



**BOMET COUNTY ASSEMBLY
SECOND ASSEMBLY-FIRST SESSION**

THE COMMITTEE ON URBAN PLANNING LAND AND HOUSING

REPORT

**ON NOMINATION FOR APPOINTMENT TO THE POSITION OF CHIEF
OFFICER**

21st DECEMBER, 2017

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ANNEXURES

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- iii. Notifications in the media
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1.0 PREFACE

Mr. Speaker Sir,

On behalf of the Committee on Urban Planning, Land and Housing and pursuant to Standing Order 193(5) (f), it is my duty and pleasure to present to the Assembly, the Committee's report on the vetting of the Chief Officer Urban Planning, Land and Housing Department.

This is one of the Sectoral committees established under the Standing Orders 193(1). Therefore, it is the relevant Committee that has the mandate to vet and report on appointments, for approval by the County Assembly, as provided for pursuant Section 45(1) (b) of the County Governments Act, 2012.

1.1 Committee Membership

Mr. Speaker Sir,

The Committee on Urban Planning, Land and Housing, as currently constituted, comprises of the following members:-

1. Hon. Zadock Kilel	Chairperson
2. Hon. Ridha Chepkirui	Vice Chair
3. Hon. Richard Chirchir	Member
4. Hon. Davis Mutai	Member
5. Hon. Joseah Chepkwony	Member
6. Hon. Vincent Mutai	Member
7. Hon. Josphat Kirui	Member

1.2 Committee's Mandate

Mr. Speaker,

The Sectoral Committee on Urban Planning, Land and Housing derives its mandate from provisions of Standing order 193(5).The functions of the Committee are as follows;

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) To study the programmes and policy objectives of departments and the Effectiveness of their implementation;
- c) To study and review all legislation referred to it;
- d) To study, assess and analyze the relative success of the departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and inquire into all matters relating to the assigned departments as may be deemed necessary, and as may be referred to it by the County Assembly;
- f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 188 (Committee on appointments); and
- g) To make reports and recommendations to the Assembly as often as possible, including recommendations of proposed legislation.

1.3 Nomination of the County Chief Officer,

Mr. Speaker,

Pursuant to section 45(1) (a) of the County Governments Act, 2012, H.E the Governor forwarded to the Speaker of the County Assembly, the name of one nominee, Dr. Richard Kipkirui Sigei Ezekiel for vetting and approval by the County Assembly for appointment as the County Chief Officer for Urban Planning, Land and Housing. The Hon. Speaker committed the paper to the Committee on Urban Planning, Land and Housing to conduct vetting of the nominee and report to the Assembly as provided under the Public Appointments (County Assemblies Approval) Act, 2017.

1.4 Committee Meetings

Mr. Speaker Sir,

The committee held a total of four meetings and in one of the meetings the said nominee appeared for vetting in accordance with the Public Appointments (County Assemblies Approval) Act, 2017 for appointment as Chief Officer Urban Planning Land and Housing department.

The Committee resolved to invite the Chief Officer nominee for Urban Planning, Land and Housing for approval hearing at the County Assembly's Chamber on Monday 18th December, 2017 at 4.30 p.m. While conducting the vetting exercise, the Committee made reference to the Constitution, the Public Appointments (County Assemblies Approval) Act, 2017, the County Governments Act, 2012 and the Standing Orders.

The Committee complied with the Constitutional and legal requirements and established procedures for vetting. It ensured that public participation and openness in carrying out the proceedings was adhered to. Notifications and invitations to the public to submit memoranda were placed in the mainstream print media as required by law.

2.0 Acknowledgment

Mr. Speaker,

The Committee is grateful to the County Assembly through the Hon. Speaker for the support granted in executing its mandate.

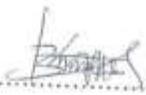
The Committee is also grateful to the office of the Clerk for facilitating and providing technical support to the Committee in the execution of its mandate. Further the Committee acknowledges the exemplary services rendered by staff of the County Assembly.

I wish to express my appreciation to the Honourable Members of the Committee who sacrificed time away from their families and residents to participate in the activities of the Committee including the extended committee sittings, public participation forum and report writing exercises.

Mr. Speaker Sir,

I wish to confirm that the recommendations of the Committee in this report were unanimously adopted.

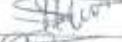
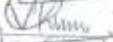
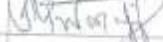
It is therefore my pleasant duty and privilege, on behalf of the County Assembly's Committee on Lands, Urban Planning and Housing to present the committee's report on the Bomet County Municipal Charter for approval by the Assembly.

SIGNED:  DATE 27/12/2017

**HON. ZADOCK KILEL
CHAIRPERSON**

3.0 OWNERSHIP OF THE REPORT

We, the members of Lands, Urban Planning and Housing Committee, do append our signatures against our names to this report to affirm the correctness of the contents and support for the report.

No.	Name	Designation	Signature
1.	Hon. Zaddock Kilel	Chair	
2.	Hon. Ridha Chepkirui	V/Chair	
3.	Hon. Richard Chirchir	Member	
4.	Hon. Davis Kipkirui	Member	
5.	Hon. Vincent Mutai	Member	
6.	Hon. Joseph Chepkwony	Member	
7.	Hon. Josphat Kirui	Member	

Dated this 27thDay of December, 2017

4.0 Background

The Committee on Urban Planning, Land and Housing is one of the Sectoral committee established under standing order No. 193(1) and deals with all matters related to planning, land housing including appointments that require the Assembly's approval.

Section 45 of the County Governments Act establishes the office of the County Chief Officer. The said section requires the Governor to nominate and with the approval of the County Assembly, appoint the County Chief Officer.

Further, Section 45 (1) of the County Governments Act provides that the Governor shall-

- a) nominate qualified and experienced county chief officers from among persons competitively sourced and recommended by the County Public Service Board; and
- b) with the approval of the County Assembly, appoint county chief officers.

Additionally, the procedure for approval hearing, issues for consideration and period for consideration and reporting is provided for under the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017.

Article 73 (2) of the Constitution on leadership and Integrity provides as follows:

That the guiding principles of leadership and integrity include;

- a) Selection on the basis of personal integrity, competence and suitability 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 services based solely on the public interest, demonstrated by-
 - i. honesty in the execution of public duties
 - ii. The declaration of any personal interest that may conflict with public duties.
 - iii. Accountability to the public for decisions and actions; and
 - iv. Discipline and commitment in service to the people.

4.1 Issues for consideration in conducting the Approval hearing

In conducting the Approval hearing, the Committee was guided by **Article 73 (2) (a) (b) (c) and (e) of the Constitution, Section 7(8) and Section 8 of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017**

4.2 Appointment Process of a County Chief Officer

Pursuant to Section 45 (1) of the County Governments Act, 2012, the Governor forwarded to the Speaker of the County Assembly, the name of County Chief Officer nominee vide a letter for vetting and consideration for approval by the County Assembly for appointment as the County Chief Officer, Urban Planning Land and Housing.

On 6th December, 2017, the name of the nominee was tabled in the County Assembly and the Honourable Speaker directed that the nominee be referred to the Committee on Urban Planning Land and Housing for vetting and report to the Assembly within 21 days pursuant to Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017.

4.3 Notification to the nominee

On December, 2017, the Clerk of the Assembly, pursuant to Section 7(4) of the **Public Appointments (County Assemblies Approval) Act, No. 5 of 2017** notified the nominee of the time and place for holding the approval hearing through an advert in the print media.

4.4 Notification to the public

The public was expected to participate in the vetting process through submission of memoranda (affidavit) on the suitability of the nominee. On 15th December, 2017, pursuant to section 7(4) of the Public Appointments (County Assemblies Approval) Act, the Clerk of the County Assembly placed an advertisement in the print media and the Assembly website inviting the public to submit memoranda by Friday 15th December, 2017 on the said nominee.

4.5 Committee meetings

The Committee conducted a vetting session on Monday 18th December, 2017. However, before the nominee was invited to appear, the committee held a session in order to deliberate and agree on standardized questions on the vetting in line with the Public Appointments (County

Assemblies Approval) Act No. 5 of 2017.

4.6 Submission of memoranda

By close of business on Friday, 15th December, 2017, the Committee had not received any memoranda from the public.

4.7 The Vetting Process

The committee allocated the nominee a maximum of one and a half hours for vetting. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 and the County Assembly Standing Orders.

The Committee also considered the following criteria in vetting the nominee;

- a) Employment record and work experience
- b) Public office, political activities and affiliations
- c) Potential conflict of interest
- d) Suitability to the position
- e) Integrity
- f) General knowledge on public affairs

4.8 Submission of relevant documents from the nominee

The committee received the following documents from the nominee;

- i. Curriculum Vitae, personal credentials and academic certificates.
- ii. Online Compliance Certificate from Kenya Revenue Authority (KRA)
- iii. Clearance Certificate from the Ethics and Anti-Corruption Commission (EACC).
- iv. Clearance Certificate from the Higher Education Loans Board (HELB)
- v. Police Clearance Certificate from the Criminal Investigation Department (CID).
- vi. The nominee did not have an up to date Clearance Certificate from Credit Reference Bureau (CRB) which he was given up to 19th December to bring an updated copy.

4.9 Vetting of Dr. Richard Kipkirui Sigei Ezekiel

Upon appearing before the committee on Monday 18th December, 2017, the nominee submitted to the committee as follows;

1. Residence, Education and Work Experience

- i. That he comes from Chesoen Ward, Bomet Central S u b -county in Bomet County.
- ii. He attended St Xavier's College, Gujarat University, Ahmedabad, India. The nominee has a doctorate in Philosophy from Punjab University, Department of Public Administration, Faculty of Arts, Chandigarh, India.
- iii. The nominee has 20 years' experience in Government Service of which he served three years in the County Government of Bomet where he served as Chief Officer in charge of Policy Formulation and served as a Chief Officer in the department of Lands, Housing and Urban development for a period of 1 year, 2 months.
- iv. The nominee also has 13 years of experience in lecturing and supervision and 6 years as the focal point officer for the East African Community Affairs, Lake Victoria Environmental Management Project, phase II, based in Kisumu.

2. Role of the office of the County Chief Officer. The nominee in his submission, explained the roles of the County Chief Officer which included the following;

- i. He will be the accounting officer as well as authorised officer by plans, strategies and policies.
- ii. He is expected to perform key projects for service compliance such as lighting, dumpsite control, street lighting, ensure slaughter houses have slabs, availability of bus parks e.t.c
- iii. As authorised officer he is expected to requisition, discipline and transfer staff.

3. Skills relevant on discharging duties of a County Chief Officer

The nominee submitted that;

- i. The nominee has 20 years' experience in Government Service of which he served three years in the County Government of Bomet where he served as Chief Officer in charge of Policy Formulation and served as a Chief Officer in the department of Lands, Housing and Urban development for a period of 1 year, 2 months.

- ii. The nominee also has 13 years of experience in lecturing and supervision and 6 years as the focal point officer for the East African Community Affairs, Lake Victoria Environmental Management Project, phase II, based in Kisumu.

4. On how he will implement governor's manifesto within the sector. (Especially when dealing with garbage collection and drainage in our urban areas) The nominee state as follows;

- i. That he would as part of Rapid Results initiative ensure partnership with stakeholders to ensure available sites for waste disposal sections;
- ii. He would ensure public participation on projects to be implemented;
- iii. Carry out integrated plans on project implemented through strategic plans;
- iv. He would ensure street lighting; and
- v. Through partnership with other key departments such as Water and Environment.

5. The current status of the Land Housing and Urban Planning Sector in Bomet County

- i. There are 250 staffing houses in various Towns though they are in dilapidated condition.
- ii. There are street lighting installed in collaboration with national governments in various Towns.
- iii. There have been repair and maintenance in various Towns of Houses

6. Since the inception of Bomet County Government, these are the key achievements this Sector (Lands, Housing and Urban Planning) has achieved so far and how the nominee was instrumental in the said achievements –

- i. The achievements include land planning and housing policy,
- ii. Housing and urban infrastructure development
- iii. Completion of Markets in Sotik, Bomet Towns and other Towns
- iv. Built modern kiosks and boda boda sheds
- v. Street lighting in various towns, location of dumping sites, Bus park improvement, Basic amenities in public towns eg water
- vi. Land for bus park in Kaplong, ward administration officers in some sub county headquarters, allocated land for county assembly and Chepcricket cancer centre

7. Addressing challenges land acquisition in Bomet

The nominee submitted among the challenges are;

- i. Challenges include budget reduction and redundancy of staff (him included to non related departments).
- ii. Acquisition of public land by private developers eg Longisa Slaughter House and Kapkwen Market
- iii. Staff collusion with land cartels to steal public land in conjunction with crooked national government land surveyors in the local county office
- iv. To safeguards against this, there is need to have policy and legislations on ways of safeguarding public land
- v. Need to survey, demarcate and put beacons and fence public land.

8. On Land Policy Planning and Urban Development, the nominee informed the committee if approved he would improve the programmes by-

Land planning policy

- i. Spatial plans for land information management system
- ii. Convert freehold land to be within Bomet Municipality
- iii. Survey policies on physical planning, policy development and control policy

Urban Planning development

- i. Sites for amenities such as cemetery, dumping site etc
- ii. Amenities such as stadiums, slum upgrading
- iii. Policy on trading
- iv. Policy to curtail crime

9. Measures and strategies that the nominee will put in place if approved to ensure the County develops an efficient housing and urban management as well as land administration to curb mushrooming slums, stalls and land grabbing

- i. Through policy formulations on development control
- ii. Inventory of slum housing (unapproved slums to be demolished)
- iii. Public participation before demolishing kiosks
- iv. Have physical plans
- v. Policy on housing to demarcate residential and commercial areas etc
- vi. Demarcate public land to avoid encroachment

10. The legal documents that will guide the nominee on management of Lands and Urban Planning -

- i. The Lands Act
- ii. The Constitution
- iii. The County Governments Act

5.0 COMMITTEE OBSERVATIONS AND FINDINGS

The Committee having considered **Dr. Richard Kipkirui Sigei Ezekiel** as a nominee for the position of County Chief Officer, his curriculum vitae, academic qualification, experience and heard his oral submissions during the vetting exercise, made the following observations:-

- i. That he is a holder of Bachelor of Economics (Econometrics Option) Degree from St. Xavier's College, Gujarat University, Ahmedabad, India and a Doctorate in Philosophy from Punjab University, Department of Public Administration, Faculty of Arts, Chandigarh, India.
- ii. The nominee has 20 years' experience in Government Service of which he served three years in the County Government of Bomet where he served as Chief Officer in charge of Policy Formulation and served as a Chief Officer in the department of Lands, Housing and Urban development for a period of 1 year, 2 months.
- iii. The nominee also has 13 years of experience in lecturing and supervision and 6 years as the focal point officer for the East African Community Affairs, Lake Victoria Environmental Management Project, phase II, based in Kisumu.
- iv. That he has clear understanding and appreciation of the role of the office of County Chief Officer as established under the relevant law
- v. That he had submitted required documents including clearance certificates from KRA, HELB, Criminal Investigation Department, Credit Reference Bureau and Ethics and Anti-corruption Commission for assessment of compliance with requirements of Leadership and Integrity Act.
- vi. That on the basis of his professional background and he is suitable for the appointment

to discharge the duties of a County Chief Officer, Urban Planning Land and Housing.

- Vii. The Committee found **Dr. Richard Kipkirui Sigei Ezekiel** suitable for appointment as the County Chief Officer, Urban Planning Land and Housing.

6.0 RECOMMENDATION OF THE COMMITTEE

At the end of the vetting process, the Committee made the following recommendation:-

That; having considered the suitability, capacity and integrity of the nominee, and pursuant to **Section 9 (2) of Public Appointments (County Assemblies Approval) Act No. 5 of 2017**, the Committee recommends that the County Assembly **approve** the nomination and subsequent appointment of **Dr. Richard Kipkirui Sigei Ezekiel as Bomet County Chief Officer, Urban Planning, Land and Housing.**