

REPUBLIC OF KENYA



BOMET COUNTY
BOMET COUNTY ASSEMBLY

SECOND ASSEMBLY-FIRST SESSION

THE COMMITTEE ON LABOUR AND PUBLIC SERVICE

REPORT

ON NOMINATION FOR APPOINTMENT TO THE POSITION OF
COUNTY SECRETARY

OCTOBER, 2017

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1.0 PREFACE

Mr. Speaker Sir,

On behalf of the Committee on Labour and Public Service 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 County Secretary.

This is one of the Sectoral committees established under the Standing Orders 193(1). It is therefore the relevant Committee that is mandated to vet and report on appointments, for approval by the County Assembly, as provided for under Section 44(2) (b) of the County Governments Act, 2012.

1.1 Committee Membership

Mr. Speaker Sir,

The Committee on Labour and Public Service, as currently constituted, comprises of the following members:-

1. Hon. Robert Serbai - Chairperson
2. Hon. Leonard Kirui - Vice Chair
3. Hon. Evaline Chepkemoi - Member
4. Hon. Alfred Langat - Member
5. Hon. Cecilia Mutai - Member
6. Hon. Leonard Ngeny - Member
7. Hon. Andrew Maritim - Member

1.2 Committee's Mandate

Mr. Speaker,

The Sectoral Committee on Labour and Public Service derives its mandate from provisions of Standing order 193(5) which defines functions of the Committee as being:

- 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 Secretary

Mr. Speaker,

Pursuant to section 44(2)(b) of the County Governments Act, 2012, the Governor forwarded to the Speaker of the County Assembly, the name of one nominee, Mrs. Evalyne Cherotich Rono vide letter dated 25th September, 2017 for vetting and approval by the County Assembly for appointment as the County Secretary. The Hon. Speaker then directed the committee on

Labour and Public Service to conduct vetting of the nominee and report to the Assembly as provided for under the Public Appointments (County Assemblies Approval) Act, 2017.

1.4 Committee Meetings

Mr. Speaker Sir,

The committee held a total six 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 County Secretary.

The Committee resolved to invite the County Secretary nominee for approval hearing at the County Assembly's Boardroom on Monday 9th October, 2017. In 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.

2.2 Acknowledgment

Mr. Speaker,

The Committee wishes to thank the Offices of the Speaker and the Clerk for the support accorded to it during the vetting exercise and execution of the committee's mandate.

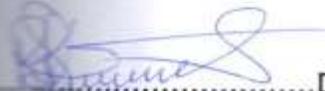
As the chairperson, I also take this opportunity to thank all Members of the Committee for their Commitment to serve the public.

Mr. Speaker, Sir,

The Committee made several findings on the nominee during the vetting exercise. These findings guided the Committee in making its final recommendation. The Committee's final recommendation was based on the information by the nominee from the proceedings of the Committee during the vetting exercise, the constitution and all other relevant statutes. The recommendation was agreed upon by the Committee Members during the adoption of the Report on Monday 16th October, 2017.

Mr. Speaker Sir

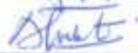
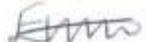
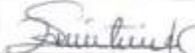
Finally, on behalf of the Committee, and pursuant to Section 9(2) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 and Standing Order no. 193(5) (f), on behalf of the committee on Labour and Public Service, I have the honour and pleasure to present the committee's report on vetting of the nominee, Mrs. Evalyne Cherotich Rono, for appointment as the County Secretary.

SIGNED:  DATE: 16/10/2017

HON. ROBERT SERBAI
CHAIRPERSON

Ownership of the Report

We, the members of Labour and Public Service 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. Robert Serbai	Chair	
2.	Hon. Leonard Kirui	V/Chair	
3.	Hon. Alfred Langat	Member	
4.	Hon. Evaline Chepkemoi	Member	
5.	Hon. Cecilia Mutai	Member	
6.	Hon. Leonard Ngeny	Member	
7.	Hon. Andrew Maritim	Member	

Dated this 16th day of October, 2017

4.0 Background

The Committee on Labour and Public Service is one of the Sectoral committee established under standing order No. 193(1) and deals with all matters related to labour including appointments that require the Assembly's approval including the appointment of the County Secretary.

Section 44 of the **County Governments Act** establishes the office of the County Secretary. The said section requires the Governor to nominate and with the approval of the County Assembly, appoint the County Secretary.

Further, Section 44 (2) of the **County Governments Act** provides that the County Secretary-

- a) shall be competitively sourced from amongst persons who are university graduates with at least ten years' experience in administration and management;
- b) shall be nominated from persons competitively sourced under paragraph (a) by the governor and, with the approval of the county assembly, appointed by the governor; and
- c) May, subject to the conditions and terms of appointment, be dismissed by the governor.

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 the County Secretary

Pursuant to Section 44 (2) of the County Governments Act, 2012, the Governor forwarded to the Speaker the County Assembly, the name of County Secretary nominee vide a letter dated 25th September, 2017 for vetting and consideration for approval by the County Assembly for appointment as the County Secretary.

On 27th September, 2017, the name of the nominee was tabled in the Assembly and the Honourable Speaker directed that the nominee be referred to the Committee on Labour and Public Service for vetting and reportage to the Assembly within 21 days from its first sitting as per Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017.

4.3 Notification to the nominee

On Friday 29th September, 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 Friday 29th September, 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 Thursday 5th October, 2017 on the said nominee.

4.5 Committee meetings

The Committee conducted a vetting session on Monday 9th October, 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 Thursday, 5th October, 2017, the Committee had not received any memoranda from the public.

4.7 The Vetting Process

The committee allocated the nominee a maximum of three 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) (*Which was expiring on 5th October, 2017*)
- 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. Clearance Certificate from Credit Reference Bureau (CRB)

4.9 Vetting of Mrs. Evalyne Cherotich Rono

Upon appearing before the committee on 9th October, 2017, the nominee submitted to the committee as follows;

Residence, Education and Work Experience

- i. That she comes from Embomos Ward, Konoin sub-county in Bomet County. Currently she lives in Nairobi City where she works.
- ii. That she attended Ndarawetta Secondary School for ‘O’ Level, Tengecha High School for ‘A’ Level, University of Nairobi for undergraduate degree and the University of Westminster for a Master’s degree.
- iii. That she is a career civil servant of many years, having been in the public service at the Ministry of Culture and Social Service, Office of the Vice-President and Office of the President since 1991 to 2003.
- iv. That currently she works at the National Anti-Corruption Steering Committee (NACCSC) as a Programme Officer in charge of Research and Advocacy (from 2004-to date)
- v. That as the programme officer at NACCSC, the committee(NACCSC) had initiated partnership with over 26 County Governments in establishing County Anti-corruption committees

Role of the office of the County Secretary

The nominee in her submission, explained the roles of the County secretary which included the following;

- i. Heading the County Public Service and is responsible for the day to day administrative duties of the County government

- ii. Coordinating the meetings of the County Executive Committee (CEC)
- iii. Recording and keeping of the minutes of the County Executive Committee meetings
- iv. Conveying the decisions of the County Executive Committee to the relevant persons or committees for implementation

Skills relevant on discharging duties of a County Secretary

The nominee submitted that;

- i. Having worked in the public service for an extensive period of time, she had gained diverse experience and acquired requisite administrative skills, managerial and supervisory experience.
- ii. The nominee added that she has met basic requirements and her interpersonal skills will help her to discharge her duties effectively and further explained that where she has served before, she has done exemplary service with due diligence and dignity thus gaining experience in the management of public resources.
- iii. That where she has worked she has been given Authority to incur Expense (AIE holder) and currently she is the alternate AIE holder.
- iv. That on issues of integrity, the office requires a lot of responsibility because it provides leadership to the entire county public service and having worked with the National Anti-Corruption Steering Campaign Committee, she has acquired values to serve as a person of integrity.
- v. That before she was deployed to the National Anti-Corruption Steering Committee she was at job group N which is at the level of senior assistant secretary.
- vi. That she has served in the National Anti-Corruption Steering Committee for a period of over 10 years on secondment and thus she was not able to rise up the rank as is the norm in the civil service because when she reported to the National Anti-Corruption Steering Committee, she found established positions and she acted in job group Q.
- vii. That while working in the cabinet secretariat, over 80 employees directly reported to her and therefore she believes that she has the

capacity to handle the challenge of heading the public service in the county.

- viii. When asked of the expected job group that she will be placed in if she is successful, she responded that the County Secretary is placed at Job Group T and that in the main stream civil service, it is normal for a person to move even two Job Groups higher in certain circumstances especially where an employee has exhibited exemplary service.

The principles and values of public service

The nominee submitted that;

- i. That the new Constitution is the greatest asset in Kenya that provides for values and principles of governance that are expected to be embraced by employees working in the civil service.
- ii. That if she becomes successful she will be patriotic both to the county and country because this value brings people together and will make her deliver and exercise her mandate with inclusivity in mind.
- iii. That she will be expected to take care of the interests of all including the marginalized like Persons Living with Disabilities (PWDs), Special interests group of people in the county and county public servants.

The National Values and Principles of Governance

The nominee submitted that;

- i. That Article 10 of the Constitution, 2010 provides the national values and principle of governance that will guide her in the discharge of her mandate if given a chance.
- ii. That if she becomes successful she will ensure that the county work force familiarizes itself with the said values and practice them in service delivery to the public.
- iii. That she will ensure that the law is strictly adhered to by the employees in all circumstances

Addressing challenges currently facing the County Public Service

The nominee submitted that;

- i. That it is true the County Government faces a myriad of challenges in the county public service which include irregular employment on contract terms, overstaffing and disciplinary issues.
- ii. That to address overstaffing and irregular employment, she would ensure that the County Public Service Board is empowered and facilitated fully to carry out its mandate as per the requirements of the County Governments Act, 2012.
- iii. That if approved, her office will fully cooperate with the County Public Service Board (CPSB) to ensure that the spirit and letter of the law is followed.
- iv. That she will ensure that analysis and evaluation of the county workforce is carried out to establish the number of staff under contract, establish the staffing levels and through the respective departments, identify vacancies that would then be filled competitively through the County Public Service Board (CPSB).
- v. That on being asked to clarify how she will handle thousands of staff on contract, the nominee stated that contracts have terms and are always self-explanatory and the same can be used to handle the issue.
- vi. That in future, any contracts that may be issued will depend on direct requisitions from the user-departments and that competitive sourcing of staff will be adhered to at all times under her watch.
- vii. To ensure proper placement of staff, she said her office would institute suitability tests to be carried out even on permanent and pensionable staff which will then inform any future re-deployment.
- viii. That she will ensure that training needs assessment is done and that employees are properly trained so as to deliver quality service to the public.

Role of the County Public Service Board (CPSB)

The nominee submitted that;

- i. That the board plays a critical role and if it get it roles right the public get the right services.

- ii. That the board plays a key role in recruitment of county employees through job advertisement, reviewing job applications, short listing, conducting interviews and competitively selecting the best candidates.
- iii. That another role is discipline and dismissal of errant employees in the County Public Service

Working with other institutions and bodies

The nominee submitted that;

- i. That she appreciates the delineation of roles and functions of various actors including the County Public Service Board, the County Assembly and the Salaries and Remuneration Commission (SRC) and will cooperate with them to ensure efficiency in service delivery.
- ii. That she will ensure that her office works closely with the board so as to avoid the current challenges that are being experienced in the county public service.
- iii. That she will ensure that her office works closely with the County Assembly as well as the Salaries and Remuneration commission to avoid the current challenges that are being experienced in the county public service

Social activities and giving back to the community

The nominee submitted that;

- i. That she supported a number of children through school fees support.
- ii. That she has supported several self-help group and community churches.
- iii. That she has been involved with Konoin Professionals Community which engages in several community activities as well as Kipsigis Christian Charitable group.

5.0 COMMITTEE OBSERVATIONS AND FINDINGS

The Committee having considered **Mrs. Evalyne Cherotich Rono** as a nominee for the position of County Secretary, her curriculum vitae, academic qualification, experience and heard her oral submissions during the vetting exercise, made the following observations:-

- i. That she is a holder of Bachelor of Arts Degree from the University of Nairobi and Master of Arts in Development Administration from the University of Westminster
- ii. That she has extensive career in public service having been employed by the National Government and National Anti-Corruption Steering Committee (NACCSC) for a period spanning over 26 years.
- iii. That she is well versed with the relevant constitution provisions on principles of public service, national principles and values of governance and well as the relevant provisions of the County Governments Act.
- iv. That she has clear understanding and appreciation of the role of the office of County Public Service Board (CPSB) as established.
- v. That she has clear understanding and appreciation of the role of the office of the County Secretary as established under the relevant law
- vi. That she has clear understanding and appreciation of the delineation of roles and functions of various actors including the County Public Service Board, the County Assembly and the Salaries and Remuneration Commission (SRC)
- vii. That she 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.
- viii. That on the basis of her professional background, her experience was relevant in discharging the mandate of the County Secretary
- ix. The Committee found **Mrs. Evalyne Cherotich Rono** suitable for

appointment as the County Secretary.

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 **Mrs. Evalyne Cherotich Rono as Bomet County Secretary**