

REPUBLIC OF KENYA



BOMET COUNTY  
BOMET COUNTY ASSEMBLY

---

SECOND ASSEMBLY-FIRST SESSION

THE COMMITTEE ON FINANCE, ICT AND ECONOMIC PLANNING

REPORT

ON NOMINATION FOR APPOINTMENT TO THE POSITION OF  
CHIEF OFFICER NOMINEE FOR ECONOMIC PLANNING

DECEMBER, 2017

## Table of Contents

<b>ANNEXURES</b> .....	3
<b>1.0 PREFACE</b> .....	4
1.1 Committee Membership .....	4
1.2 Committee’s Mandate.....	4
1.3 Nomination of the Chief Officer.....	5
1.4 Committee Meetings.....	6
<b>2.0 Acknowledgment</b> .....	6
<b>3.0 Ownership of the Report</b> .....	7
<b>4.0 Background</b> .....	8
<b>4.1 Legal Frame work</b> .....	9
4.2 Issues for consideration in conducting the Approval hearing .....	10
4.3 Appointment Process of the Chief Officer Economic Planning.....	10
4.4 Notification to the nominee .....	10
4.5 Notification to the public.....	11
4.6 Committee meetings.....	11
4.7 Submission of memoranda.....	11
4.8 The Vetting Process.....	11
4.8 Submission of relevant documents from the nominee .....	12
4.9 Vetting of Milcah Chepkoech .....	12
<b>5.0 COMMITTEE OBSERVATIONS AND FINDINGS</b> .....	15
<b>6.0 RECOMMENDATION OF THE COMMITTEE</b> .....	16

**ANNEXURES**

i. Committee Minutes

## **1.0 PREFACE**

**Mr. Speaker Sir,**

On behalf of the Committee on Finance, ICT and Economic Planning 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 for Economic Planning.

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 45 of the County Governments Act, 2012.

### **1.1 Committee Membership**

**Mr. Speaker Sir,**

The Committee on Finance and Economic Planning, as currently constituted, comprises of the following members:-

1. Hon. Kipnetich Barchok - Chairperson
2. Hon. Jane C. Langat - Vice Chair
3. Hon. Ambrose Koech - Member
4. Hon. Philip Korir - Member
5. Hon. David Maritim - Member
6. Hon. Bett Wesley - Member
7. Hon. Hellen Chepkorir - Member

### **1.2 Committee's Mandate**

**Mr. Speaker sir,**

The second schedule of the Standing Orders establish the Finance, ICT and Economic Planning Committee to deal with subject area of all matters relating to the County Treasury, Revenue Policies, County Economic Planning and development including statistics and Information, Communication Technology.

Furthermore Standing Order 193(5) states the functions of a Sectoral Committee as follows:-

1. (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Study the program and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all county legislation referred to it;
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (f) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation
- (g) 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).

### **1.3 Nomination of the Chief Officer.**

**Mr. Speaker,**

Pursuant to section 45(b) of the County Governments Act, 2012, the Governor forwarded to the Speaker of the County Assembly, the name of one nominee, Milka Chepkoech vide letter dated 5<sup>th</sup> December, 2017 for vetting and approval by the County Assembly for appointment as the Chief Officer, Economic Planning. The Hon. Speaker then directed the committee Finance, ICT and Economic Planning 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 two 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, Economic Planning.

The Committee resolved to invite the Chief Officer nominee for approval hearing at the County Assembly's Boardroom on Monday 18<sup>th</sup> December, 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, the Public Finance Management Act 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 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,**

The Committee made several findings on the nominee during the vetting exercise. These findings guided the Committee in making its final

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. This recommendation was agreed upon by the Committee Members during the adoption of the Report on Thursday 21<sup>st</sup> December, 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 Finance, ICT and Economic Planning, I have the honour and pleasure to present the committee's report on vetting of the nominee, Milca Chepkoech, for appointment as the Chief Officer, Economic Planning.

SIGNED:



DATE. 21.12.2017

HON. KIPNGETICH BARCHOK  
CHAIRPERSON

### 3.2 Ownership of the Report

We, the members of Finance, ICT and Economic Planning 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. Kipngetich Barchok	Chair	
2.	Hon. Jane C. Langat	V/Chair	
3.	Hon. Ambrose Koech	Member	
4.	Hon. Philip Korir	Member	
5.	Hon. David Maritim	Member	
6.	Hon. Bett Wesley	Member	
7.	Hon. Hellen Chepkorir	Member	

Dated this 21<sup>st</sup> day of December, 2017

## 4.0 Background.

### 4.1 Legal Frame work.

The Committee on Finance, ICT and Economic Planning is one of the Sectoral committee established under standing order No. 193(1) and deals with all matters related to Finance, ICT and Economic Planning including appointments that require the Assembly's approval including the appointment of the Chief Officers.

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

Further, Section 45 (2) of the **County Governments Act** provides that the Chief Officer-

- a) shall be competitively sourced from amongst persons who are university graduates with not less than 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.

## **4.2 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**

## **4.3 Appointment Process of the Chief Officer Economic Planning.**

Pursuant to Section 45 (1) of the County Governments Act, 2012, the Governor forwarded to the Speaker the County Assembly, the name of Chief Officer Nominee vide a letter dated 5<sup>th</sup> December, 2017 for vetting and consideration for approval by the County Assembly for appointment as the Chief Officer for Economic Planning.

On 6<sup>th</sup> December, 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 Finance, ICT and Economic Planning for vetting and reportage to the Assembly within 14 days from its first sitting as per Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017.

## **4.4 Notification to the nominee**

On Friday 9<sup>th</sup> 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.

#### **4.5 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 Saturday 9<sup>th</sup> 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 15<sup>th</sup> December, 2017 on the said nominee.

#### **4.6 Committee meetings**

The Committee conducted a vetting session on Monday 18<sup>th</sup> 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.

#### **4.7 Submission of memoranda**

By close of business on Thursday, 15<sup>th</sup> December, 2017, the Committee had not received any memoranda from the public.

#### **4.8 The Vetting Process**

The committee allocated the nominee a maximum of two 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, The PFM Act 2012 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
- g) Academic and professional Qualifications

#### **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. 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. Clearance Certificate from Credit Reference Bureau (CRB)

#### **4.9 Vetting of Milcah Chepkoech**

Upon appearing before the committee on 18<sup>th</sup> December, 2017, the nominee submitted to the committee as follows;

#### **4.9 Residence, Education and Work Experience**

- i. That she comes from Chemagel Ward, Sotik Sub-County in Bomet County. Currently she lives in Bomet Town where she works.
- ii. That she attended Tengecha Girls High School for 'O' Level, Moi University for undergraduate degree and the University of Nairobi for a Master's degree.
- iii. That she has served in the civil service for 8 years, first in the Ministry of Devolution and Planning for 5 years.
- iv. That currently she works at the County Assembly of Bomet (from 2014-to date) as a Principal Fiscal Analyst.

#### **4.10 Role of the office of the Chief Officer Economic Planning.**

The nominee in her submission explained the roles of a Chief Officer which included the following;

- i. Overall administrator of the department;
- ii. A lead person in departmental performance management;

- iii. Linking departmental priorities to the overall County Priorities;
- iv. The officer is the accounting officer as per the PFM Act, 2012.

#### **4.11 Skills relevant in discharging the duties of a Chief Officer Economic Planning.**

The nominee submitted that;

- i) She is well versed with The Public Finance Management Act, 2012 which clearly stipulates how a Chief Officer manages public finances, highlighting the penalties due in case of misappropriation or misuse of the funds.
- ii) She has necessary skills in overseeing the preparation of the County Budget since 2014 and she will use the same skills to take up her new responsibilities.
- iii) Due to her experience as a District Development Officer in the Ministry of Devolution, She will be the custodian of all County assets including the CIDP, ADP and Budget Circulars.
- iv) Her skills as Fiscal Analyst will help her facilitate Monitoring and Evaluation.

#### **4.12 Causes of the obvious decline of revenue collected since 2013.**

On being asked what could be the reason for the obvious decline in local revenue collection in Bomet County since 2013, the officer stated that the causes could include the following:-

- a) Possible revenue leakages and pilferage of collected funds;
- b) Lack of revenue automation;
- c) The County has no law guiding revenue collection. A revenue rating Act needs to be put in place;

As a solution to the revenue decline, the nominee stated that the revenue loss could be reduced through an efficient automation of revenue collection. All revenue officers should not use manual means to collect revenue from the public as it would be difficult to track manual revenue receipts used in all county market centers, hospitals and bus parks, among others.

She also stated that the county should widen the tax base to ensure everyone pays taxes due. An efficient tracking system needs to be put in place for ease of accountability.

#### **4.12 Integrating of Planning and Budgeting.**

The nominee was requested to state how she would integrate economic planning and budgeting and she stated that failing to plan is planning to fail. The County should integrate economic planning in its budgeting cycle through preparation of a realistic CIDP which clearly stipulates the aspirations of the citizens of Bomet County.

All the plans stipulated in the CIDP should be financed each financial year under the ADP. She pointed out that she would encourage the county government to strive to finance all the projects and proposals in the CIDP and ADP to avoid reducing plans into just a wish list.

#### **4.13 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 department 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 serving under her in all circumstances.

#### **4.14 Social activities and giving back to the community**

The nominee submitted that;

- i. That she makes yearly contribution and donations to Bomet Children's Home.
- ii. That she has been involved with Community activities including

donating a substantial amount of money towards the construction of St. Michael's Catholic Church for the construction of Kimatisio Parish.

## 5.0 COMMITTEE OBSERVATIONS AND FINDINGS

The Committee having considered **Milcah Chepkoech** as a nominee for the position of Chief Officer for Economic Planning, 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 in Economics from Moi University and Master of Arts in Economics from the University of Nairobi.
- ii. That she has served for more than 7 years in public service having been employed by the National Government in the Ministry of Devolution for 5 years as District Development Officer and at the County Assembly as Principal Fiscal Analyst since Feb 2014 to date.
- iii. That she is well versed with the relevant constitution provisions on principles of public service, national principles and values of governance as 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 the Chief Officer as established under the relevant law.
- v. 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.
- vi. That on the basis of her professional background, her experience was relevant in discharging the mandate of the Chief Officer Economic Planning;
- vii. The Committee found **Milcah Chepkoech** suitable for appointment as the Chief Officer for Economic Planning.

## 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 **Milcah Chepkoech as Chief Officer for Economic Planning**.