and how he is going to handle the casuals. You remember we have a petition before this House about the casuals. He said he was going to work on a way to handle that issue because even in the Finance

department, we have casuals who have not had their pay for more than six months and they are still on duty collecting revenue every day.

I would urge the House that this is a guy that satisfies almost all the parameters and again he is representing another constituency of our population, the constituency of our People Living with Disability. Solely, he may have even been picked also to represent that so that you know that the Constitution talks of inclusion, Article 10 of the Constitution, and the Governor may have decided to ensure that that Article is fulfilled and therefore on behalf of the People Living with Disability, we now have one of the CECs who is going to represent that Constituency.

Also if the House and I am sure this House is going to approve him, he is the one who will unlock many activities that are not taking place right now. He is the engine; the person in charge of the Treasury is part of the engine that will unlock if there are other things. I can see my chairman is seriously looking at me Speaker; you should tell him to look at the Speaker not me; my Chairperson Finance Committee. Is he happy with what I am saying?

Mr. Speaker: How did you see him in the first place?

Hon. Francis Chemion: Mr. Speaker, I have to look at my Chairperson when I am contributing, although it is not the practice in this House, because I am supposed to go through the Chair of the House who is the Speaker.

Mr. Speaker, I urge the House that we have a nominee who has all the potential to run the Treasury. I urge my Chairperson who is with us here, that when we approve this nominee, let the department run first so that all other things that are pending run. Thank you, as I urge the House to approve this nominee.

Hon. Hentry Nyongesa: Thank you Mr. Speaker. First I wish to applaud the Committee on Appointments for carrying out this noble activity for this County. As a Member has indicated, many activities are pending due to lack of the officer in charge of finance; the CECM. I listened to the Leader of Majority reading through the report and all the corners were touched. The nominee they are referring to Mr. Chrispinus is somebody conversant with this County and he has previous worked in this County for many...

Hon. Milliah Masungu: *(On a point of information):* I want to inform the Honourable Member that we did finish the work of the CECMs and we are now handling the Chief Officers. I think he is the Chief Officer Finance?

Mr. Speaker: Hon. Milliah, you are out of order! I think Members she was seeking your attention which she has managed to get. You can proceed Hon. Nyongesa.

Hon. Hentry Nyongesa: Thank you Mr. Speaker. I think this is a challenge of afternoon sessions as Members are always in a resting mood. I was talking about the CECM Finance Mr. Chrispinus Barasa whom the Leader of Majority has tabled a report on in this House. I was saying that this is one man who worked at almost all levels in this county. You can

imagine the person we are talking about started working in Misikhu Mission Hospital at the lowest level...

Mr. Speaker: That is not part of his curriculum vitae.

Hon. Hentry Nyongesa: Mr. Speaker, I listened to the leader as he took us through...

Mr. Speaker: Misikhu Hospital and Lugulu Mission Hospital are different hospitals.

Hon. Hentry Nyongesa: ...Lugulu Mission hospital where he worked in the position that was mentioned and the guy has risen through many sectors. Above all, this is a person who was in charge of all finances in this County for a period of about seven years. We began with him in devolution when he worked as Chief Officer in charge of Finance. He has worked with the previous government for close to two years in charge of Finance. You may realize as the report was being read in this House; he is one person who has no integrity issues. He has not been interrogated in this House for misuse of finances. We are referring to somebody who is equal to the task and somebody who can protect the property and the welfare of this County.

As one Member indicated, we also want to thank the Governor Hon. Kennedy Makelo Lusaka for looking around and ensuring that he forms an inclusive government. Under the affirmative action, it is illustrated clearly that the government formed should be inclusive. Mr. Barasa is a Person Living with Disability; it is just a physical disability and listening to him you will agree he is vast with knowledge. I know that People Living with Disability are happy to have Mr. Barasa represent them in the County Government of Bungoma.

I support this report and how I wish it could have been tabled earlier so that the County can go back on track.

Hon. George Makari: Thank you Hon. Speaker. Before I proceed to support the report, you realize Hon. Chemion complained that Hon. Mukhongo was looking at him. I also want to complain that Hon. Milliah was just staring at me; until she forgot that we are discussing about a CECM and telling us that we are discussing about a Chief Officer. Hon. Speaker, I said last time that you should always excuse and pardon her.

Hon. Speaker, I support this motion. First of all I want praise the Appointments Committee chaired by none other than the Hon. Speaker of this County Assembly and the report was ably read by our Leader of Majority Hon. Nyongesa. Hon. Speaker, disability is not inability. I want to attest that the nominee whom we want to endorse this afternoon and I doubt if one of the qualifications for being nominated to this seat is disability. This is a man who has risen above disability; he is an alert CECM. When he was Chief Officer Finance Hon. Speaker, if thoroughness was a name, we could give this nominee Chrispinus Barasa the name 'thoroughness'.

(Applause)

For those people that have dealt with Chrispinus Barasa in the County Government; I am glad Hon. Ali Machani Mutoka, Hon. Nyongesa, Hon. Mukhongo, Hon. Hentry Nyonyesa, Hon. Milliah, Hon. Mutiambu and all those members here that were in the first government of Hon. Lusaka can attest to the work that has been done by this nominee. It is a plus that the same nominee has again been appointed as a CECM. In the last regime, he was appointed as a Chief Officer and his thoroughness was paramount. Now he is coming in as a CECM; he knows the docket of finance inside out; he is an old hand in this field. I doubt if we require a lot time to debate to approve this nominee. It is my prayer that you put the question as I can see Hon. Balala is looking at me in affirmation, so that we can approve this nominee.

Hon. Evertone Nganga: Thank you Mr. Speaker. The nominee for finance Mr. Barasa is one person whom I understand well. He was the Chief Officer, Finance, which means he was an Accounting Officer. Chrispinus Barasa being the Chief Officer in the previous government of Hon. Lusaka between 2013 and 2017 has never been mentioned anywhere for messing up with the county funds. He did not involve himself in economic crimes. He is a good person and a person who deserves to handle the department of Finance.

Looking at his academic credentials or professional qualifications, this guy is a member of ICPAK. He has the requisite papers. The nominee, when I was a Member of Finance Committee before he left to do other duties elsewhere, this guy could articulate issues. He could handle problems in that department well when he was the Chief Officer. This is a guy who deserves and again he is representing the universe of the Persons Living with Disability; he is the right person to handle that docket. Thank you Mr. Speaker, I support the report.

Hon. Ali Machani: Thank you Hon. Speaker. First of all, I want thank the Committee for what they have done basing on the speed with which we are moving and I am aware that we have a new Governor; the one who started this County in 2013. By supporting this report, it is a living testimony that one Chrispinus Barasa is a person who has been working with this County. He served in the first regime and also managed to serve in the second regime under Wycliffe Wangamati as Governor.

Hon. Speaker, as one of the Members said before, Chrispinus Barasa away from being a Person Living with Disability; he has never dwelled on that; he relies on his academic papers. Two, he is one person who managed to traverse in the two governments and as you are aware that in a political environment, there are few members of staff who can serve in one different entity and also serve in a new entity. I am saying that most of the staffs when appointed, sometimes, do not even wait until their person disappears for six months; they will always write a letter of resignation but this one Chrispinus Barasa is very steady.

When we go to history and the HANSARD, I can remember Chrispinus Barasa when he was appointed first, he was not appointed in Finance. His name was brought in under Trade but it was only this House that went through the person who was appointed as a Chief Officer for Finance and on Trade and the Assembly gave some guidance to the first Governor of this County Government none other than His Excellency, Ken Lusaka.

Today we are talking about Chrispinus Barasa, he is a financial wizard who is more ready to guide the executive on matters touching on Finances. This is a living testimony. When we proposed his name for Finance, when the name was brought again on this floor, the Members of first County Assembly unanimously approved this man and he proved to us that he can serve the people of Bungoma.

In most cases, you are aware that leaders even where I sit, if you did not support me, I will not want to favour you. But this man who served in the first regime which we can say, yes, maybe he was for that regime but the second regime he was not for Wangamati because he did not participate in elections or campaigns. From where I sit, he managed to serve the Government that left recently until and when even the former Governor requested him to continue serving in the last Government.

This man I would want to agree with my colleagues that he has not been given any favour. It is all about what he did in terms of performance, his academics and he has even proved to the County that if we have such children with disability challenges in our homes, let us take them to school and also I can agree with the report that this man if moved from one sector to another he can work well. After serving in the first Government under Lusaka, the nominee also worked in the Government of Wangamati, where he was acting in the ministry of Health and Sanitation and he did very well.

Even some of the senior staff members were complaining, because some of them were just relaxing in offices but he is one person if money is allocated to your sector and you do not use the money properly, he will always tell you the truth. I can remember during the first regime when I was the Chairperson, Budget and Members like Hon. Juma Nyongesa will agree with me that when he appeared before the Budget committee, he was more than ready to defend the allocations to every sector minus being biased.

We cannot belabour much on Chrispinus; let us allow him to get into office. Let him assist us fast-track now that we have the supplementary budget. We have so many things that are pending before us as elected leaders. We are aware that our projects are supposed to be fast-tracked. As a Government, we need to move; we cannot keep on complaining and thinking about the past. Let us give him time, let him serve our people. We will cross the bridge as we get there.

Hon. Johnston Ipara: Thank you Hon. Speaker for allowing me to rise and support the motion on appointment of Chrispinus Barasa to a very sensitive department of Finance and Economic Planning. After listening to the Leader of Majority, I am convinced that this great son of Bungoma County is capable; he has the knowledge and the skills to spearhead this particular ministry. I am also convinced that this man that is being recommended for appointment to the department of Finance and Economic Planning will make sure all revenues collected in every corner of this County will be taken care of and utilised well.

I also believe that this particular son after listening to the experiences that he has obtained within the County will make sure every penny collected will be expended on approved projects and on projects that have been implemented on the ground. He will also be a good product for us to make sure that he coordinates the payment of services and works that the County and the people of Bungoma County have and more so, he will also be a good custodian of all debts that the County will be incurring and make sure that at least we do not

carry forward pending bills. Based on that, I recommend and propose with passion that this Honourable House approves one Chrispinus Barasa to the position of CEC Finance and Economic Planning, I submit.

Mr. Speaker: Thank you. Hon. Simotwo you are sitting here and you want to contribute. Because your microphone is on you will have to speak.

(Laughter)

You can just say I support then I move on!

Hon. Frankline Simotwo: Thank you Mr. Speaker. Allow me to support the appointment of one Chrispinus Barasa for the position of the CEC - Finance. I know this is a docket which is very crucial to this County that runs and gives the Government the ability to run its programmes.

Maybe I was restless, getting out and in just because Honourable Members when we are here, we are attending to other issues from a distance; but allow me to say this; that I know this is the last CEC that has been now put in place in this Government of Bungoma which I belong to as one of the Members of Ford Kenya in Mt Elgon. But one of the issues that I want to comment on is that the CEC - Finance who Hon. Chemion has said represents a constituency of disability, but I want to comment on the issue of the marginalised and minorities.

As we speak here, there are the Ogieks who have no appointment, not even a Directorship. The person that we have with the highest rank is a Ward Administrator. I think as we end this appointment, we should be on record that in future appointments, the Ogiek will also be considered.

I know the other time we went to court and never succeeded during our former regime under Governor Wangamati and I think because today I am in Government, I do not know whether to go to court or I will be considered. I do not know because I will be left in dilemma if I go to court. Maybe I will be suing my own Government, but this is my point, that as we wind up these appointments, these people should be considered for appointment and other jobs that are in Government. That is what I was to speak on today because in record, I will be judged if I will not speak about them. This will go on record so that in future if they go to court, they will come to find that I have really made an effort in speaking for them.

(Applause)

Mr. Speaker: Thank you Hon. Simotwo, I will have Hon. Nyongesa reply to the motion.

Hon. Joseph Nyongesa: Thank you Mr. Speaker. First and foremost, let me appreciate all Members who have contributed to the report both in silence and talking, because looking at the mood, they are in support. As my colleague sits down, it is when I am learning that the Ogieks are not Sabaots; but now given that he represents the minority in Mt. Elgon. As a Government, we are not done; we shall ensure that the Ogieks are also given an opportunity to serve in this County because we have a lot of appointments. We have the Chief Officers and even the Directors and you know when you are running a Government, you should include every person so that at least in every corner, you are felt.

As we support the nominee, we won't forget as my senior Hon. Ali Machani was saying that actually we worked with this nominee Chrispinus Barasa since 2013-2019. He was a much focussed person, very reliable and could stand with his word. He could advise where possible and there is one unique thing when he decided to resign from the last Government; most of us were so much worried, but when we reached him, he told us that he had tried to advise on the issue of corruption and he stood firm and said, "I better move out of this Government than being part of it."

He is one person who stands with his word and with him through; he will help this County in terms of advisory, seniority, memory so that at least we move forward. Lastly, allow me also appreciate his Excellency, the Governor for rewarding his Chief Officers into sitting in the cabinet, because as we approve the last person he is now number three; because we had Salano and Kibunguchy. They were Chief Officers and when working with somebody you need to up your game so that when he comes in power, he will also reward you. So we are also telling our staff here that if you work well, you will also be rewarded.

I appreciate the support from Members and still request and urge them to support and approve this nominee for the betterment of this County.

Mr. Speaker: Thank you Hon. Joseph Nyongesa our Leader of Majority. Honourable Members, I will be doing the last portion of this report. A motion having been moved and seconded and debate having ensued that pursuant to article 179 (2) of the constitution of Kenya, Sections 4, 7 and 8 of the Public Appointments (County Assemblies Approval) Act, number 5 of 2017 and Standing Order 208(4), the committee recommends that this House approves the nomination of Mr. Chrispinus Barasa for appointment as the County Executive Committee Member for Finance and Economic Planning in Bungoma County by His Excellency, the Governor.

(Question put and agreed to)

The ayes have it.

(Applause)

This House approves the nomination of Chrispinus Barasa for appointment as the County Executive Committee Member for Finance and Economic Planning in Bungoma County by His Excellency, the Governor of Bungoma.

Consequently, the Clerk should comply with the law by forwarding the name of the nominee to the Executive; for formal appointment by His Excellency, the Governor.

(Applause)

Honourable Members, looking at the Order Paper, that was the only motion. We will adjourn our sitting and resume tomorrow Thursday 24th November, 2022 at 2:30 p.m.

(House adjourns)