

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY, 2ND MAY, 2024

Afternoon Sitting

Third County Assembly

Third Session

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COUNTY ASSEMBLY OF BUNGOMA
THE HANSARD- OFFICIAL REPORT
THURSDAY, 2ND MAY, 2024

The House met at the County Assembly Chamber at 2:30 p.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

1. COMMUNICATION FROM THE AZIMIO COALITION

I had promised to make a communication from the Azimio Coalition which I think is being printed out. In a short while, I will make that communication. Proceed!

PAPERS

1. REPORT BY THE COMMITTEE OF POWERS AND PRIVILEGES ON THE 2023 BI-ANNUAL DECLARATION OF WEALTH BY THE HONOURABLE MEMBERS

Paper laid by Hon. Brigid Katasi

Mr. Speaker: Honourable Members, the report by the Committee of Powers and Privileges on the 2023 Bi- annual Declaration of Wealth by the Honourable Members is hereby tabled and formally becomes a property of this House.

2. REPORT ON AGRICULTURAL INPUTS AND SERVICES SUPPORT GUIDELINES, 2023, AND THE BUNGOMA AGRICULTURAL LAND LEASE GUIDELINES, 2023

Paper laid by Hon. Wafula Waiti

Mr. Speaker: Honourable Members, the report by the Sectorial Committee on Agriculture, Livestock, Fisheries, Irrigation, and Cooperative Development on Agricultural Inputs and Services Support Guidelines, 2023, and the Bungoma Agricultural Land Lease Guidelines, 2023 is hereby tabled and it formally becomes this property of the House.

Honourable Members, you ought to understand that age is a factor. Proceed!

NOTICES OF MOTION

1. REPORT ON 2023 BI-ANNUAL DECLARATION OF WEALTH BY HONOURABLE MEMBERS

Mr. Speaker: Yes, Hon. Katasi, Vice Chair of the Committee!

Hon. Brigid Katasi: Thank you Mr. Speaker Sir. I rise to give a notice that this House adopts the report by the Committee of Powers and Privileges on the 2023 Bi- Annual Declaration of Wealth by Honourable Members.

Mr. Speaker: Honourable Members, a notice of motion having been duly issued that the House does adopt the report by the Committee of Powers and Privileges; I do ask the Clerks-at- the- Table to share this report in advance. Once the House resumes from its long recess, it will form part of our Business.

2. REPORT ON AGRICULTURAL INPUTS AND SERVICES SUPPORT GUIDELINES, 2023 AND THE BUNGOMA AGRICULTURAL LAND LEASE GUIDELINES, 2023

Mr. Speaker: Hon. Wafula Waiti, proceed!

Hon. Wafula Waiti: Thank you Mr. Speaker. I rise to issue a notice of motion that this House adopts the report by the Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on Agricultural Inputs and Services Support Guidelines, 2023 and the Bungoma Agricultural Land Lease Guidelines, 2023.

Mr. Speaker: Honourable Members, a notice of motion has been issued by the Sector Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development on Agricultural Inputs and Services Support Guidelines, 2023 and the Bungoma Agricultural Land Lease Guidelines, 2023. I urge the Clerks-at-the-Table to share this report with Honourable MCAs as the same is going to form Business once the House resumes its sittings.

QUESTIONS

1. QUESTION BY MEMBER FOR TONGAREN WARD, HON. JOHNSTON IPARA TO THE CECM -
EDUCATION AND VOCATIONAL TRAINING

Mr. Speaker: Hon. Ipara, you proceed!

Hon. Johnston Ipara: Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order No. 49; I hereby seek for answers from the County Executive Committee Member for Education and Vocational Training. This is in relation to lack of capitation and other crucial disbursements since the current Financial Year 2023-2024; to the Vocational Training Centres in the County.

In response, let the CECM inquire and answer the following;

1. How much cash has been disbursed to the Vocational Training Centres across the county as capitation from July 2023 to date and state the names of the Vocational Training Centres that benefited?
2. How much has been disbursed to the Vocational Training Centres for administration purposes and other important vocational training programs from July 2023 to date and state the name of the Vocational Training Centres that benefited.

3. What is the Department doing to salvage the current sorry state of the County Vocational Training Centres caused by lack of financial support? I submit.

Mr. Speaker: Thank you, Honourable Members. I have looked at the items that are being sought here.

The CECM for Education will appear before the Whole House because it is an issue that is touching on all the 45 wards. We look at our calendar. We will have it on the 11th of June at 2:30 p.m. So, the CECM should be informed to prepare and come before the Committee.

2. QUESTION BY MEMBER FOR TONGAREN WARD, HON. JOHNSTON IPARA TO THE CECM - FINANCE AND ECONOMIC PLANNING

Mr. Speaker: Hon. Ipara, you proceed.

Hon. Johnston Ipara: Hon. Speaker Sir, Pursuant to the provisions of Standing Order No. 49; I hereby seek for a response from the County Executive Committee Member for Finance and Economic Planning on underperformance of revenue collection in the County. In the response, let the CECM inquire and answer the following.

1. How many Revenue Officers do we have in the County and specific to each ward?
2. How many Licensing Officers and Clerks are there in the County and in each ward?
3. What was the target for revenue collection for the Financial Year 2022-2023?
4. What were the hindrances for the achievement of the targets?
5. What control measures have been put in place to mitigate the challenges experienced in the achievement the targets?
6. Are there corruption practices in the County that can be attributed to not realizing the revenue targets? If yes, what action has been taken? Why was the current Revenue Officer for Tongaren transferred back to Tongaren despite having a bad record of service while previously serving there?
7. State the reasons why the Director of Revenue is unable to supervise the staff under him to realize the set revenue target as the current revenue is dwindling.
8. In the recent times, the County contracted automation of revenue collection across the County. Has it assisted the County realize her revenue collection dream? How secure is it? How much did it cost the County to source for it? And is it still a viable project?

Hon. Speaker, I submit.

Mr. Speaker: Thank you. The only challenge I have is regarding your question number six on the CECM Finance is that if you are the one to come and answer here, what would you be saying? If there are corruption practices, how does he know that there is corruption and he has not been able to have it arrested? The rest are very much in order; but for number six, I think you must find a way of dropping it. Because it sounds like the CECM- Finance knows that there are corrupt people in the system and he can't have them arrested. We look at it and advise them accordingly.

So you will have your feedback on 11th of June, 2024 in the 2:30 p.m. session.

MOTION

1. REPORT ON THE SHORT-TERM CONTRACTUAL POLICY FOR BUNGOMA COUNTY PUBLIC SERVICE

Mr. Speaker: Hon. Tony I am told the Committee chose the Chair himself to move the report.

Hon. Tony Barasa: Thank you Hon. Speaker.

Report on short-term contractual policy for Bungoma County Public Service.

Chapter One

The Policy was tabled on 21st of November, 2023 and consequently referred to the Committee for consideration and reporting back to this House pursuant to Standing Order No. 217 (5) (h) of Bungoma County Assembly Standing Orders.

The Committee sought views from the public through the notice on the Standard Newspaper on Thursday, 22nd of February, 2022, as annexed, where members of the public were invited to submit written memoranda on the Policy on or before Thursday, 29th of February, 2024.

It is therefore my pleasant duty and privilege on behalf of the Sectoral Committee on Public Administration and ICT to table this report on the Short-Term Contractual Policy for Bungoma County Public Service and its recommendation to the Assembly for its consideration.

The Committee on Public Administration and ICT is constituted under Standing Order No. 217(1) of the County Assembly of Bungoma Standing Orders and whose mandate pursuant to Standing Order No. 217 (5) shall be, among others:

a) Investigate, inquire, interrogate, report on all matters relating to the mandate, management activities, administration, operation, coordination, control, and monitoring of the budget.

Committee Membership

The Committee in Public Administration and ICT comprises of the following Members;

1. Hon. Tony Barasa- Chairperson
2. Hon. Caleb Wanjala- Vice-Chairperson
3. Hon. Stephen Wamalwa- Member
4. Hon. Joseph Nyongesa- Member

5. Hon. Jack Wambulwa-	Member
6. Hon. Busolo Sudi-	Member
7. Hon. Francis Chemion-	Member
8. Hon. Simotwo Franklin-	Member
9. Hon. Grace Sundukwa-	Member
10. Hon. Cornelius Makhanu-	Member
11. Hon. Timothy Chikati-	Member
12. Hon. Steve Kaiser-	Member
13. Hon. Jeremiah Kuloba-	Member
14. Hon. Job Mukayandali-	Member
15. Hon. Bridgid Katasi-	Member

Legal Framework

In the context of legislation, a policy is a document which outlines what our government aims to achieve for the society as a whole. All policies start off as an idea. It may be an idea of a Member of the Executive wing of the County Government, bureaucratic legislation, and stakeholder group, or individual citizen.

The provision of Article 185 of the Constitution of Kenya, 2010 on legislative authority of the County Assemblies, are very clear, and state that among others; a County Assembly may receive and approve plans and policies for;

- a) Management and exploitation of the county's resources, and
- b) Development and management of its infrastructure and institution.

Public Participation

The Constitution obliges the state and all state organs to ensure adequate public consultation on all public policies, legislation, or any decision that is likely to impact on the people of Kenya. Failure to factor in the mandatory requirement of the public participation exposes the

legislative instrument or policy framework to constitutional challenges of legitimacy, hence making it a questionable for unconstitutionality in a court of law.

The requirement of the Committee to conduct public participation on their policy is a constitutional imperative from Article 196 (1) (b) of the Constitution, which provides the County Assembly shall facilitate public participation and involvement in the legislative and other Business of the Assembly and its committees.

CHAPTER TWO

Consideration of the Short-Term Contractual Policy for Bungoma County

Background Information

Bungoma County is one of the 47 counties created by the Constitution of Kenya. The County Government of Bungoma is mandated to perform various functions as outlined in the Schedule IV of the Constitution. Consequently, the County Government of Bungoma is obliged to offer quality, efficient services to its citizens.

Currently, the County Government is made up of 6,880 employees who offer services through 10 departments. In recent years, the demand for its services has been increasing, creating a need for seasonal or short-term jobs for skilled and unskilled workers. Short-term contractual employment is one way in which the County Government could adopt to engage employees to perform tasks for a definite time period, ranging from six months to three years.

Short-term contractual employment has the same features such as employers' expectations, remuneration, and salary as a regular employment. However, the short-term employment has a fixed start and end status. The advantage of this form of employment is that it offers the County Government some flexibility in its staffing options, and it can be extended if the need for their services still exists.

There are 806 casual or contracted employees within the County Government of Bungoma who have been engaged to perform critical tasks such as cleaning, clerical officers, cooks, among other tasks. However, the engagement of these short-term contracted employees has been disjointed and unstructured due to the lack of a clear policy framework to guide the process. These are various challenges that are faced by the county government when dealing with the issue of short-term employment.

Some of the challenges include;

- a) Lack of standard for recruiting the short-term employee since each county department or agency engages them on its terms.
- b) Delayed payments leading to low morale among the short-term employees and frequent strikes.

- c) Absence of clearly defined terms and conditions of service for the short-term contract workers causing anxiety due to uncertainties over their security of tenure.
- d) Poor remuneration leading to rambunctious and unethical practices among workers.

Objectives of the Policy

The overall objective of the policy is to provide a mechanism of engaging on short-term contractual to the citizens of Bungoma County. The specific objectives are to;

- a) Ensure a well-coordinated and structured short-term contractual employment program.
- b) Develop standards and procedures for engaging workers on short-term contractual terms.
- c) Provide for efficiency and effectiveness in management and implementation of the short-term contractual employment programs.
- d) Provide a framework for monitoring, evaluation, and reporting for improvement and sustainability of the short-term contractual programs.

Rationale for the Policy

The main challenge facing the County Government of Bungoma is the large number of casual workers who are engaged in various departments and agencies. The process of engaging these workers has been unstructured and uncoordinated leading to several litigation and a heavy financial burden to the County Government. In addition, lack of standards has led to the engagement of workers without proper planning.

The County Government of Bungoma is keen on streamlining the process of engaging short-term contractual employees so as to enhance their contribution to the development of the county.

This policy will therefore provide a mechanism for engaging and managing short-term employees in Bungoma County, by specific standards and procedures for engaging short-term contractual employees, terms and conditions of service, as well as obligations to the County Government and employees.

Compliance with the Policy and Standards and Policy Review

Compliance

This Policy should be applicable to all stakeholders to ensure effective implementation of this program. Compliance in this Policy implies adhering to guidelines, standards, operating

procedures and regulations. Standards set out in this policy document will guide the implementation processes that are applicable across the County Government structures.

Compliance requirements and obligations therefore include;

- a) Reporting obligations according to agreed forwards
- b) Abiding by the principles of the policy
- c) Abiding by the agreed quantity, time and standards. These shall be defined and agreed with stakeholders.

Non-Compliance

Non-compliance of this policy shall be managed in accordance with the relevant legal and regulatory provisions.

Review of the Policy

This policy will be reviewed through a participatory process after every three years so as to capture relevant developmental and emerging practices and approaches. There shall, however, be a continuous review process of the policy.

CHAPTER THREE

Committee's Observations

The Committee having scrutinized the policy, made the following observations;

1. The policy is self-executing,
2. The Committee notes with concern the non-implementation of the previous policies and legislation by the Executive; and reiterates that the County Assembly cannot legislate in vain, but it does so requiring full implementation of the policy.
3. Clause 3.4 of the Policy provides that a short-term contractual employment opportunity shall be open to citizens of Bungoma County only, which is contrary to Article 27.4 of the Constitution of Kenya and the Employment Act, 2007.

Committee's Recommendations

Mr. Speaker, Sir, the Committee notes that short-term employment is a devolved function of the County Government and that the Policy is based on county needs; therefore the Committee recommends that the House approves the Policy with the following comments;

1. That the title of the Policy be changed to Bungoma County Short-Term Contractual Employment Policy.
2. That the Department shall take deliberate and appropriate steps and strategies to fully implement this policy since it is self-executing; and further, legislation required in the course of the implementation shall be considered.
3. That the County Government shall take a proactive approach of mobilizing more funds to facilitate the implementation of this Policy.

4. That Clause 3.4 of the Policy should be amended to make the short-term contractual employees' opportunities open to all Kenyan citizens so as to comply with Article 27.4 of the Constitution of Kenya and the Employment Act of 2007.

Conclusion

The Committee is cognizant of the fact that the short-term contractual policy of Bungoma County Public Service will provide a mechanism of engaging and managing short-term employees in Bungoma County. Therefore, the Committee recommends this House considers this Policy. Hon. Speaker, that is the end of the report; it is well adopted. I now call upon the Vice Chair of this Committee to second the report.

Hon. Caleb Wanjala: Thank you Hon. Speaker. I would like to appreciate my Chair for having read the report so well. I think this is going to help our County in terms of reducing the wage bill and at the same time, also in terms of professionalism; because if we have contracted workers, they will be efficient when it comes to their work. I second the report.

Mr. Speaker: Honorable Members, a motion has been moved and seconded. That this House adopts the report by the Sector Committee on Public Administration and ICT on the short-term contractual policy for Bungoma County Public Service, laid on the table of the House on the 30th of April, 2024.

(Question proposed)

Honorable Members, when you don't see any requisition to speak, it simply means that Members have understood and internalized the report. They don't require saying anything on top of what has been said to them.

(Question put and agreed to)

The ayes have it.

The report together with the recommendations is adopted.

(Interruption of Business)

COMMUNICATION FROM THE CHAIR

1. COMMUNICATION ON THE REMOVAL OF HON. ALI MACHANI FROM THE COUNTY ASSEMBLY SERVICE BOARD

Honourable Members, as I had earlier indicated that before we adjourn, I will give a communication to the House. This communication is emanating from the Azimio Coalition. My Office received a communication on the 22nd of April, 2024 from the Azimio Coalition

regarding a change and replacement of Hon. Ali Machani Mutoka from the County Assembly Service Board with the Hon. Anthony Lusenaka. Honorable Members, the Office of the Speaker does not engage in political coalitions, parties' affairs or nomination of members to serve either in the leadership ranks or committees.

Kindly Members, take your seats.

(Honourable Members resume their seats)

However, the Office of the Speaker is duty-bound by law and Standing Orders to ensure all businesses are transacted procedurally and within our own procedures as per the Standing Orders and the law.

Honorable Members, I went through the communication and observed as follows;

The communication was done by the Minority Chief Whip - Azimio Coalition, Hon. Milliah Masungu conveying the decision of the meeting held on 19th April, 2024. Members resolved to replace Hon. Ali Machani Mutoka at the County Assembly Service Board with Hon. Anthony Lusenaka. The notice of meeting is signed by the Deputy Minority Whip, Hon. Vitalis Wangila convening the meeting of the Azimio Coalition. The only agenda was representation on various committees.

The members present at the meeting according to the minutes were 13; while according to the attendance register, there were 12 members. For example, Hon. Everton Nganga is indicated in the minutes as present but in the attendance register, he is absent.

In the normal circumstances, then this clearly indicates either the minutes are a forgery or the attendance list is a forgery. The communication done by the Minority Chief Whip, Hon. Milliah Masungu is inconsistent with the agenda of the meeting. Even if for the benefit of doubt, the agenda was amended during the meeting, then it should have been indicated in the minutes by the proposer and the seconder.

This kind of conflicting communication leaves us thinking why the agenda of the meeting held on 9th could have the express agenda of replacement of Hon. Ali Machani Mutoka on the County Assembly Service Board. Honorable Members, let me remind you the import of Standing Order No. 175(1) and I quote;

Nomination of Members of Select Committee

Unless otherwise provided by any written law or with these signing orders, the Committee on Selection shall, in consultation with the County Assembly Parties, nominate members who shall serve on a select committee.

Point to note in the Signing Orders

In nominating members to serve in the various select committees, our Standing Orders are clear. The wording "Signing Orders' clearly say, as I quote;

‘Unless otherwise provided by any written law or with these signing orders, the Committee on Selection shall, in consultation with the County Assembly Parties, nominate members to serve in the committees.

In this case, the nomination or removal of a Member of the Board is not provided for in the Standing Orders, but rather is well-captured in the County Assembly Services Act, 2017 and the County Government Act, 2012. This is so since the Standing Order No. 175 has stipulated that if there is any law guiding the process, then it should be observed accordingly.

Honourable Members, comparatively, in the National Assembly of the National Parliament of Kenya on Tuesday, 16th June, 2020, the Speaker made a ruling regarding the procedure for the revocation of the appointment of a member of the Parliamentary Service Commission, which is equivalent to our Board, by Hon. Dr. Amolo Otiende, seeking direction on the matters of intention by his party- ODM, to institute changes in the composition of the Parliamentary Service Commission by removal of Hon. Aisha Jumwa from the Parliamentary Service Commission.

In the ruling, the Speaker made the following ruling, and I quote;

‘The membership of the Parliamentary Service Commission cannot be equated to membership of a Committee of Parliament from which a member may be de-whipped, under Standing Orders No. 176. With these references, the House will agree that the Commission of the Parliamentary Service ought to be beholden to any partisan interest in the execution of his or her duties, as doing so would be an insult to the Constitution.

Members must also be cautious to note that the removal process are aimed at checking on the conduct and capacity of members of the constitutional commissions, and hence should not be instigated.

Where there are no defined grounds touching on the competency, capacity, and integrity of a Commissioner, it is also a fundamental right that any panel that has been or is likely to be adversely affected by the administrative action; the person has a right to be given written reasons for the action. The court has also been very specific and emphatic on the need for Parliament to adhere to the requirements of the Fair Administrative Action in conducting the removal process of members of the constituent commissions and independent offices.”

Further, allow me refer to the employment and labor relations court in Bungoma petition number **E010 of 2022, Vincent V. Akasi, Kakamega County, Assembly Service Board, and another interested parties; Constitution Petitions E010 of 2022 Kenya Law report, labor relations court page number 13380 KLR December 2022 ruling. In the matter of the removal of the Member representing the Minority Party in the County Assembly Service Board;** where the Court observed as follows and I quote...

Kindly take your seats Honourable Members...sorry for keeping you waiting.

(Honourable Members move from the bar to their respective seats)

I quote paragraph number 21- 'It is not in dispute that the respondent is a Member of the County Assembly Service Board nominated by the Assembly to represent the minority side of the Assembly under Section 12(3) (c) of the County Governments' Act.

There are other members appointed from the general public under Section 12(3) (d) of the County Governments' Act.'

Paragraph 22- 'the dispute appears to the Court to be interpretation of whether Section 10(1)(2) and (3) of the County Assembly Services Act is applicable to the respondent, who is also a Member of the County Assembly nominated by the Assembly to represent the minority side of the Assembly.

Paragraph 24- "Section 12(3) of the County Governments' Act describes membership of the County Assembly Service Board to include two members of the County Assembly nominated by the political parties represented in the County Assembly according to their position of the Members of the County Assembly. It is under this provision; the respondent was nominated by the County Assembly to represent the minority side of the Assembly. Paragraph 25, Section 12(d) and 12(5) describes composition of the Assembly Service Board, which includes the above two members of the Assembly as nominated by the Assembly."

Paragraph 26 states, "Section 58(5) (b) of the County Governments' Act provides that, members of the Board may only be removed from office by vote of not less than 75 per cent of all Members of the County Assembly."

Paragraph 27- "Section 10 of the County Assembly Services Act provides for removal of persons appointed as a Member of the Board under Section 12(3) (d) of the County Governments' Act."

Paragraph 28- "Section 12(3) (d) of the County Governments' Act reads, one man, one woman appointed by the County Assembly from among persons who are experienced in public affairs but are not members of the County Assembly.

The Court agrees with the petitioner that Section 10 of the County Assembly Services Act is not applicable to the removal of the respondent."

Paragraph 29- 'the question of lack of jurisdiction of the court on the basis of the removal of the respondent lies with the County Assembly still remains. The petition submits there are no provisions of the law for removal of the respondent by the Assembly."

Paragraph 30- "the answer that propositions the court to consider Section 58(5) (d) as the appropriate provision for the law for removal of the Members of the County Assembly

Service Board nominated like the respondent to represent the side of the Assembly in the instant case the Minority side.

Paragraph 31- “Section 58(5) (d) reads; the Members of the Board may only be removed from office by a vote of not less than 5 per cent of the Members of the County Assembly.

Paragraph 32- “the Court finds and determines that there is a clear procedure for removal of the respondent from the County Assembly Service Board under Section 58(5) (d) of the County Governments’ Act via a vote in the Assembly.

Honourable Members, in summary I guide as follows;

The communication done by the Minority Chief whip Hon. Milliah Masungu is inconsistent with the agenda of the meeting as captured in the notice of the meeting.

Further, the conflicting attendees of the meeting in the minutes and the register being inconsistent thus shrouded with the consistencies renders the minutes, and the communication invalid in this quagmire.

There is no communication before me to make, even if there could be communication which was consistent and correct, the membership of the County Assembly Service Board cannot be equated to membership to a committee of the County Assembly from which a member may be de-whipped under our Standing Orders.

I repeat; the membership of the County Assembly Service Board cannot be equated to membership of a Committee of the County Assembly from which a Member may be de-whipped under our Standing Orders.

Members, we have the County Assembly Service Board and the County Governments’ Act, 2012; that is where you have your shelter to remove your Members to the Board and not our Standing Orders. Above all, if you look at the definition of committees and our Standing Orders, it does not include the Service Board of the County Assembly. Honourable Members, let me remind you the process of appointment of a Member of the County Assembly Service Board.

(Applause)

Upon the decision by the coalition or party and through a communication to the House immediately after the General Elections, the Members who met are supposed to be gazetted through a legal notice by the Secretary of the Board. If you are not aware, any time you give me a name here, I gazette him and swear him or her as a Board Member and he subscribes to the oath of office as a Member of the County Assembly Service Board in order to assume office.

This means that unless one is gazetted, subscribes to oath of office, they can't perform their function as per the law. A Member whose appointment has been gazetted and took an oath of office can't be removed in a simple manner outside the law as is in the current situation.

Members of the County Assembly Service Board may only be removed upon a motion or a petition filed to this House as envisaged under section 58(5) (b) of the County Governments' Act of 2012 and must meet the threshold set by the courts, the Standing Orders and the precedence by the National Assembly - National Parliament of Kenya as to what constitutes gross violation of the Constitution or gross misconduct under the Constitution. The following parameters ought to be satisfied:

1. Indicate the grounds which the Member of the Board is in breach of,
2. The occasion must be serious, substantial and the weighty... the word is weighty!
3. There must be a nexus between the office holder and the alleged gross violation of the Constitution or any other written law.
4. The charges as framed must set with a degree of precision, the provisions of the Constitution or the provision of any other written law that have been alleged to be grossly violated.
5. Indicate the nexus between the Member and alleged gross grounds on which the revocation or removal is sought.

The removal process under Section 85(b) of the County Governments' Act, 2012 must also be guided by the provision of Article 47 of the Constitution and the Fair Administration Action Act No. 4 of 2015.

The upshot of my communication finally is to reconfirm and affirm that Hon. Ali Machani Mutoka remains a Member of the County Assembly of Bungoma Service Board unless otherwise, lawfully removed as per the read out procedures through the precedent set in the National Assembly - National Parliament of Kenya and the court rulings by the Employment and Labour Relations Court at Bungoma in this regard. Thank you.

The House now is guided and if members wish to make those attempts, I will be giving this copy of the judgment to the members of AZIMIO so that you can read nicely and if you wish to attempt, you do it properly.

Thank you for your patience to have this ruling, I appreciate. We go to the next item.

Resumption of Business

ADJOURNMENT

Members, we will adjourn and I don't have to remind you that we are adjourning for the long recess. We did agree in our last meeting that after this sitting, we expect the Clerk and his team to come here and shed light on Honourable Members' welfare issues.

I wish you all the best as you go to top-dress your maize in your Wards.

(The House rose at 3:27 p.m.)