

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

TUESDAY, 29TH APRIL, 2025

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

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TUESDAY, 29TH APRIL, 2025

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

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

PRAYER

MOTION

REPORT BY THE SECTORAL COMMITTEE ON LANDS URBAN AND FISCAL PLANNING ON THE VETTING OF THE NOMINEE FOR APPOINTMENT AS A MEMBER OF BUNGOMA MUNICIPALITY BOARD

Mr. Speaker: Yes Hon. Chemion

Hon. Franklin Chemion (Chairperson, Lands): Thank you Hon. Speaker, I have a report by the Lands Committee on the vetting of the nominee for appointment as a member of Bungoma Municipality Board.

Mr. Speaker: Yes Hon. Milliah Masungo.

Hon. Milliah Masungo: Thank you Hon. Speaker. Recently it was communicated on this floor that before any report is read, we have to confirm the quorum of the respective committee.

Mr. Speaker: The quorum is overflowing. I can confirm to you; I couldn't allow him to commence. The quorum is overflowing.

Hon. Milliah Masungo: It's okay Mr. Speaker.

Mr. Speaker: Basically the quorum we have in the House majority are Members of this committee. Let us proceed.

(Applause)

I will not report you to Hon. Makari. Kindly proceed.

Hon. Franklin Chemion (Chairperson, Lands): Hon. Speaker, we have the preface which I will not read that is chapter one. Establishment and mandate of the committee Hon. Speaker, I will not also read. It is the Standing Order 217(5)

METHODOLOGY

The methodology that was used is;

- I. Committee meetings
- II. Conducting vetting exercise publicly in the County Assembly plenary

III. Perusing and analyzing testimonials and other documents for the nominee.

IV. Receiving and considering oral views and written submission from the nominee.

TERMS OF REFERERENCE

1. To consider and vet the nominee for the position of member of the Bungoma Municipality Board
2. To make relevant recommendations on the nominee for consideration and adoption by the County Assembly.

TOOLS OF REFERENCE

The committee made reference to the following documents to inform its observations, findings and recommendations;

1. The Constitution of Kenya, 2010
2. The County Governments Act, 2012
3. County Assembly of Bungoma Standing Orders
4. The Public Appointments (County Assemblies) Approval Act, No. 5 of 2017
5. The Urban Areas and Cities Act of 2019
6. Submissions from the Bungoma County Public Service Board (CPSB)

COMMITTEE MEMBERSHIP

1. Hon. Francis Chemion -Chairperson
2. Hon. Johnston Ipara -Vice Chairperson
3. Hon. Wafula Waiti -Member
4. Hon. Benjamin Otsiula -Member
5. Hon. Cornelius Makhanu -Member
6. Hon. Ali Machani -Member
7. Hon. George Makari -Member
8. Hon. Hentry Nyongesa -Member
9. Hon. Polycarp Kimeta -Member
10. Hon. Jeremiah Kuloba -Member
11. Hon. Busolo Sudi -Member
12. Hon. Aggrey Mulongo -Member

13. Hon. James Mukhongo -Member
14. Hon. Joan Kirong -Member
15. Hon. Edwin Opwora -Member

ACKNOWLEDGEMENT

I take this opportunity to acknowledge all Members of the Committee for their input and valuable contributions and time during the approval hearing and deliberations during the compilation 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 Lands, Urban, Physical Planning and Housing and pursuant to section 14(3) (b) of the County Governments Act, 2012, 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 report of the committee on Lands, Urban Physical planning and Housing on the nominee for the position of member for Bungoma municipality.

Signature.....

Date

..... Hon. Francis Chemion

Chairperson, Committee on Lands, Urban Physical planning and Housing

CHAPTER TWO

BACKGROUND INFORMATION

COMMITTAL OF THE NAME OF THE NOMINEE TO THE COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND HOUSING

Pursuant to the provisions of Sections 13 and 14 of the Urban Areas and Cities (Amendment) Act, 2019, on the 18th March, 2025, His Excellency the Governor conveyed a message vide letters addressed to the Clerk to County Assembly reference CG/BGM/GVN/CA/LUPPH&M/Vol.1 (14) notifying the County Assembly of the nomination of the following person for appointment as a member of the Municipality Board of Bungoma.

Name	Position	Gender	ID number	Nominating institution
Ben Ndichu Karuga	Bungoma Municipality	Male	22886241	Competitive

Pursuant to section 4 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 217(5) (g) of the Bungoma County Assembly Standing Orders, the name of the nominee was committed to the sectoral Committee on Lands, Urban, Physical Planning and Housing for vetting and reporting to the House within twenty-one (21) sitting days on 25th March, 2025 during the 2:30 p.m. sitting.

ESTABLISHMENT OF BUNGOMA MUNICIPALITY BOARD.

Legal Framework

Bungoma Municipality is a decentralized unit of service provision in Bungoma County established pursuant to the provisions of Articles 184 and 176(2) of the Constitution of Kenya, 2010 and the Urban Areas and Cities Act, 2011 (Amended 2019), read together with Section 48 of the County Governments Act, 2012.

Pursuant to the above provisions of law and as provided for under section 72 of the Interpretation and General provisions Act (Chapter 2) and all other enabling provisions of the law, the County Governor of Bungoma granted the municipality its Charter in May, 2018 and the said Charter was duly gazetted in November, 2018, giving the agency the required legal framework to carry out its operations.

As an agency of the County Government, the Municipality is a body corporate pursuant to Section 12 of the Urban Areas and Cities Act, read together with its Charter, governed by a Non-executive Board with the Municipal Manager who was appointed pursuant to Sections

28 & 29 of the Urban Areas and Cities Act as secretary to the Board and Ex-officio member and head of administration.

Composition of a Board of a Municipality

Section 14 of the Urban Areas and Cities Act, 2019 provides that-

- (1) A board of a municipality shall consist of nine members appointed by the County Governor with the approval of the County Assembly.
- (2) (a) The County Executive Member for the time being responsible for cities and urban areas or his representative;
- (b) three members who shall be appointed by the County Governor, with the approval of the County Assembly;
- (c) four members who shall be nominated by an association and appointed by the county governor, with the approval of the County Assembly;
- (d) the chief officer responsible for urban development; and
- (e) the municipal manager appointed under section 28 who shall be the secretary of the board and an ex-officio member of the board

Section 14(3) of the Urban Areas and Cities Act, 2019 provides that;

The four members of the board of a municipality specified under sub-section (2) (c) above shall be nominated by-

- (a) an umbrella body representing professional associations in the area;
- (b) an association representing the private sector in the area;
- (c) a cluster representing registered associations of the informal sector in the area; and
- (d) a cluster representing registered neighborhood associations in the area.

Further, section 14(4) of the same Act states that-

The County Governor shall, while appointing the members of the board, ensure gender equity, representation of persons with disability, youth and marginalized groups.

Further, section 14(5) of the Act provides that-

- (5) The county governor shall while considering the nominated members identified by the organizations specified under subsection (2), require the organizations to produce;
 - (a) signed minutes as evidence of an accountable process of nomination;
 - (b) evidence of compliance with statutory obligations; and
 - (c) vetting form to establish that the nominee has complied with the prescribed criteria for

appointment

(6) A person shall be qualified for appointment as a member of the board if that person-

- (a) holds at least a diploma from an institution recognized in Kenya;
- (b) has a distinguished career in a medium level management position in either the private or public sector.
- (c) holds at least five years' post-qualification professional experience; and
- (d) satisfies the requirements of Chapter Six of the Constitution;
- (e) is ordinarily resident or has a permanent dwelling in the municipality; and
- (f) carries on business in the municipality or has lived in the municipality for at least five years.

(7) A person shall not be appointed as a member of the Board if that person-

- (a) is an undercharged bankrupt;
- (b) has been removed from office for contravening the Constitution or any other law;
- (c) is not a citizen of Kenya; or
- (d) has in the conduct of his or her affairs not met any statutory obligations.

GUIDING PRINCIPLES IN THE VETTING OF THE BOARD MEMBER

Mr. Speaker Sir,

The Committee made reference to the Constitution of Kenya 2010, the County Governments Act 2012, The Urban Areas and Cities Act 2019, the Public Appointments (County Assemblies Approval) Act, 2017 and the Bungoma County Assembly Standing Orders.

The Constitution of Kenya 2010

Article 184 (1) provides for:

- (a) the establishment of a criteria for classifying areas as Urban Areas and Cities;
- (b) the establishment of the principles of governance and management of Urban Areas and Cities; and
- (c) the provision for participation by residents in the governance of urban areas and cities.

Article 196 of the Constitution of Kenya provides that;

(1) A County Assembly shall-

- a) Conduct its business in an open manner, and hold its sittings and those of its committees, in public; and
- b) Facilitate public participation and involvement in the legislative and other business of the Assembly and its committees.

The County Governments Act 2012

Section 8 (1) (a) of the County Governments Act, 2012 provides that; The County Assembly shall-

- (a) vet and approve nominees for appointment to county public offices as may be provided for in this Act or any other law; and
- (b) perform the roles set out under Article 185 of the Constitution of Kenya.

Functions of a municipality Board

Sections 13 and 14 of the Urban Areas and Cities (Amendment) Act, 2019 provides for the establishment of Cities and Municipality Boards with the functions as clearly spelt out under section 20 on governance and management of the said Boards which include;

20 (1) Subject to the provisions of this Act a board of a city or municipality shall-

- a) Oversee the affairs of the city or municipality;
- b) Develop and adopt policies, plans, strategies and programmes, and may set targets for delivery of services;
- c) Formulate and implement an integrated development plan;
- d) Control land use, land sub-division, land development and zoning by public and private sector for any purpose, including industry, commerce, markets, shopping centres and other employment centres, residential areas, recreational areas, parks, entertainment, passenger transport, agriculture, and freight and transit stations within the framework of the spatial and master plans for the city or municipality as maybe delegated by the county government;
- e) as maybe delegated by the county government, promote and undertake infrastructural development and services within the city or municipality;
- f) develop and manage schemes including site development in collaboration with the national and county agencies;
- g) maintain a comprehensive database and information system of the administration and provide public access thereto upon payment of a nominal fee to be determined by the board;
- h) administer and regulate internal affairs;
- i) implement applicable national and county legislation;
- j) enter into such contracts, partnerships or joint ventures as it may consider necessary for the discharge of its functions under this Act or other written law;
- k) monitor and, where appropriate, regulate city and municipal services where those services are provided by service providers other than the board of the city or municipality;
- l) prepare its budget for the approval by the county executive committee and administer the budget as approved;
- m) as may be delegated by the county government, collect rates, taxes levies, duties, fees and surcharges on fees;
- n) settle and implement tariff, rates and tax and debt collection policies as delegated by the county government;

- o) monitor the impact and effectiveness of any services, policies, programmes or plans;
- p) establish, implement and monitor performance management systems;
- q) promote a safe and healthy environment;
- r) facilitate and regulate public transport; and
- s) perform such other functions as may be delegated to it by the county government or as may be provided for by any written law.

NOTIFICATION TO THE NOMINEE AND 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 the County Assembly and its Committees.

Section 7 of the Public Appointments (County Assemblies Approval) Act, 2017 further provides that the Clerk shall notify the public of the time and place for holding approval hearings at least seven days prior to the hearings.

Further, Section 7(10) of the same Act provides that;

“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 the office to which the candidate has been nominated.”

In fulfillment of the said provisions of law read together with standing order No.56 (3), the Clerk of the County Assembly placed an advertisement in the print media on Standard Newspaper on Friday 28th March 2025, inviting the public to submit memoranda by way of written statements on oath (affidavits) on the suitability or otherwise of the nominee in accordance with the Public Appointments (County Assemblies Approval) Act, 2017.

It was indicated that the Committee on Lands, Urban, Physical Planning and Housing would conduct the approval hearings on Monday, 7th April 2025.

The advertisement further indicated that the submissions were to be received by Friday 24th January, 2025 at 9.00 am.

By close of the submission deadline, the Committee had not received any memoranda contesting the suitability of the nominee for appointment.

Clearance and Compliance Requirements.

On the notice of appearance for approval hearings, the Clerk of the County Assembly informed the Nominee to provide Clearance and Compliance requirements from 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)

APPROVAL HEARINGS

The nominee appeared before the Committee as scheduled on Monday, 7th April 2025 for approval hearings in accordance with the provisions of the Constitution, the Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly Standing Orders on his suitability or otherwise for appointment to the position of member of Bungoma Municipality Board.

Issues for Consideration during the Approval Hearings

a) Procedure for Nomination

Sections 4 and 6 (1) of the Public Appointments (County Assemblies Approval) Act, 2017

requires the appointing authority, upon nominating a person for appointment, to notify the relevant County Assembly.

In this regard, pursuant to section 4 and 6(1) of the Public Appointments (County Assemblies Approval) Act, 2017, the Governor duly notified the County Assembly of the nomination of the nominee for the position of Member of Bungoma municipality.

b) Constitutional and Statutory Requirements

The Constitution and the Public Appointments (County Assemblies Approval) Act, 2017, gives guidelines on how to appoint persons to public office which include:-

(i) Two-Third Gender Rule

Article 27(8) of the Constitution 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) Leadership Integrity

The Committee in determining the suitability of the nominee was also 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 that the guiding principles of leadership and integrity 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, favoritism, 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 persons who are not Kenyan Citizens from appointment as State Officers.

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

- 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.

The suitability of the nominee was assessed after scrutiny of the academic credentials, professional training and experience, personal integrity, background and qualities as well as his performance during the approval hearings conducted on Monday 7th April, 2025 at 11:00am.

Pre- vetting Meeting

The Committee held a pre-vetting meeting and noted the following: -

- (i) THAT, the nominee had not notified the Clerk of the County Assembly of his withdrawal 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 in accordance with the criteria set out in section 8 of the Public Appointments (County Assemblies Approval) Act, 2017.

CHAPTER THREE

APPROVAL HEARINGS OF THE NOMINEE

The Committee conducted the approval hearing on Monday 7th of April 2025 in the County Assembly chambers from 11:00am and the nominee was vetted under oath pursuant to the Public Appointments (County Assemblies Approval) Act, 2017 and the Standing Orders of the Bungoma County Assembly in the following sequence;

- Date and Place of Birth
- Academic and Professional Qualification
- Employment Record
- Professional association and membership
- Potential Conflict of Interest
- Pro-bono/Charity Work
- Integrity
- Knowledge of the position nominated for

1. Date and place of Birth

Ben Ndichu Karuga of ID number 22886241 is a male Kenyan Citizen born on 14th April 1982. He is a resident of Namachanja, Township Ward.

2. Academic and Professional Qualifications

The nominee's educational background is as follows:

- Currently pursuing a **Bachelor of Arts in Political Science and Economics** at the University of Nairobi.
- Pursued **Certified Public Secretary (CPS) Part II**, in June 2005
- Sat for **KCSE in 2001** at Mang'u High School
- To match the job requirement of a nominee having at least a diploma, the committee took note that the nominee was appearing before it for the second time (attached letter by the Governor. Ref CG/BGM/GVN/CA/LUPPH& M/VOL.1 (07).

The committee therefore referred to a certificate presented by the nominee from the Kenya National Qualifications Authority (KNQA). The certificate was dated 3rd March, 2025, serial No. KNQA-CD98DI271 being a certificate of alignment of qualifications for Ben Ndichu Karuga(attached). KNQA had evaluated Mr. Ben Ndichu's existing education and training (**Certified Public Secretary (CPS) Part II**) and aligned it to Kenya National Qualification Framework (aggregate grade on KNQF

as part qualification under Kenya National Qualification Framework level 7 (Bachelor's Degree) which is above Kenya National Qualification Authority level 6, the equivalent level for diplomas in Kenya.

Further, the committee took cognizant of the letter and communications from Kenya Accounts and Secretaries Examinations Board (KASNEB) which the certified Secretaries Intermediate Level qualification(formerly Part II) was equated as part Qualification under KNQF Level 7, which is above KNQA Level 6, the equivalent level for Diploma in Kenya. The CS Intermediate Level qualification was said to be above Diploma level qualification.(attached find: Ref:22/RST/P/CCCLXXXIII/278).

The committee concluded that the nominee technically meets and surpasses the minimum requirement of at least a diploma.

1. Employment Record

The nominee has held various managerial and governance-related roles, including:

- **2018 – Present:** Director, Parugam Company Limited.
- **2009 – 2015:** Business Manager, Outerspace Transporters, Nairobi.

2. Professional association and membership

The nominee is not a member of any professional body

3. Potential Conflict of Interest

The nominee assured the committee that in the spirit of upholding transparency and integrity, he would recuse himself from deliberations or decisions that he is conflicted.

4. Pro Bono and Charity Work

The nominee has been involved in community development and voluntary initiatives, particularly in supporting grassroots governance efforts and election-related advisory roles.

The nominee is involved in identifying bright and needy KCPE students for Tsavo Foundation scholarship for their high school education in Kanduyi constituency and Bungoma County at large.

5. Integrity

The nominee submitted all the documents in compliance with the requirements of Chapter 6 of the Kenyan Constitution on integrity exhibiting his good standing.

6. Knowledge of the Position

The nominee demonstrated an understanding of the roles and responsibilities of a member of the Municipality Board, including:

- Participating in the formulation and implementation of policies that enhance urban development and service delivery.
- Ensuring proper planning and execution of projects aimed at improving municipal services such as waste management, infrastructure, and social amenities.
- Engaging with stakeholders, including the public and government agencies, to enhance governance and urban management.
- Overseeing financial management, accountability, and adherence to legal frameworks guiding municipal operations.

On what he intends to achieve as a member of Bungoma municipality, the nominee stated that he would strive to end the conflict between the municipality board and the department by ensuring there is a clear demarcation of duties.

b) Committee's General Observations

After reviewing the nominee's submissions and qualifications, the committee made the following observations:

1. **THAT**, the nominee is a resident of Namachanja, Township Ward where he has lived for most of his life, which is within the municipality.
2. **THAT**, he is a Kenyan citizen born in Bungoma County and does not hold dual citizenship.
3. **THAT**, his integrity is not in question, and he has demonstrated commitment to public service and governance and has satisfactorily met the requirements of Chapter 6 of the constitution.
4. **THAT**, from the submission during the approval hearing, he demonstrated knowledge, skills and experience in leadership and institutional management.
5. **THAT** the nominee pursued certified Public Secretary (CPS) Part II (2005) and is currently pursuing a **Bachelor of Arts in Political Science and Economics** at the University of Nairobi. The **Certified Public Secretary (CPS) Part II**, which was aligned as a part qualification under Kenya National Qualification Framework level 7 which is above Kenya National Qualification Authority level 6, the equivalent level for diplomas in Kenya.
6. **THAT**, the Committee's average score on the nominee was recorded as 75.8%.

CHAPTER FOUR

4.0 COMMITTEE'S RECOMMENDATION

Having conducted the approval hearing for the nominee pursuant to Sections 4, 7 and 8 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 217 (5), the Committee recommends that this House; **Approves** the nomination of the Ben Ndichu Karuga as the member of Bungoma Municipality Board by His Excellency, the Governor.

Thank you Mr. Speaker we have members who have signed the adoption and all their attachments are there. I now call upon Hon. Makari to second this report thank you Mr. Speaker

Mr. Speaker: Hon. Makari you have the honour to second the report. Proceed.

Hon. Makari: Honourable Speaker, thank you for according me the opportunity to second the report. I want to appreciate the chairperson and all the Members of the Lands Committee that are here plus other Members present today.

Hon. Speaker, if you remember well, this nominee was vetted when the other names were approved sometimes back. He was among the names that were submitted to this House by the Governor. There was a hitch on his qualification. However, when the name was resubmitted to the House a second time, the nominee had been asked to go and equate his qualifications at the Kenya National Qualification Authority.

He had a higher Diploma in Finance & Accounting. We wanted to know if a higher Diploma equals a Bachelor's Degree. He went to Kenya National Qualifications Authority and the Kenya National Qualifications Authority wrote back, and the committee was ceased of the matter of his qualification and actually latter came back to the committee and the secretariat that actually his higher Diploma in Finance & Accounting equals to a Bachelor Degree. So he is duly qualified.

During vetting of the nominee, Article 196 of the Kenya Constitution, talks about public participation. His name was submitted and the Clerk duly publicized his name. However there was no contestation about his nomination. No one came up even in the gallery when we were vetting the nominee, because the Constitution says the Clerk will notify members of the public of the place and time of the vetting of the nominee. No one came up and said this nominee is not qualified or we have a problem with this nominee.

The nominee comes from Namachanja, and I want to attest he is a Kikuyu born in Bungoma. He was born here and he has lived here the rest of his life. In 2007 this nominee contested for an MCA seat, 2017 he contested for MCA seat for Township Ward alongside Hon. Jeremiah

Kuloba and Hon. Magudah who eventually emerged the winner. I knew him long time ago when I happened to be in Bungoma town when I was a boy. So he is not an out sider. He is a person born in this town and raised in this town. His parents even have been buried in Bungoma County. So he is our own person regardless of his tribal inclination.

The nominee meets all the requirements. He has no problem with his KRA requirements, no problem with DCI because he submitted a certificate for good conduct. NIS brought a good report about him Hon. Speaker. When the nominee appeared before the committee, the committee listened to him and he is well rounded. The man can answer questions. There is no question the guy could not respond to. He responded to our questions properly and he was steady and alert. He answered every question to the satisfaction of the committee. Without much ado, I want to second the report and urge that this House adopts the report.

Honourable Speaker, if you look at Section 14 of Urban areas and Cities Act on composition of the Municipality, Bungoma Municipality has a short fall of one person. If we fail to approve this nominee, it means Bungoma Municipality will remain behind and will not meet the requirements of the World Bank to get the funding of the World Bank. It is our urge that the nominee is approved so that Bungoma Municipality is full for us now to access the funds from the World Bank. I second the report.

Hon. Speaker: Honourable Members, I will proceed and propose a motion for debate;

Motion proposed

Hon. Speaker: Hon. Majority Leader.

Hon. Joseph Nyongesa: Thank you Mr. Speaker, for giving me this chance to make a comment on this report. First I want to appreciate the committee under the chairmanship of Hon. Chemion and the entire team.

Secondly, I want also to appreciate the appointing authority for picking on Karuga. Personally, I was in this House when Karuga was being vetted. He performed well and he is knowledgeable the way he was answering the questions.

I have stood purposely to make my pronouncements on this and whatever way the House decides one day they will say I gave some guidance. Hon. Speaker, in 2023, we had nomination of various CECMs and one of them was Triza Nakhungu. By then, she also had some challenges like what I am seeing today, and there was some equating. When it came to action our CECM was jailed because of one thing. She had no qualification but was given a chance. Even the appointing authority could not stand and defend her. She faced the law as an individual.

I want to applaud the committee on one thing, in the first instance when several names were nominated and submitted for consideration, they indicated that the nominee had no qualification. The minimum was a Diploma and they said they had not seen it Mr. Speaker. If you want to equate then we equate basing on what you learned from a foreign Country. You equate to the grading system of your Country. Mr. Speaker, I have gone through and I have not seen any certificate apart from the KCSE.

I want to distance myself with this and by so doing we should as an Assembly be firm on some issues. What the World bank needs is the quorum not the full membership. We had enough time for the appointing authority to inquire from the Kikuyu community and get somebody who has the qualification for the House to approve. I won't bury my head under the sand and say it is my government therefore, I should support his approval. I say no.

There is a narrative that is being used in this Assembly and County; that the Assembly is weak in terms to oversight. We were in a similar scenario when County Valuer was employed minus the qualifications and that statement was read in this House. If we insist that we approve this nominee what will be the basis in terms of qualification? It is better I distance myself on this and I have even informed the appointing authority not to make us look weak because may be he wants to make somebody happy.

Mr. Speaker as an individual, not as my coalition, and for those few Members who can see sense, we can move as a team and oppose this approval. I know in a few days if things become hot, some Members will bury their heads under the sand. I have no issue with Karuga as an individual but for lack of the requisite qualification, I decline to support his approval because I don't have a basis to do so.

Mr. Speaker, I want to inform this House that such minor issues can lead us into problems. I don't support. Thank you Mr. Speaker

Mr. Speaker: Yes Hon. Deputy Speaker. Let me hear Hon. Makari first. Proceed

Hon. George Makari: Hon. Speaker, I just forgot that the nominee did not do accounting but did certified public secretary's course. When the Kenya National Qualification Authority were asked they equated that to a bachelor's degree. So that's just correction. He is a certified public secretary.

Mr. Speaker: What were the wording of the letter?

Hon. George Makari: Which letter, Hon. Speaker?

Mr. Speaker: The one you are referring to, because I am seeing here saying...

Hon. George Makari: I'm just correcting. I said he did public finance and accounting. It's not public finance, but certified public secretary. We have a letter from KNQA equating it to a degree.

Mr. Speaker: It's a part qualification not a degree. It means you complete up to Level 6 to have the degree. That's what it means.

Hon. George Makari: But look at the letter from Kenya National Qualification Authority.

Mr. Speaker: I am looking at your own report.

Hon. George Makari: Hon. Speaker, I was correcting my position when I seconded. I have no other issue.

Mr. Speaker: Thank you. Hon Deputy Speaker?

Hon. Stephen Wamalwa: Thank you, Hon. Speaker. On the onset I want to congratulate the committee because they are passionate and over 90% are present in the House. This is a committee of eminent leaders in this county who are passionate about their work.

I want to commend them for the effort they have done so far. Having gone through this report, I realized one thing that this is a brother in this county and we should not belabor so much to mention about him being Kikuyu. Bungoma is a home for everybody. This county is a home for inclusivity be it Kikuyu, Kalenjin, Luo or whoever. This is home for us all. It's about even the community from which the nominee comes from. It is about the qualification to the position and that is it.

I was not here in 2013 to 2017. I want to call her name because it was pronounced here and it was all over. There was a nominee for CECM, a lady Trish. I'm told when the report was brought to this House, the female Honourable Members felt that the male counterparts were trying to victimize and sideline and do all manner of disservice to the female gender. Based on that emotion of saying it is our own, a lady, a female we are always victimized. This House approved the name of that honorable person called Trish. It was not over, the same case was taken over by agencies from outside this Assembly and that lady was found not to have qualified for the position. She was I think taken to court. I am one person who contributed through this forum called Ikuwe Ikuwe. I contributed 5,000 towards release of Trish. Because it was recently...

Mr. Speaker: She was fined 2 million.

Hon. Stephen Wamalwa: Yes, it was just recent when she was fined. I think 2 million because of the qualification. Members in as much as we may look at this nominee Karuga, and I can tell you Karuga looks to be a very gifted and bright man. Because in primary, having been in Lugulu, he scored a lot of A's. Only a B+ which was the lowest. At Mangú High School, Karuga scored English B, Kiswahili B+, Mathematics B+, Biology B+, Chemistry B-, History and Government, A, Christian Religious Education A, Accounting A-. This must be a bright person.

I want to be counted also in this House as a person who declined to adopt him courtesy of not having a degree or diploma as required. Because when it goes to history, I don't want to be among Members who actually voted yes without looking at...

Mr. Speaker: Order, Members.

Hon. Stephen Wamalwa: Can we actually say that there is equivalent of this when we are still in the same system of education? I hear of equivalent credits when it comes from outside this country. This is the first time I'm hearing of equating within the same country. This man is gifted. Karuga is bright but...

Mr. Speaker: Honourable Members kindly consult in low tones; you will all speak.

Hon. Stephen Wamalwa: Honourable Members, honestly speaking and I want to go on record also, by lacking that paper called diploma and by lacking that paper called degree. I register my observation and say I want to go on record as having been in this House and said those papers were lacking. Thank you.

Mr. Speaker: Thank you. Hon. Ipara.

Hon. Johnston Ipara: Thank you, Hon. Speaker. First of all, let me start by lauding the mover of the motion, the seconder and the honourable Members who have already contributed.

On the day when the committee met and carried out vetting based on the documents that were submitted by the Governor vide a letter dated 17th, the committee concluded that the nominee had the qualification. You know I'm a rare person to support the wrong things.

I persuaded myself to support based on the following; that Kenya National Qualification Authority is a creation of the Act of Parliament, which was created in 2014. Among other

functions that were given to this particular authority one of them was to recognize and equate qualifications from both local and international institutions.

I want to believe that with that, this is law and I want to refer you to Section 8 of that Act of 2014. This gives us authority that anything that is equated by Kenya National Qualification Authority is authentic. This gives the powers to Kenya National Qualification Authority to ensure they align any qualification to the Kenya National Qualification Framework Act of 2014. Any person who still doubts, I want to refer you to that Act of 2014. Anything that is an Act of Parliament you can only nullify or treat it as null and void if only the Act is amended or changed. KNQA is also mandated to recognize prior learning and alternative qualification.

Most of us were not there in 2013. And the mess that was created by those who were there in 2013, we are not part of them. Neither do we know what happened. And for this time, it is not happening. Hon. Speaker, I also want to draw you to Section 10 of the same Act. The authority is authorized to evaluate and equate any qualification and assign it a level in the Kenya National Qualification Framework Act of 2014.

So, I want to persuade Honourable Members. Let's be persuaded that what has been done at this particular time is the right thing. We have not done this because that we have been used. No. There's something that has been given to us. No. We are doing this as honest and patriots of this country. And if anything happens, the makers of this Act were so conscious and that's why they brought in Section 30 of that Act.

Offenses and it says, any employer who refuses to accept the qualification equated by Kenya National Qualification Authority contravenes and commits an offense against that Act. So, we are persuaded and I want to assure the Honorable Members, there's nothing wrong that we've done. We've only recommended the right person for the right position who has the qualification. And where you are worried Honorable Deputy Speaker, about how do you equate the same examination within the local. And your case is addressed by the authority where it says to equate both local and international. With that, I rest my case.

Mr. Speaker: Thank you, Hon. Kikechi. I allow you for today because you know what I mean.

(Laughter)

Hon. Bernard Kikechi: Thank you, Hon. Speaker. I also stand here to give my contribution towards the report on the floor of the House. What I know, if a nominee has been vetted and there are issues with the papers, either the papers are faulty or they are suspect, or the nominee lacks essential or mandatory qualifications. We cannot approve such a case but if the nominee has the requisite qualifications and he or she has been vetted then as a House, there is no way we

can reject. If the said person in question lacks the mandatory qualifications, I urge this House to reject that nominee. Thank you.

Mr. Speaker: Allow me. Yes, Hon. Makari.

Hon. George Makari: I now want to speak as a...

Mr. Speaker: Hon. Makari, you cannot contribute to this motion for the second time.

Hon. George Makari: Not as a seconder. I am now contributing as a member of the Council.

Mr. Speaker: You cannot. Look at the Standing Orders. You will be breaking history in this House. Anything you have, ask other Members to point out on your behalf. Hon. Mulongo?

Hon. Agrey Mulongo: Thank you, Mr. Speaker Sir, for giving me a chance to contribute to this motion. Mr. Karuga incoming member of Bungoma municipality, qualifies to be in that position. When we went in-depth on this case we realized that indeed he qualifies.

I am a Member of Lands Committee and during vetting through his answers, I can note that the guy is fluent and honest. He was able to point out what he has and what he doesn't have. We instructed him to go back and he was able to provide the documents that we required from him which are part of this report.

This nominee is a resident of Bungoma County. The grandfather to this nominee comes from my ward. I buried him there. This is a member who is an indigenous....

Mr. Speaker: Hon. Mulongo, we are not approving exotic and indigenous. We are approving Honourable members of the board. When you say indigenous, who is exotic?

Hon. Agrey Mulongo: Because he is Kikuyu but born and raised in Bungoma. Kimilili Municipality there is no Kikuyu representation. Bungoma is the only board that has now done the wonderful thing because of inclusivity. We are not approving him because of where he comes from but with regards to his qualification. In my opinion Mr. Speaker, the nominee is qualified to sit on Bungoma Municipality Board. Thank you Mr. Speaker.

Mr. Speaker: Thank you. I will allow Hon. Jeremiah, Hon. Caleb then Hon. Luseneka in that order.

Hon. Jeremiah Kuloba: Thank you, Mr. Speaker. We were looking for suitability of this member of this candidate who had applied to be a member of the board. When it comes to

credibility the said candidate had everything. Diversity and inclusion, it is there, Education-wise, it is there. The candidate is there.

Mr. Speaker: Hon. Jeremiah, when you say the candidate has diversity and inclusion, make me understand. Because he is one, that is diversity and inclusion.

Hon. Jeremiah Kuloba: Well for a board to be well represented, I think there must be diversity. We must include other tribes on that board so that it runs smoothly and that's what I meant. That inclusivity of other tribes in the board. Karuga Ben Ndichu is born in Township Ward. Karuga has businesses in town here. Karuga stays in town most of his time.

Chapter 6, about integrity, he meets everything. He is a suitable candidate to be there because when you join a municipality board it becomes a part-time job. You are not a permanent employee of the board where you will stick there.

When it comes to the question of education this said candidate appeared before the committee. We looked at his papers. The stages he had done, we could not believe it. The board referred...

Mr. Speaker: Yes, Leader of Majority what is the information, please? Sorry, let me give you the microphone.

Hon. Joseph Nyongesa: (*On a point of information*) Thank you, Speaker. I just want to inform the Member who is on the stage Jeremiah Kuloba alias Makabichi

Mr. Speaker: Hon. Majority, he is known as Hon. Jeremiah Kuloba. The rest is not known to us.

Hon. Joseph Nyongesa: Thank you, Speaker for that correction. We are lucky that he was a member of that board and he knows the qualifications which they based on to vet him. So he should also put things right. Thank you, Speaker.

Mr. Speaker: Yes, Honorable Kuloba, proceed.

Hon. Jeremiah Kuloba: Thank you, Chair. It is only that the Member who has been on the floor, is not understanding what I am saying.

(*Laughter*)

Mr. Speaker: Hon. Kuloba just call him by his name.

Hon. Jeremiah Kuloba: Now I'm correcting him. Why can't I do the same?

(Laughter)

Mr. Speaker: Hon. Jeremiah he is Hon. Joseph Nyongesa.

Hon. Jeremiah Kuloba: I stand corrected here. Hon Nyongesa, Leader of Majority appears to be not knowing where he is driving. He is trying to refer to me as if I do not know the qualifications for one to be a member of that board. Part 7 or Level 7 is above a diploma and is a waiting to get a degree. So when the minimum qualifications of a municipal board member is a diploma, he over qualifies. It is stated here clearly from KNQA. Maybe the said Mr. Hon. Juma doesn't look at that one. He is overqualified. It is above a diploma equivalent to a degree.

When you say somebody doesn't qualify and the qualifications are that one must have a diploma. We should not associate this one with the past case which was a forgery and we disallowed.

Mr. Speaker: Hon. Deputy Speaker, what is the information?

Hon. Stephen Wamalwa: (*On a point of information*) Honourable Speaker, it is on HANSARD and the Honourable Member on the floor should not mislead the House...

Mr. Speaker: Hon. Deputy Speaker, just call your colleague by name, Hon. Jeremiah Kuloba.

Hon. Stephen Wamalwa: (*On a point of information*) Hon. Jeremiah should not mislead the House by saying that it was forgery, because that is wrong. It was just that the nominee then had not completed university. That was the case, it was not forgery, Hon. Speaker.

Mr. Speaker: Hon. Jeremiah, just to correct you. I had a chance of participating in that case as a Lawyer before I became a Speaker. The nominee was in third year with some papers, that you call them Supplementary papers which she didn't clear. What happened, based on those transcripts, he was given a job and subsequently was arraigned in court. So it was not forgery, there was no degree. Let me hear Hon. Sudi first.

Hon. Isaiah Sudi: (*On a point of Information*) Hon. Speaker, if she had not completed university, why was she nominated? That is forgery because now the authority based on what to nominate her? That is forgery. Why do you nominate somebody who doesn't qualify? You base on what?

Mr. Speaker: Honourable Members, since that report, at that time, the Committee on Appointment was only five Members. I can easily avail that report in your gadgets so that at your own time, you look at it and establish how it was approved and what happened subsequently.

(Loud consultation)

Hon. Sudi, Order please. Yes Hon. George?

Hon. George Makari: (*On a Point of Information*) Hon. Speaker, I think it is very sad to equate what happened to Trizah with what is happening to Karuga. With the case of Trizah, Kenya National Qualification Authority did not bring a report here. This is a report that has been brought by the Kenyan National Qualification Authority, who are we to question this report, Hon. Speaker? They have said the qualifications of Karuga are equivalent to a bachelor's degree. It is above a diploma, so he is qualified.

Hon. Speaker, you want to put the Committee of Lands in disrepute. The chair is here, are we mad to pass somebody who is not qualified?

Mr. Speaker: Order, Honourable Members. Let me allow Hon. Jeremiah to finish the contributions then we will have Hon. Caleb.

(Loud consultations)

Order, please.

Hon. Jeremiah Kuloba: Honourable Speaker, I still stand with what I said. At that time when that case that was here where one was jailed for failure...

Mr. Speaker: Let us avoid the earlier story, stick on the issue at hand so that we are able to finish.

Hon. Jeremiah Kuloba: Hon. Speaker, I'm building my case from that one because we make references. At that time there was no body where we could refer documents for verification. Here is a case where we doubted that this particular candidate didn't have the papers and the same information was forwarded to the Kenyan National Qualification Authority where a report was brought and I have it here. Hon. Speaker, who are we to doubt what the government has put there? Something that was enacted by the Act of Parliament, this authority has already said Karuga doesn't have a degree. What Karuga has is post diploma which is the minimum requirement for one to be a municipal board member. Hon. Speaker, some Members who are opposing this should declare their interests over this person. Thank you, Mr. Speaker.

Mr. Speaker: Thank you. Hon. Caleb?

Hon. Caleb Wanjala: Thank you, Hon. Speaker. I would also like to add my voice on the motion at hand. We are a House that legislates, oversight and does representation. When we are raising issues, we must remember that the public and the Executive look at us as an Assembly that is weak; that cannot oversight.

What does the advert say? The advert says that a minimum of a diploma or a degree. I don't dispute and we are speaking not because we don't love the Kikuyu community but we want to oversight. If the nominee, does not have a diploma, even the degree that they are talking about is awaiting, which means he does not have it. We live in a country...

(Loud consultation)

Mr. Speaker: Honourable Members, let me allow Hon. Caleb to finish his own speech. Hon. Otsiula what is the information?

Hon. Benjamin Otsiula: *(On a Point of Information)* Honourable Speaker, I want Hon. Caleb to be clear, when he says the advertisement refers to a minimum of a diploma or a degree... it is a Diploma Speaker...

Mr. Speaker: Yes Hon. Caleb, come clear on that.

Hon. Caleb Wanjala: Mr. Speaker, from the advertisement...

Mr. Speaker: Hon. Caleb, what I am trying to ask you is a simple question, the advertisement that you are talking about, what was the minimum requirement?

Hon. Caleb Wanjala: Minimum requirement, Mr. Speaker, is a Diploma.

Mr. Speaker: That is it. Proceed

Hon. Caleb Wanjala: Thank you, Mr. Speaker. Honourable Members, we must look at this issue with a lot of keenness, and the public is watching us.

Mr. Speaker, I also want to go on record as someone who did not support somebody who is not qualified. Let me give an example. We had an issue in this committee of Lands again when they were recruiting a Valuer...

(Loud consultation)

I am giving an example. The nominee that was chosen did not have the qualification, and they went ahead and employed him. I rest my case by saying, as a House, we are not weak. We must stand up. We must protect the laws that we are legislating. Thank you, Mr. Speaker.

Mr. Speaker: Honourable Leader of Minority, Hon. Sudi, and then the mover to reply in that order.

Hon. Anthony Luseneka: Thank you, Hon. Speaker for giving me this chance to also add my voice. The Committee on Lands vetted the nominee, retreated and they have given us a report. It is upon this House to make a decision. I am wondering the way the Lands Committee Members are vigorously defending their report and defending the nominee, what are they hiding? We have the report.

(Loud consultations)

Honourable Speaker, protect me.

Mr. Speaker: Members, why can't we have some decorum? I've allowed some of you to speak and you were heard in silence.

Hon. Anthony Luseneka: I am in Appointments Committee with Hon. George and I have never seen him defend any nominee the way he is doing today.

(Loud consultation)

I'm not saying that is wrong, Hon. Speaker.

(Loud consultation)

Mr. Speaker: Hon. George, kindly resume your seat...

(Loud consultations)

Honourable Members, when the report comes here, the people who make the decision are the Honourable Members. Having given a chance to Members to speak, let us allow our Leader of Minority to give his contribution. Kindly honourable Members, let us have some decorum in our contributions. Order Honourable Members, Order! Hon. Makari. Order!

(Loud consultations)

Hon Makari Order! Hon. Luseneka proceed

Hon. Anthony Luseneka: Thank you Hon. Speaker. My issue is that let us allow Members to debate the motion soberly. You can either support or oppose, it is your right. I want to request the Committee on Lands to allow us to debate the motion before us without intimidation...

Mr. Speaker: Hon. Jeremiah you are now becoming notorious. I will not allow you to speak.

Hon. Anthony Luseneka: Honourable Speaker, personally I don't know the nominee. I don't have any personal interests in this matter. I am looking at the documents and I don't know him. We are basing on the information as read by the Chairperson of Lands Committee. I am sure most of us don't know even the nominee; we are relying on the information that has been given to us. I don't know why it is emotive. We have done it before. We have vetted many nominees here. We have passed some and some we have declined without feelings. Therefore, Hon. Speaker, the decision lies with this House. We either approve or disapprove; as simple as that.

I don't have any personal interests. I just wanted us to discuss this matter soberly. Thank you Hon. Speaker.

Mr. Speaker: Thank you. Hon. Jack?

Hon. Jack Wambulwa: Thank you Hon. Speaker. I rise to applaud the mover of the motion and the seconder. What is making this House to be emotive is the issue of equation as far as I'm concerned or my understanding. On equating, he must have gone to learn outside the country. Luckily they are saying that the qualifications authority gave them mandate but as far as I'm concerned, I know the qualifications authority can only confirm if the documents are genuine, if he was in the particular institutions or not.

My question to you Hon. Speaker is that before this name is brought to the Assembly, the documents are normally forwarded to agencies. Do we have any report from the agencies and what are they saying? We need to be guided because if we are told the agencies have cleared then we have no question. If the agencies are questioning then we have a right to question. More so, we need to be clear with our concerns and make sure that this thing does not haunt us later on.

What I know is in Kenya today, money can do wonders. In Kenya money can buy even its own country. We are feared all over that even going to Uganda; Speaker if you can recall recently we were there for sports; anytime you tell a *Muganda* I am a Kenyan, he avoids you. Reason is we are not straight; we can buy anything. I was in Burundi when you send me on official duty Hon. Speaker, even changing Kenyan shillings you have to hide in a taxi and behave as if you are being given a lift when you are changing Kenyan money to Burundi shillings. As a Kenyan, I am also concerned that well the authorities could have cleared but there are questions. I want to urge my colleagues that let us not be emotive; let us not show open interests. If the report is clean and clear, leave to the House to adopt. Thank you Hon. Speaker.

Mr. Speaker: Thank you. Hon. James Barasa?

Hon. James Barasa: Thank you Hon. Speaker for the chance. I am a Member of the Lands Committee. We should not dwell on Trizah and compare her with Karuga. I can even cite an incident that happened and the name was brought here and we passed the name here. There was a lady, a *mama mboga* in Kimilili Municipality. We approved her name here yet she was lacking qualifications and none of us was imprisoned. We are doing our role honourable Members. That is what I can guide.

The name appeared before the committee for the first time and we had some reservations as Members. We said we need clarification from the relevant authorities. A letter was written to them and they responded. That is why we have brought this name the second time honourable Members basing on what we received from that entity.

We were informed by Clerk of this County Assembly as we pushed for due diligence that there was somebody in Nairobi who was sent physically to do verification instead of writing to them. When we saw nothing forthcoming, we concluded that Karuga is fit to be a member of Bungoma

Municipality. This issue should not divide us honourable Members. We are not advocating for Karuga but we followed the due process. I rest my case.

Mr. Speaker: Thank you. When we have such sober contributions without emotions, it makes my work easier. Hon. Nangulu.

Hon. Charles Nangulu: Thank you Hon. Speaker. First let me applaud the Chairperson of Lands Committee for moving the motion well and seconded by Hon. Makari.

Hon. Speaker, I have gone through the papers of this particular individual that is Ben Karuga. You know very well for you to get an ID in this country, you must have a birth certificate and more so for you to get any degree or diploma, it's always good to know which school you went to. From the attachment one Mr. Ben Karuga went to Lugulu Girls. I am wondering is that an omission or what is it. Thank you.

Mr. Speaker: Honourable Members, I think Hon. Chemion will respond but I am aware the school Lugulu Boarding Primary is regarded as Lugulu Girls. I think it was a mixed school and did his KCPE there. Those who are born those years know. Hon. Sudi?

Hon. Isaiah Busolo: Hon. Speaker, thank you for giving me this opportunity. Much of what I wanted to say has been mentioned by Hon. Mukhongo and Hon. Jack. Our mandate as a County Government in education is VTC and if you go to the VTC and you had left school in class 8 or form 2 may be you had a D- you start at Artisan level. If you do grade 3 and pass, you do grade 2. When you pass grade 2, you move and do grade 1. Then that is equated to a Diploma.

A person of that nature if he is here, he has a diploma and that is within our own qualifications within our own country. KASNEB and KIM also offer certificates which are equated to degrees. Somebody with Certified Public Secretary in Kenya is a learned person. We cannot say he is far away below a diploma. I want the House to be sober and ventilate pass or reject the nominee. As a Member of the committee, the man merits to sit on the board.

He has the qualification beyond even a diploma. Speaker CPA Nganga knows with a CPA (K) that is like a degree; nobody will even ask you that do you have a degree? If you are called CPA Sudi that one alone qualifies you; no one will look for your degree. Thank you Hon. Speaker.

Mr. Speaker: Thank you. Hon. Orize?

Hon. Orize Kundu: Asante Spika kunipa nafasi niweze kuchangia huu mswada ambaa uko mbele yetu. Kwangu mimi vile wenzangu wamechangia, sisi wakenya tunajuana na Kenya yetu hii ina mengi. Mkenya anajua mkenya mwenzake.

Tangazo vile lilifanyika kwa maombi ya kazi kwamba wanataka mta kiasi fulani, masomo kiasi fulani, karatasi aina Fulani, Iliwekwa wazi na wakenya ambaa wako na karatasi hizo ni wengi sana; si Mkikuyu wala Mjalu. Lakini sasa hapa limekuwa hapa jambo la kufa kupona kwa

sababu ya jina la mtu mmoja. Hata mimi nimeshangaa ni kwa nini na tukifanya upekuzi kidogo ningependa ripoti itoke kwa idara ya ujasusi kwamba huyu mtu...

Mr.Speaker:Hon.Jack, what is the issue?

Hon.Jack Wambulwa: Hon. Speaker, I want to advise my colleague who is contributing that there is nothing like *kufa kupona hapa*...we are only trying to defend the report and all I can confirm here that this documents were not....

Mr. Speaker: Honourable Member stop at the level of correcting him. You can't contribute again...

Hon. Jack Wambulwa: Mr. Speaker you can't stop me because I am giving information. It was never forwarded to the agencies so rule me out on this...

Mr. Speaker: Honourable what we are saying here is that contribute to the level correcting him because you have spoken already on this report, you can't contribute twice Hon.Jack.

Mr. Speaker: Yes Honourable, just hold on, I give you the Microphone. Yes proceed!

Hon.Orize Kundu: Kwangu mimi Spika, kwa sababu kumekuwa na mambo mengi ya karatasi mbalimbali kutokea huku na kule. Maoni yangu ni kwamba kama kuna ripoti yoyote kutoka kwa idara ya kudhibitisha kwamba hizi karatasi ni halali. Asante Spika.

Mr. Speaker: Hon.Catherine? Hon.Chemion, prepare to respond after Hon.Otsiula. Proceed!

Hon.Catherine Kituyi: Thank you Mr. Speaker Sir. I want to laud the mover of the motion and the seconder. I know Ben Karuga they are my family friends but on this motion, it has left me wondering if the advert they said minimum qualification is diploma then that was the work of the committee to confirm.

I want them to confirm if the nominee qualified and if he submitted his original papers. Normally when you go for an interview, you submit your original document and photocopies. Did he submit? That is where I am lost because of the...

Mr. Speaker: Honourable Members, order! Allow Hon.Catherine to be heard in silence. Proceed!

Hon.Catherine Kituyi: I am wondering the activeness in the House. Sometimes it makes you wonder what is it? So were his papers submitted? That is my question. Thank you. Mr. Speaker.

Mr. Speaker: Hon.Otsiula close then I will allow Hon.Chemion to respond to the motion.

Hon.Benjamin Otsiula: Thank you Hon.Speaker. When you are defending a report and you see the Leader of Majority and the Deputy Speaker are not comfortable with the contents of the

report, sometimes you get jittery. I want to understand the fears of the Leader of Majority and the Deputy Speaker. Recently a name was approved in this House that is Oringe Waswa popularly known as *Bonaparte*.

He is my colleague in the legal profession and when he was approved by this House to serve as the County Attorney, Members of the public around Bungoma town, members of the Law Society of Kenya Chapter in which you and I hail from and the Hon. Lusenaka and other quarters raised issues saying that why did the Governor nominate someone outside the County of Bungoma to serve as the County Attorney. I want to understand the fears of the Leader of Majority and the Deputy Speaker because they are looking at the environment outside and maybe how people are perceiving the government of the day.

This committee faced numerous challenges one being the issue of tribal aspect. It was difficult. This particular person is a Kikuyu by tribe but he is a resident of Bungoma. When doubts emanated from his academic qualifications and I must confirm that the entire membership of the Lands Committee led by Hon. Francis Chemion, we agreed that we are going to drop this name.

However, the last day of the report writing exercise we did not receive any contrary opinion, therefore, became difficult for us. Even my senior Hon. James Mukhongo is aware we were in a tight situation because we were to work with what we had. As Lands Committee, sometimes we may appear as if we are defending the nominee so much but what shall we do unless the contrary is proved. They are saying may be we could have subjected the documents to other entities. I think at that point it could have not been possible.

I know the pressure is outside there. I agree with the Leader of Majority that he might face some ridicule. As a committee there is nothing much we would have done better than what we did. If we had received contrary information, we were very open as a committee on the last day of the report writing exercise. Therefore it is upon this House now to decide whether our report goes through or not. Otherwise I cannot run away from the contents of the report. Thank you Mr. Speaker.

Mr. Speaker: Thank you Hon. Otsiula. Allow me now invite the mover of the motion to reply. Hon. Chemion proceed...

Hon. Francis Chemion (Mover to reply): Thank you Hon. Speaker. Allow me give my background. I am an Educationist and I have been in that field for many years. I have been a teacher for more than 20 years. I have stayed in the corridors of many employment bureaus. All the procedures that happen I want to start with equation; I have heard Honourable Members talking of equation. There is no equation here.

We only equate through the commission of higher education degrees that come from outside the country. That is what happens and I have assisted many people equate their certificates that they studied in Uganda and other parts of this world. I was personally taking them to the headquarters

of the equation commission and when they equate, they just write a letter. Equation means they write a letter recognizing; it is a letter of equation or recognition. They just write a letter. We have the logo and all the features of that commission.

This country has gone far and Members you may cast aspersion today over what we are presenting to this House. It may come to all of us or one of us in the near future because in 2014 the National parliament of Kenya came up with the Act of Kenya National Qualification Authority and it gave it powers to align. It gave it powers to recognize. This is a functional body that is working in Kenya and it is doing its work all over Kenya. For the benefit of Members, look at this report at the back. We have KASNEB Certificate. Some Members are asking where are the papers? We have documentations from KASNEB where this nominee went to school and did CPS, Certified Public Secretary and even everything is shown there. Certified Public Secretary Part 2 examination. He did it and the paper here shows so. We are employing many people in Kenya who have gone through KASNEB. Most of the people who are even in our County Assembly and the Executive went through KASNEB and they were employed using the KASNEB papers but this one we needed more information Honourable members.

We needed a letter from the qualification authority to inform us that this is still valid and it can be equated to this level and that is why that letter came from KNQA and there are two letters which I want to read the content for members and these are the basis that we used to ensure that this person qualifies. We have a letter headed reference no.22/RST ETC

Subject: To whom it may concern

That was dated March 2025.

Honourable Members, the subject was equation of the certified secretary's intermediate level qualification under the Kenya National Qualification framework. This body is a body recognized in Kenya and it is working and it is doing all these qualifications and people are getting employment.

Even the issue of prior learning and this one we must bring to the attention of all of us. That where Kenya has reached, I am not talking of even Karuga. If you have stayed in a field of business for many years and you have excelled, this body has the ability to give you a certificate and the certificate will be recognized in Kenya. They will accumulate the skills and the knowledge that you have acquired over time and they are able to give you a certificate and that certificate is valid. Nobody can question a certificate or letter from KNQA unless we have evidence to the contrary honourable Members.

The letter says, KASNEB is a professional examination body established under a state corporation under the National Treasury by the Government of Kenya on 24th July 1969. This is not a body that came yesterday. The establishment and operations of KASNEB are governed by the following main Acts among others;

1. The Accountant Act
2. The Certified Public Secretaries of Kenya Act where Karuga falls
3. The Investment and Financial Analysis Act no.13 of 2015.

The mandate of KASNEB is the development of syllabuses, conduct of professional, diploma and certificate examinations and certification of students in Accountancy, Finance, Credit, Governance and Management, Information Technology and related disciplines. Promotion of its qualifications nationally and internationally and the accreditation of relevant training institutions in liaison with the ministry in charge of education.

They are now communicating to us. We wish to confirm that KASNEB is registered as a qualification awarding institution by the Kenya National Qualifications Authority (KNQA).

In addition, qualifications of KASNEB have been equated as per the enclosed schedule; they are now coming to Karuga; specifically the certified secretary intermediate level qualification formerly part 2. That is what Karuga had done has been equated as part qualification under KNQA level seven which is above KNQA level 6. The equivalent for a diploma in Kenya.

The Certified Secretary Intermediate level qualification is therefore above diploma level qualifications.

This is a letter from KASNEB Honourable Members. Please contact the undersigned for any further clarification. It was signed by F.C.P.O Isaac M. Njuguna for secretary Chief Executive Officer.

This is a letter from KASNEB Members. I want to read the letter now from KASNEB circular to all KASNEB students training institutions and other stakeholders. Registration of professional and post professional syllabuses by the Kenya National Qualifications Authority inclusive of practical analytics content for CPA and SIFA qualifications.

We wish to inform you that following the release of the KASNEB syllabuses in July 2021, the syllabuses for professional and post professional qualifications were submitted to the Kenya National Qualifications Authority for review and accreditation. The KNQA is the statutory body in Kenya mandated to co-ordinate and harmonize education, training, assessment and quality assurance of qualification awarded in the country with the view to improving quality and international compatibility. Upon the successful review of the syllabuses, KNQA formally accredited the following professional and post professional qualification examined by KASNEB and placed them at Kenya National Qualifications Framework level 7 with a bachelor's degree and KNQFA level 8 with post graduate degrees respectively as follows; they have given how they have done it.

The process of accrediting other qualifications of KASNEB is ongoing. We are pleased to enclose the syllabuses of the qualifications, registered and accredited by KNQA. They now appreciate if you want anything we can talk to them.

I now come to the letter KNQA itself. Now these ones are defining the level. They are giving a definition of the level.

Certificate of alignment of qualifications; Ben Ndishu Karuga

Reason; Definition of level of qualifications, Ben Ndishu Karuga

Thank you for your application dated January 27th 2025 requesting for the definition of level of qualification of the Certified Public Secretaries part 2 examination certificate awarded by Kenya Accounts and Secretaries National Examination Board Kenya. In accordance to the Kenya National qualification framework act no.22 of 2014 section 8(1) (j), your qualification is aligned to Kenya National Qualification Framework Aggregate grade on KNQF part qualification of KNQF level 7 which is equivalent to bachelor's degree. However, kindly note that apart from this certificate definition, you may be called upon to meet other requirements set by the Kenyan professional Organization for your qualification. This is a letter from KNQF.

I want to ride on what Hon. Sudi said and this is happening in our doorsteps at home honourable Members. People go for craft certificates 1, go to craft certificates 2, craft certificate 3 which is equivalent to a diploma. We have even honourable Members who have gone through that system and they have diplomas courtesy of that equation or alignment. So, when it comes to Ndishu Honorable members, we have decided to change the goal post.

Mr. Speaker, I serve with you in a committee and in one of the vetting processes, you remember I asked a pertinent question; I was just asking so that we see what the nominee could say. You remember the nominee was not having a qualification to study law and I asked this man does not qualify to be a lawyer. But there was a letter equating a certificate saying that he qualifies.

We accepted and said this is a letter that has come, it has said he qualifies now to enroll in to the next level. Based on that letter, were it that that letter was not there, I am very sure we could not have gone very far.

Honourable Members, this is a razor sharp nominee. We must give it to him. Check at the credentials of this nominee, KCPE, check form four level, the KASNEB results, honourable Members. He cannot even be compared to others who came before this committee in terms of knowledge, skills and the emotional intelligence.

I want to address the fear that is being driven to us that we will be arrested. Who will arrest us honourable Members. Nobody will arrest you. We passed the County Attorney here Members and you saw what happened? There was something to do with court order? Were we served? No. If there is a case, it is him now who is facing the law but for us we have done as a committee, we

have done due diligence. I want to speak as a man of God, allow me speak today as a man of God...

(Loud Consultation)

Mr. Speaker: Hon. Chemion, I am seeing people laughing, they are asking since when? They may be knowing something I do not know.

Hon. Francis Chemion: From the beginning Hon. Speaker.

(Laughter)

Mr. Speaker: I have seen Hon. Mulongo laughing. I am wondering.

Hon. Francis Chemion: I was saying Members, in the Bible, there was a robber called Barabbas. He was ill but the people went to the leaders of that day and said give us Barabbas. Crucify Jesus and Jesus had not sinned but he was put on the cross and the devil or the murderer was relieved. I want to ask Members and you know what the judge said. He had washed his hands. As the Chairperson of Lands Committee, we have come here, done due diligence, we are satisfied that this person is qualified beyond any reasonable doubt. We are bringing him to the County Assembly now to approve this name.

We are crying all the time; off course we do not literally cry but we speak; for lack of resources, that the budget allocation is not enough. Honourable Members Bungoma Municipality as we speak is already suspended because the board is not fully constituted.

The condition for World Bank funding is that the municipal board must be fully constituted. Kimilili is through, they have been approved by World Bank and they will get those funds over Kshs. 400,000,000. We are at the edge, in fact, the County Executive of Bungoma will have to appeal and what they will use to appeal is whether we have passed the 10th board member. Failure to do that, we will lose Kshs. 400,000,000 as a County.

When we have passed people here, this is a tradition; I am just speaking the truth. After we have passed people here, it is now the work of the Executive and that is why they were even asking for a budget. They were asking for a budget that they take all the certificates of the employees to those bodies to confirm whether they are genuine or not. It is them to do. Us we have received the documentation. Members, Karuga is a son of Bungoma, he has been with us for that long. He qualifies and I want to implore and urge Members that let us not take a *panga* or a knife and kill an innocent blood. I submit and urge that you approve Hon. Karuga. Thank you.

(Applause)

Mr. Speaker: Hon. Chemion, thank you for your reply to the motion. Honourable Members, allow me proceed and put a question;

(Question put and agreed to)

The ayes have it!

(Applause)

Honourable Members, pursuant to the Act, the Clerk will forward the name to the Governor for formal appointment.

Members for information purposes; if you were to dispute, seven Members could have raised up to demand for division. Nobody rose up to demand for division. I cannot call for one myself as per our Standing Orders. Thank you. Next item!

BILLS

THE BUNGOMA COUNTY LIVESTOCK SALE YARD BILL 2025.

Mr. Speaker: Chair, Hon. Waiti Wafula, have the mic please!

Hon. Wafula Waiti (Chairperson, Agriculture): Thank you Hon. Speaker. I rise to request that the Bungoma County Livestock Sale Yard Bill be read for the first time.

Mr. Speaker: Yes, Clerk at the Table to read!

THE BUNGOMA COUNTY LIVESTOCK SALE YARD BILL 2025.

A BILL OF AN ACT OF THE COUNTY ASSEMBLY OF BUNGOMA TO GIVE EFFECT TO CLAUSE 1 (B) OF PART TWO OF THE FOURTH SCHEDULE TO THE CONSTITUTION TO PROVIDE FOR THE DEVELOPMENT AND MANAGEMENT OF LIVESTOCK SALE YARDS AND FOR CONNECTED PURPOSES -**FIRST READING**.

Mr. Speaker: Honourable Members, the Bungoma County Livestock Sale Yard Bill 2025 having been read for the first time, the committee will subsequently pick it up, process the same and report back to the House.

ADJOURNMENT

Honourable Members, I am informed by Clerks at the Table that was the last item on the Order Paper. We adjourn our sitting today and resume tomorrow at 9:30 a.m. in our normal sitting on 30th April, 2025.

The House rose at 4:39 p.m.

