



**REPUBLIC OF KENYA**

**SECOND COUNTY ASSEMBLY – THIRD SESSION**

**THE COUNTY ASSEMBLY OF LAIKIPIA**

**ORDER PAPER**

**THURSDAY 20TH JUNE, 2019 AT 2.30PM**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers(As listed in the appendix)
6. Notices of Motions(As listed in the appendix)
7. Statements

**8\* MOTION- REMOVAL FROM OFFICE OF C.E.C.M FOR FINANCE AND ECONOMIC PLANNING-MR. BONIFACE MURUNGI NDAI**

Mr. Speaker Sir, I beg to move the following motion;

**THAT noting that** Article 10 of the Constitution of Kenya 2010 provides that national values and principles of governance integrity, transparency and accountability and which are binding to all state organs, state officers, public officers and all persons; **Appreciating that the** County Assembly has the duty to defend these principles by exercising its power of oversight under Article 185 of the Constitution; **Further noting that** there are serious integrity issues, accountability issues, misappropriation of public funds and gross violation of the laws by the CECM Finance and Economic Planning, we urge this house pursuant to Section 40 of the County Governments Act, 2012 and the Laikipia County Assembly Standing Orders to remove from office Mr. Boniface Murungi Ndai on the following ground;

1. Gross violation of the Constitution and other laws.

**Particulars:**

- a. By failing to conduct public participation on the Laikipia County Finance Bill, 2018/2019 in violation of Article 10(2), Article 183(1)a and the Public Finance Management Act, (Regulations).
- b. Irregular employment of a County staff member in contravention of section 9(2) of the Laikipia County Revenue Board Act, 2014.
- c. Failure to implement the provisions of Laikipia County Appropriations Act, 2018/2019 by continuously failing to pay salaries to the Laikipia County employees on time.

**(Hon. Jacob Endom, Member of County Assembly Representing Sosian  
Ward)**

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**APPENDIX**

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**1. PAPERS**

- a. Report by the Committee on Delegated County Legislation on the Laikipia County Enterprise Fund Regulations 2015 dated 18th June, 2019.

**(Hon. Jacob Endom, Chairperson, Committee on Delegated County Legislation)**

**2. NOTICES OF MOTION**

- a. Notice of Motion- **REPORT ON THE LAIKIPIA COUNTY ENTERPRISE FUND REGULATIONS 2015**

**THAT**, this house adopts the report by the Committee on Delegated County Legislation on the Laikipia County Enterprise Fund Regulations 2015 dated 18th June, 2019.

**(Hon. Jacob Endom, Chairperson, Committee on Delegated County Legislation)**

- b. Notice of Motion- **REMOVAL FROM OFFICE FOR THE CECM TRADE, TOURISM, ENTERPRISE & COOPERATIVE DEVELOPMENT**

**THAT, Noting that** Article 10 of the Constitution provides that national values and principles of governance include good governance, integrity, transparency and accountability and which principles are binding to all state organs, state officers, public officers and all persons; **Further noting that** the County Assembly has the duty to defend these principles by exercising its oversight power under article 185 of the Constitution; **Appreciating that** section 40 of the County Government Act provides for the removal of a member of the County executive committee on any of the following grounds:

- i. Incompetence
- ii. Abuse of office
- iii. Gross misconduct
- iv. Failure, without reasonable excuse, or written authority of the Governor to attend three consecutive meetings of the County Executive Committee

- v. Physical or mental incapacity rendering the Executive Committee member incapable of performing the duties of that office

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- vi. Gross violation of the Constitution or any other law

**Further appreciating that** under section 40 of the County Government Act, that this house may pass a resolution requiring the Governor to dismiss a member of the County Executive Committee on any of the aforementioned grounds and that if such a resolution is passed that the Governor shall dismiss the concerned member of the Executive Committee; this house **resolves** that Mr. Nicholas Biwott be dismissed from the office of Laikipia County Executive Committee member for Trade, Tourism, Enterprise & Cooperative Development pursuant to section 40 of the County Government Act on the grounds of:

### **1. GROSS VIOLATION OF THE CONSTITUTION AND OTHER LAWS**

#### **Particulars;**

- a. Misappropriation of public funds contrary to Article 201(d) of the Constitution of Kenya and the Public Finance Management Act by spending money on the events termed as “innovation fair” and “cultural day” programs which had not been allocated funds in the 2018/2019 Financial year budget.

### **2. INCOMPETENCE**

#### **Particulars;**

- a. Failure to make rules under the Laikipia County Cooperative Societies Fund Act, 2014 thus hindering the proper and efficient administration of the Fund. This is contrary to good governance which is a principle binding to all persons, as well as section 108 of the Laikipia County Cooperative Societies Fund Act, 2014 which requires the Executive Committee Member to make rules for the better carrying out of the Act. Further, the Laikipia County Cooperative Societies Rules brought to the Assembly for approval were improperly done.

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b. Being unable to carry out his Constitutional/Statutory mandates by failure to initiate the following development projects despite the same having been allocated monies in the 2018/2019 Financial year budget:

- i. Construction of livestock market in Doldol - Kshs. 2,000,000.
- ii. Construction of Rumuruti tannery - Kshs. 8,000,000.
- iii. Construction of Makutano market stalls and Sirma Ablution block - Kshs. 4,100,000.
- iv. Rehabilitation of Sipili market stalls, renovation of Sipili slaughterhouse and construction of Ol Moran livestock market - Kshs. 4,100,000.

**(Hon. Joseph Kiguru, Member of County Assembly Representing Igwamiti Ward)**

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