



REPUBLIC OF KENYA  
BOMET COUNTY ASSEMBLY  
FIRST ASSEMBLY - (FIFTH SESSION)  
**ORDERS OF THE DAY**  
TUESDAY 31<sup>ST</sup> JANUARY, 2017 AT 9.00 A.M

**PRAYERS**

**Determination of Quorum**

1. Administration of oath.
2. Communication from the chair
3. Messages
4. Petitions
5. Papers
6. Notices of motions
7. Statements
8. \* **MOTION (Hon. Leonard Kirui)**  
**THAT** aware that Section 40(1) of the County Governments Act, 2012 provides grounds on which the Governor may remove a member of the County Executive Committee; this County Assembly resolves that the Governor of Bomet County dismiss Dr. Peter Koross, the County Executive Member for Finance on the following grounds;
  - (a) Gross violation of the Constitution or any other law.
  - (b) Abuse of office;
  - (c) Incompetence
  - (d) Gross misconduct;**Also aware** that section 107 of the Public Finance Management Act requires the County Treasury to enforce fiscal responsibility principles including limiting the county government's expenditure on wages and benefits for its public officers;  
**Further aware** that Dr. Peter Koross failed to set a limit on the county government's expenditure on wages and benefits for its public officers as required by PFM regulation 25(1)
  - (a);

**Deeply concerned** at the rate at which Bomet County wage bill has skyrocketed. That Dr. Peter Koross has failed to advice the county on the ballooning wage bill which has consumed huge resources leaving very little money for development programs;

**Also aware** that the County Treasury has on several occasions issued unfunded Authority to Incur Expenditures (A.I.Es) to various institutions. That Dr. Peter Koross misled the public for allowing issuance of unfunded Authority to Incur Expenditures (A.I.Es).

**Further aware** that Dr. Peter Koross has continued to preside over mismanagement of county resources which contravenes the mandatory provisions of the Constitution and the tenets of the Public Finance Management Act 2012. That he has continued to release county resources with little regard to crucial county planning documents such as the County Integrated Development Plan (CIDP), Annual Development Plan (ADP), Fiscal Strategy Paper (FSP) and the County Budget. That he has allowed implementation of non-county projects.

**Further aware** that the CEC for Finance has failed to submit detailed expenditure on Bomet County IAAF stadium and that it was a subject matter of the auditor general report among other projects; Further aware that the CEC for Finance has failed to remit the County Assembly's balances for recurrent expenditure from FY 2015/2016; Further aware that he has failed to release the Bomet County Assembly development funds in accordance with the Bomet County Appropriation Act 2016;

**Deeply concerned** that Dr. Peter Koross in carrying out his role as the Executive Committee Member for Finance has on a number of occasions failed to lead and advice the County on crucial financial matters and that he has repeatedly failed to adhere to the tenets of the Constitution, Public Finance Management Act, 2012 & its regulations as well as court orders; this County Assembly resolves that the Governor of Bomet County dismiss Dr. Peter Koross, the County Executive Member for Finance on grounds of incompetence, gross misconduct and gross violation of the Public Finance Management Act and the Constitution.

**Gross Violation of the Public Finance Management Act, 2012**

- a) *Failure to set the limit on the county government's expenditure on wages and benefits for its public officers contrary to the provisions of sections 107(c) of the Public Finance Management Act, 2012 and Public Finance Management regulation 25(1)(a). This is responsible for the county's ballooning wage Bill.*

Particulars

*The auditor general pointed out in its report for the period ending 30<sup>th</sup> June 2015 as follows;*

*"Employees cost increased from KES 1,012,461,176 as at 30 June 2014 to KES 1,669,702,726 as at 30<sup>th</sup> June 2015 .an increase of KES 657,241,550 or 65% in one year .Further, the cost of employees has taken 70% of the total recurrent expenditure for the year.*

*An increase of 65% wage bill in one year and 70% of recurrent going to salaries and wages is certainly not tenable and unless employment freeze is introduced, fiscal responsibility principle will remain violated."*

**Abuse of Office, Incompetence and gross misconduct**

Dr. Peter Koross has continued to preside over mismanagement of county resources which contravenes the mandatory provisions of the Constitution and the tenets of the Public Finance Management Act 2012.

**Particulars**

1. *Implementation of budget before it is passed. Dr. Peter Koross allowed for purchase of motor vehicles on credit without involvement of the Assembly. The following is Dr. Peter Koross admission extracted from the Budget and Appropriation committee report on the Bomet County MTEF Budget for FY 2016/17;*

***"Purchase of motor vehicles:*** *was allocated the amount to allow for payment of the vehicles already purchased. The vehicles are being paid for in installments which will spill over to the FY 2016/2017"*

2. *The CEC for Finance failed to submit detailed expenditure on Bomet County IAAF stadium and that it was a subject matter of the auditor general report among other*

*projects; Further aware that the CEC for Finance has failed to remit the County Assembly's balances for recurrent expenditure from FY 2015/2016; Further aware that he has failed to release the Bomet County Assembly development funds in accordance with the Bomet County Appropriation Act 2016*

- 3. That he has continued to release county resources with little regard to crucial county planning documents such as the County Integrated Development Plan (CIDP), Annual Development Plan (ADP), Fiscal Strategy Paper (FSP) and the County Budget. That he has allowed implementation of non-county projects.*
- 4. That despite Assembly allocating full amount for Car and Mortgage loan for members of the County Assembly, Dr. Peter Koross continued to preside over illegal payment of 13% interest on the said loans occasioning huge losses to the county.*

\*Denotes the orders of the day

.....MOTION