

APPROVED SPECIAL MOTION

DISMISSAL OF MS. MILCEN SOI AS A MEMBER OF THE BOMET COUNTY PUBLIC SERVICE BOARD

(HON. KIBET NGETICH MCA, LEADER OF THE MINORITY PARTY)

COGNIZANT of the fact that Article 251(1) of the Constitution of Kenya, 2010, read in tandem with Section 58(5) of the County Governments Act, 2012, provides for the removal of the Members of the County Public Service Board on grounds of serious violation of the Constitution or any other law, including contraventions of Chapter Six, gross misconduct, physical or mental incapacity to perform the functions of office, incompetence, or bankruptcy;

NOTING that Article 10, as read together with Articles 73, 74, 75, and 232 of the Constitution of Kenya, 2010, underscores accountability of state and public officers to the public for decisions and actions as a key guiding principle of leadership and integrity;

AND WHEREAS Sections 8, 9, 10, 11, 24, 32, and 34 of the Leadership and Integrity Act establish the general leadership and integrity code, including the breach of public trust, failure to carry out the duties of respective offices in a transparent and professional manner, and failure to conduct duties with impartiality and objectivity as per Articles 10, 27, 73(2)(b), and 75 of the Constitution, obligating a state officer to behave in a manner that avoids compromising public or official interest in favour of personal interest;

RECOGNIZING THAT Section 59A of the County Governments Act stipulates that the County Public Service Board shall be independent and not subject to direction from any institution, it nevertheless does not immunize the Board from accountability to the public, the performance of constitutional functions with integrity, and oversight by this County Assembly pursuant to Articles 73, 74, 75, 185, and 232 of the Constitution of Kenya, 2010;

FURTHER RECOGNIZING THAT Articles 10, 232, 235, and 236 of the Constitution, along with Sections 59, 59A, 60, 62, 63, 64, and 65 of the County Governments Act, 2012, provide the values and principles of public service and a regulatory framework for the establishment of County Public Offices and the recruitment, employment, deployment, transfer, and dismissal of county public officers, which the County Public Service Board is expected to operate within;

NOTING WITH CONCERN that there have been numerous complaints centering on alleged violations of Article 73(2)(d) of the Constitution by the Public Service Board for their decisions and actions;

NOTING that in giving effect to Articles 10 and 232 of the Constitution, Section 59(1)(d) and (f) of the County Governments Act, 2012, requires the County Public Service Board to prepare regular reports for submission to the County Assembly on the execution of its functions and to report annually on the extent of compliance with values and principles referred to in Articles 10 and 232;

CONCERNED THAT the analysis of recent activities of the Bomet County Public Service Board and complaints raised by the public indicate actions contrary to the provisions of the Constitution of Kenya, 2010, the County Governments Act, 2012, the Leadership and Integrity Act, 2012, the Anti-Corruption and Economic Crimes Act, 2016, and the Public Officers Ethics Act, 2009;

NOW THEREFORE, this County Assembly resolves to remove Ms. Milcen Soi as a Member of the Bomet County Public Service Board on the following grounds;

1. SERIOUS VIOLATION OF THE CONSTITUTION AND OTHER LAWS

a) Neglect of Statutory Duties and Contempt of the County Assembly

THAT, Ms. Milcen Soi, in her capacity as a member of the Bomet County Public Service Board, has grossly violated Articles 73 and 195 of the Constitution of Kenya and Section 51(1)(d), (e), and (f) of the County Governments Act, 2012 by—

(i) Failing to furnish the County Assembly with reports on the execution of the Board's functions and the extent to which the values and principles referred to in Articles 10 and 232 of the Constitution are upheld within the County Public Service. This failure has hindered the County Assembly from effectively exercising its oversight and legislative mandates. Specifically, she and other members of the Board deliberately refused to submit details on the selection criteria and methods used for the Chief Officers' interviews, pursuant to a request from the Assembly on 25th October 2023.

b) Retention of staff beyond mandatory retirement age

THAT, Ms. Milcen Soi, as a member of the Bomet County Public Service Board, has grossly violated Regulation No. 70(1) of the Public Service Commission Regulations, 2020, and Section D.21 of the Human Resource Policies and Procedures Manual, 2016 by—

(i) Allowing the retention of approximately 19 employees within the County's Payroll System for over a year despite these employees having attained the mandatory retirement age, contrary to the provisions mandating public officers to retire at sixty (60) years or sixty-five (65) years for persons with disabilities.

2. GROSS MISCONDUCT

a) Conflict of Interest

THAT, Ms. Milcen Soi, in her capacity as a member of the Bomet County Public Service Board, has engaged in gross misconduct by—

(i) Shortlisting herself for positions of Chief Officer, thereby violating the principles of fair recruitment, public trust, and presenting a clear conflict of interest as mandated by Articles 10 and 73(1)(a)(iii) & (iv) of the Constitution of Kenya.

(ii) Allowing her colleagues to hire relatives which has significantly eroded public trust in the County Public Service Board, contrary to Articles 75 and 232 of the Constitution, and failing to uphold the integrity and impartiality required of state officers as outlined in Sections 8, 9, 10, 11, 24, 32, and 34 of the Leadership and Integrity Act, 2012, and Sections 9 and 11(1), (2)(a), (c) of the Public Officer Ethics Act.

b) Violation of Appointment Laws and Regulations

THAT, Ms.Milcen Soi, as a member of the Bomet County Public Service Board, has violated the laws and regulations governing appointments by—

(i) Approving the employment of unnecessary and redundant positions in the County Public Service, such as Programs Officers, while neglecting other key areas, in utter disregard of Section 65(1) of the County Governments Act, 2012, which mandates consideration of standards, values, and principles set out in Articles 10, 27(4), 56(c), and 232(1) of the Constitution.

(ii) Allowing officers to act in positions beyond the stipulated period, significantly affecting performance in various departments, contrary to prescribed legal frameworks.

3. INCOMPETENCE

THAT, Ms.Milcen Soi, in her capacity as a member of the Bomet County Public Service Board, has demonstrated gross incompetence by—

(i) Failing to fulfill or cause the fulfillment of the provisions of Section 59(4) of the County Governments Act, 2012, including the failure to formulate the County Annual Recruitment Plan, contrary to Section B(2)(1) of the Human Resource Policies and Procedures Manual for the Public Service.

(ii) Employing persons to various positions without reasonable advertisement to the public regarding the vacancy of such positions, such as COVID-19 interns, contrary to Article 232(1)(h) of the Constitution of Kenya, which demands transparency and the provision of timely, accurate information to the public in the provision of public service.

(iii) Causing a ballooning wage bill and wastage of public resources by failing to formulate the annual recruitment plan and advise the county executive accordingly, thereby exceeding the stipulated 35% wage bill threshold.

4. NON-COMPLIANCE WITH COURT ORDERS

THAT, Ms.Milcen Soi, in her capacity as a member of the Bomet County Public Service Board, has shown blatant disregard for the rule of law by openly disobeying court orders by failing to reinstate employees who were unjustly removed and by continuing to remove individuals from the payroll despite court directives to the contrary.

APPROVED SPECIAL MOTION

DISMISSAL OF MR. ISAIAH BYEGON AS A MEMBER OF THE BOMET COUNTY PUBLIC SERVICE BOARD

(HON. KIBET NGETICH MCA, LEADER OF THE MINORITY PARTY)

COGNIZANT of the fact that Article 251(1) of the Constitution of Kenya, 2010, read in tandem with Section 58(5) of the County Governments Act, 2012, provides for the removal of the Members of the County Public Service Board on grounds of serious violation of the Constitution or any other law, including contraventions of Chapter Six, gross misconduct, physical or mental incapacity to perform the functions of office, incompetence, or bankruptcy;

NOTING that Article 10, as read together with Articles 73, 74, 75, and 232 of the Constitution of Kenya, 2010, underscores accountability of state and public officers to the public for decisions and actions as a key guiding principle of leadership and integrity;

AND WHEREAS Sections 8, 9, 10, 11, 24, 32, and 34 of the Leadership and Integrity Act, 2012 establish the general leadership and integrity code, including the breach of public trust, failure to carry out the duties of respective offices in a transparent and professional manner, and failure to conduct duties with impartiality and objectivity as per Articles 10, 27, 73(2)(b), and 75 of the Constitution, obligating a state officer to behave in a manner that avoids compromising public or official interest in favor of personal interest;

RECOGNIZING THAT Section 59A of the County Governments Act, 2012 stipulates that the County Public Service Board shall be independent and not subject to direction from any institution, it nevertheless does not immunize the Board from accountability to the public, the performance of constitutional functions with integrity, and oversight by this County Assembly pursuant to Articles 73, 74, 75, 185, and 232 of the Constitution of Kenya, 2010;

FURTHER RECOGNIZING THAT Articles 10, 232, 235, and 236 of the Constitution, along with Sections 59, 59A, 60, 62, 63, 64, and 65 of the County Governments Act, 2012, provide the values and principles of public service and a regulatory framework for the establishment of County Public Offices and the recruitment, employment, deployment, transfer, and dismissal of county public officers, which the County Public Service Board is expected to operate within;

NOTING WITH CONCERN that there have been numerous complaints centering on alleged violations of Article 73(2)(d) of the Constitution by the Public Service Board for their decisions and actions;

NOTING that in giving effect to Articles 10 and 232 of the Constitution, Section 59(1)(d) and (f) of the County Governments Act, 2012, requires the County Public Service Board to prepare regular reports for submission to the County Assembly on the execution of its functions and to report annually on the extent of compliance with values and principles referred to in Articles 10 and 232;

CONCERNED THAT the analysis of recent activities of the Bomet County Public Service Board and complaints raised by the public indicate actions contrary to the provisions of the Constitution of Kenya, 2010, the County Governments Act, 2012, the Leadership and Integrity Act, 2012, the Anti-Corruption and Economic Crimes Act, 2016, and the Public Officers Ethics Act, 2009;

NOW THEREFORE, this County Assembly **RESOLVES** to remove Isaiah Byegon as a member of the Bomet County Public Service Board on the following grounds;

1. SERIOUS VIOLATION OF THE CONSTITUTION AND OTHER LAWS

a) Neglect of Statutory Duties and Contempt of the County Assembly

THAT, Isaiah Byegon, in his capacity as a member of the Bomet County Public Service Board, has grossly violated Articles 73 and 195 of the Constitution of Kenya and Section 51(1)(d), (e), and (f) of the County Governments Act, 2012 by—

(i) Failing to furnish the County Assembly with reports on the execution of the Board's functions and the extent to which the values and principles referred to in Articles 10 and 232 of the Constitution are upheld within the County Public Service. This failure has hindered the County Assembly from effectively exercising its oversight and legislative mandates. Specifically, he and other members of the Board deliberately refused to submit details on the selection criteria and methods used for the Chief Officers' interviews, pursuant to a request from the County Assembly on 25th October 2023.

b) Retention of Staff Beyond Mandatory Retirement Age

THAT, Isaiah Byegon, as a member of the Bomet County Public Service Board, has grossly violated Regulation No. 70(1) of the Public Service Commission Regulations, 2020, and Section D.21 of the Human Resource Policies and Procedures Manual, 2016 by—

(i) Allowing the retention of approximately 19 employees within the County's Payroll System for over a year despite these employees having attained the mandatory retirement age, contrary to the provisions mandating public officers to retire at sixty (60) years or sixty-five (65) years for persons with disabilities.

2. GROSS MISCONDUCT

a) Conflict of Interest

THAT, Isaiah Byegon, in his capacity as a member of the Bomet County Public Service Board, has engaged in gross misconduct by—

(i) Hiring his relatives in the county public service including his wife and sister and allowing his colleagues to hire relatives which has significantly eroded public trust in the County Public Service Board, contrary to Articles 75 and 232 of the Constitution, and failing to uphold the integrity and impartiality required of state officers as outlined in Sections 8, 9, 10, 11, 24, 32, and 34 of the Leadership and Integrity Act, 2012, and Sections 9 and 11(1), (2)(a), (c) of the Public Officer Ethics Act.

b) Violation of Appointment Laws and Regulations

THAT, Isaiah Byegon, as a member of the Bomet County Public Service Board, has violated the laws and regulations governing appointments by—

(i) Approving the employment of unnecessary and redundant positions in the County Public Service, such as Programs Officers, while neglecting other key areas, in utter disregard of Section 65(1) of the County Governments Act, 2012, which mandates consideration of standards, values, and principles set out in Articles 10, 27(4), 56(c), and 232(1) of the Constitution.

(ii) Allowing officers to act in positions beyond the stipulated period, significantly affecting performance in various departments, contrary to prescribed legal frameworks.

3. INCOMPETENCE

THAT, Isaiah Byegon, in his capacity as a member of the Bomet County Public Service Board, has demonstrated gross incompetence by—

(i) Failing to fulfill or cause the fulfillment of the provisions of Section 59(4) of the County Governments Act, 2012, including the failure to formulate the County Annual Recruitment Plan, contrary to Section B (2)(1) of the Human Resource Policies and Procedures Manual for the Public Service.

(ii) Employing persons to various positions without reasonable advertisement to the public regarding the vacancy of such positions, such as COVID-19 interns, contrary to Article 232(1)(h) of the Constitution of Kenya, which demands transparency and the provision of timely, accurate information to the public in the provision of public service.

(iii) Causing a ballooning wage bill and wastage of public resources by failing to formulate the annual recruitment plan and advise the county executive accordingly, thereby exceeding the stipulated 35% wage bill threshold.

4. NON-COMPLIANCE WITH COURT ORDERS

THAT, Isaiah Byegon, in his capacity as a member of the Bomet County Public Service Board, has shown blatant disregard for the rule of law by openly disobeying court orders

by failing to reinstate employees who were unjustly removed and by continuing to remove individuals from the payroll despite court directives to the contrary.

APPROVED SPECIAL MOTION

DISMISSAL OF ENG. ALEXANDER NGENO AS THE CHAIRPERSON OF THE BOMET COUNTY PUBLIC SERVICE BOARD

(HON. KIBET NGETICH MCA, LEADER OF THE MINORITY PARTY)

COGNIZANT of the fact that Article 251(1) of the Constitution of Kenya, 2010, read in tandem with Section 58(5) of the County Governments Act, 2012, provides for the removal of the Chairperson of the County Public Service Board on grounds of serious violation of the Constitution or any other law, including contraventions of Chapter Six, gross misconduct, physical or mental incapacity to perform the functions of office, incompetence, or bankruptcy;

NOTING that Article 10, as read together with Articles 73, 74, 75, and 232 of the Constitution of Kenya, 2010, underscores accountability of state and public officers to the public for decisions and actions as a key guiding principle of leadership and integrity;

AND WHEREAS Sections 8, 9, 10, 11, 24, 32, and 34 of the Leadership and Integrity Act establish the general leadership and integrity code, including the breach of public trust, failure to carry out the duties of respective offices in a transparent and professional manner, and failure to conduct duties with impartiality and objectivity as per Articles 10, 27, 73(2)(b), and 75 of the Constitution, obligating a state officer to behave in a manner that avoids compromising public or official interest in favor of personal interest;

RECOGNIZING THAT Section 59A of the County Governments Act stipulates that the County Public Service Board shall be independent and not subject to direction from any institution, it nevertheless does not immunize the Board from accountability to the public, the performance of constitutional functions with integrity, and oversight by this County Assembly pursuant to Articles 73, 74, 75, 185, and 232 of the Constitution of Kenya, 2010;

FURTHER RECOGNIZING THAT Articles 10, 232, 235, and 236 of the Constitution, along with Sections 59, 59A, 60, 62, 63, 64, and 65 of the County Governments Act, 2012, provide the values and principles of public service and a regulatory framework for the establishment of County Public Offices and the recruitment, employment, deployment, transfer, and dismissal of county public officers, which the County Public Service Board is expected to operate within;

NOTING WITH CONCERN that there have been numerous complaints centering on alleged violations of Article 73(2)(d) of the Constitution by the Public Service Board for their decisions and actions;

NOTING that in giving effect to Articles 10 and 232 of the Constitution, Section 59(1)(d) and (f) of the County Governments Act, 2012, requires the County Public Service Board to prepare regular reports for submission to the County Assembly on the execution of its functions and to report annually on the extent of compliance with values and principles referred to in Articles 10 and 232;

CONCERNED THAT the analysis of recent activities of the Bomet County Public Service Board and complaints raised by the public indicate actions contrary to the provisions of the Constitution of Kenya, 2010, the County Governments Act, 2012, the Leadership and Integrity Act, 2012, the Anti-Corruption and Economic Crimes Act, 2016, and the Public Officers Ethics Act, 2009;

NOW THEREFORE, this County Assembly resolves to remove Eng. Alexander Ngeno as the Chairperson of the Bomet County Public Service Board on the following grounds;

1. SERIOUS VIOLATION OF THE CONSTITUTION AND OTHER LAWS

a) Neglect of Statutory Duties and Contempt of the County Assembly

THAT, Eng. Alexander Ngeno, in his capacity as the Chairperson of the Bomet County Public Service Board, has grossly violated Articles 73 and 195 of the Constitution of Kenya and Section 51(1)(d), (e), and (f) of the County Governments Act, 2012 by—

(i) Failing to furnish the County Assembly with reports on the execution of the Board's functions and the extent to which the values and principles referred to in Articles 10 and 232 of the Constitution are upheld within the County Public Service. This failure has hindered the County Assembly from exercising its oversight and legislative mandates. Specifically, he and other members of the Board deliberately refused to submit details on the selection criteria and methods used for the Chief Officers' interviews, pursuant to a request from the Assembly on 25th October 2023.

b) Retention of Staff beyond Mandatory Retirement Age

THAT, Eng. Alexander Ngeno, as the Chairperson of the Bomet County Public Service Board, has grossly violated Regulation No. 70(1) of the Public Service Commission Regulations, 2020, and Section D.21 of the Human Resource Policies and Procedures Manual, 2016 by—

(i) Allowing the retention of approximately 19 employees within the County's Payroll System for over a year despite these employees having attained the mandatory retirement age, contrary to the provisions mandating public officers to retire at sixty (60) years or sixty-five (65) years for persons with disabilities.

2. GROSS MISCONDUCT

a) Nepotism and Conflict of Interest

THAT, Eng. Alexander Ngeno, in his capacity as the Chairperson of the Bomet County Public Service Board, has engaged in gross misconduct by—

(i) Shortlisting the Vice Chairperson of the Board for positions of Chief Officer, thereby violating the principles of fair recruitment, public trust, and presenting a clear conflict of interest as mandated by Articles 10 and 73(1)(a)(iii) & (iv) of the Constitution of Kenya.

(ii) Hiring relatives, including a brother-in-law, to a position of Director within the County Public Service, which has significantly eroded public trust in the County Public Service Board, contrary to Articles 75 and 232 of the Constitution, and failing to uphold the integrity and impartiality required of state officers as outlined in Sections 8, 9, 10, 11, 24,

32, and 34 of the Leadership and Integrity Act, 2012, and Sections 9 and 11(1), (2)(a), (c) of the Public Officer Ethics Act.

b) Violation of Appointment Laws and Regulations

THAT, Eng. Alexander Ngeno, as the Chairperson of the Bomet County Public Service Board, has violated the laws and regulations governing appointments by—

(i) Approving the employment of unnecessary and redundant positions in the County Public Service, such as Programs Officers, while neglecting other key areas, in utter disregard of Section 65(1) of the County Governments Act, 2012, which mandates consideration of standards, values, and principles set out in Articles 10, 27(4), 56(c), and 232(1) of the Constitution.

(ii) Allowing officers to act in positions beyond the stipulated period, significantly affecting performance in various departments, contrary to prescribed legal frameworks.

3. INCOMPETENCE

THAT, Eng. Alexander Ngeno, in his capacity as the Chairperson of the Bomet County Public Service Board, has demonstrated gross incompetence by—

(i) Failing to fulfill or cause the fulfillment of the provisions of Section 59(4) of the County Governments Act, 2012, including the failure to formulate the County Annual Recruitment Plan, contrary to Section B (2)(1) of the Human Resource Policies and Procedures Manual for the Public Service.

(ii) Employing persons to various positions without reasonable advertisement to the public regarding the vacancy of such positions, such as COVID-19 interns, contrary to Article 232(1)(h) of the Constitution of Kenya, which demands transparency and the provision of timely, accurate information to the public in the provision of public service.

(iii) Causing a ballooning wage bill and wastage of public resources by failing to formulate the annual recruitment plan and advise the county executive accordingly, thereby exceeding the stipulated 35% wage bill threshold.

4. NON-COMPLIANCE WITH COURT ORDERS

THAT, Eng. Alexander Ngeno, in his capacity as the Chairperson of the Bomet County Public Service Board, has shown blatant disregard for the rule of law by—

(i) Openly disobeying court orders by failing to reinstate employees who were unjustly removed and by continuing to remove individuals from the payroll despite court directives to the contrary.

APPROVED SPECIAL MOTION

DISMISSAL OF MR.DAVID TUEI AS A MEMBER OF THE BOMET COUNTY PUBLIC SERVICE BOARD

(HON. KIBET NGETICH MCA, LEADER OF THE MINORITY PARTY)

COGNIZANT of the fact that Article 251(1) of the Constitution of Kenya, 2010, read in tandem with Section 58(5) of the County Governments Act, 2012, provides for the removal of the Members of the County Public Service Board on grounds of serious violation of the Constitution or any other law, including contraventions of Chapter Six, gross misconduct, physical or mental incapacity to perform the functions of office, incompetence, or bankruptcy;

NOTING that Article 10, as read together with Articles 73, 74, 75, and 232 of the Constitution of Kenya, 2010, underscores accountability of state and public officers to the public for decisions and actions as a key guiding principle of leadership and integrity;

AND WHEREAS Sections 8, 9, 10, 11, 24, 32, and 34 of the Leadership and Integrity Act establish the general leadership and integrity code, including the breach of public trust, failure to carry out the duties of respective offices in a transparent and professional manner, and failure to conduct duties with impartiality and objectivity as per Articles 10, 27, 73(2)(b), and 75 of the Constitution, obligating a state officer to behave in a manner that avoids compromising public or official interest in favor of personal interest;

RECOGNIZING THAT Section 59A of the County Governments Act stipulates that the County Public Service Board shall be independent and not subject to direction from any institution, it nevertheless does not immunize the Board from accountability to the public, the performance of constitutional functions with integrity, and oversight by this County Assembly pursuant to Articles 73, 74, 75, 185, and 232 of the Constitution of Kenya, 2010;

FURTHER RECOGNIZING THAT Articles 10, 232, 235, and 236 of the Constitution, along with Sections 59, 59A, 60, 62, 63, 64, and 65 of the County Governments Act, 2012, provide the values and principles of public service and a regulatory framework for the establishment of County Public Offices and the recruitment, employment, deployment, transfer, and dismissal of county public officers, which the County Public Service Board is expected to operate within;

NOTING WITH CONCERN that there have been numerous complaints centering on alleged violations of Article 73(2)(d) of the Constitution by the Public Service Board for their decisions and actions;

NOTING that in giving effect to Articles 10 and 232 of the Constitution, Section 59(1)(d) and (f) of the County Governments Act, 2012, requires the County Public Service Board to prepare regular reports for submission to the County Assembly on the execution of its functions and to report annually on the extent of compliance with values and principles referred to in Articles 10 and 232;

CONCERNED THAT the analysis of recent activities of the Bomet County Public Service Board and complaints raised by the public indicate actions contrary to the provisions of the Constitution of Kenya, 2010, the County Governments Act, 2012, the Leadership and Integrity Act, 2012, the Anti-Corruption and Economic Crimes Act, 2016, and the Public Officers Ethics Act, 2009;

NOW THEREFORE, this County Assembly resolves to remove David Tuei as a member of the Bomet County Public Service Board on the following grounds;

1. SERIOUS VIOLATION OF THE CONSTITUTION AND OTHER LAWS

a) Neglect of Statutory Duties and Contempt of the County Assembly

THAT, David Tuei, in his capacity as a member of the Bomet County Public Service Board, has grossly violated Articles 73 and 195 of the Constitution of Kenya and Section 51(1)(d), (e), and (f) of the County Governments Act, 2012 by—

(i) Failing to furnish the County Assembly with reports on the execution of the Board's functions and the extent to which the values and principles referred to in Articles 10 and 232 of the Constitution are upheld within the County Public Service. This failure has hindered the County Assembly from effectively exercising its oversight and legislative mandates. Specifically, she and other members of the Board deliberately refused to submit details on the selection criteria and methods used for the Chief Officers' interviews, pursuant to a request from the Assembly on 25th October 2023.

b) Retention of Staff Beyond Mandatory Retirement Age

THAT, David Tuei, as a member of the Bomet County Public Service Board, has grossly violated Regulation No. 70(1) of the Public Service Commission Regulations, 2020, and Section D.21 of the Human Resource Policies and Procedures Manual, 2016 by—

(i) Allowing the retention of approximately 19 employees within the County's Payroll System for over a year despite these employees having attained the mandatory retirement age, contrary to the provisions mandating public officers to retire at sixty (60) years or sixty-five (65) years for persons with disabilities.

2. GROSS MISCONDUCT

a) Conflict of Interest

THAT, David Tuei, in his capacity as a member of the Bomet County Public Service Board, has engaged in gross misconduct by—

(i) Allowing his colleagues to hire relatives which has significantly eroded public trust in the County Public Service Board, contrary to Articles 75 and 232 of the Constitution, and failing to uphold the integrity and impartiality required of state officers as outlined in Sections 8, 9, 10, 11, 24, 32, and 34 of the Leadership and Integrity Act, 2012, and Sections 9 and 11(1), (2)(a), (c) of the Public Officer Ethics Act.

b) Violation of Appointment Laws and Regulations

THAT, David Tuei, as a member of the Bomet County Public Service Board, has violated the laws and regulations governing appointments by—

(i) Approving the employment of unnecessary and redundant positions in the County Public Service, such as Programs Officers, while neglecting other key areas, in utter disregard of Section 65(1) of the County Governments Act, 2012, which mandates consideration of standards, values, and principles set out in Articles 10, 27(4), 56(c), and 232(1) of the Constitution.

(ii) Allowing officers to act in positions beyond the stipulated period, significantly affecting performance in various departments, contrary to prescribed legal frameworks.

3. INCOMPETENCE

THAT, David Tuei, in his capacity as a member of the Bomet County Public Service Board, has demonstrated gross incompetence by—

(i) Failing to fulfill or cause the fulfillment of the provisions of Section 59(4) of the County Governments Act, 2012, including the failure to formulate the County Annual Recruitment Plan, contrary to Section B(2)(1) of the Human Resource Policies and Procedures Manual for the Public Service.

(ii) Employing persons to various positions without reasonable advertisement to the public regarding the vacancy of such positions, such as COVID-19 interns, contrary to Article 232(1)(h) of the Constitution of Kenya, which demands transparency and the provision of timely, accurate information to the public in the provision of public service.

(iii) Causing a ballooning wage bill and wastage of public resources by failing to formulate the annual recruitment plan and advise the county executive accordingly, thereby exceeding the stipulated 35% wage bill threshold.

4. NON-COMPLIANCE WITH COURT ORDERS

THAT, David Tuei, in his capacity as a member of the Bomet County Public Service Board, has shown blatant disregard for the rule of law by—

(i) Openly disobeying court orders by failing to reinstate employees who were unjustly removed and by continuing to remove individuals from the payroll despite court directives to the contrary.