

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF BOMET

COUNTY ASSEMBLY

COMMITTEE ON APPOINTMENTS REPORT ON
THE VETTING OF THE COUNTY EXECUTIVE COMMITTEE MEMBER
IN CHARGE OF FINANCE AND ECONOMIC PLANNING



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*Tagged on the 15th of April
2015 at 2:30pm.*

15TH APRIL, 2015

1.0 PREFACE

Mr. Speaker Sir,

On behalf of the Committee on Appointments and pursuant to Standing Order 188(4), it is my pleasure and duty to present to the House, the Committee's report on the vetting of the member of the County Executive Committee in charge of Finance and Economic Planning.

This is one of the select committees established under the Standing Orders 188(1) which provides that the Committee on Appointment shall consider, for approval by the County Assembly, appointments under Articles 179(2) (Members of County Executive Committees).

1.1 Committee Membership

Mr. Speaker Sir,

The Committee on Appointment was constituted by the House on Friday 28th February 2014 comprising of the following members:-

1. Hon. G.K Kipngetich - Chairperson
2. Hon. Josphat Kirui
3. Hon. John Chepkwony
4. Hon. Joyce Korir
5. Hon. David Rotich Big Five
6. Hon. Christopher Ngeno

1.2 Committee's Mandate

The Committee is one of the Select Committees established under Standing Order No.188 (1) which provides that, the committee on Appointments shall consider, for approval by the House, appointments under Article 179(2) (b) of the Constitution (Members of the County Executive Committee) .The Committee therefore deals with the Public Appointments in accordance with the Standing Order and the Bomet County Public Appointments (Assembly Approval Act, 2014).

2.0 NOMINATION OF THE COUNTY EXECUTIVE COMMITTEE MEMBER

Pursuant to Article 179(2) (b) of the Constitution, Section 35 of the County Government Act, 2012, H.E. the Governor, through the County Attorney forwarded to the Clerk of the County Assembly, the name of the one nominee vide a letter dated 6th March 2015 for vetting by the committee on Appointments and considerations by the County Assembly for appointment as the County Executive Committee member in charge of Finance and Economic Planning:-

Nominee	Sector/Department
Dr. Peter K. A Koros	Finance and Economic Planning

Mr. Speaker Sir,

On Friday, 6th March 2015 the Assembly Clerk received the name of the nominee which was tabled on Tuesday 10th March 2015, the Speaker directed that the said nominee be referred to the committee on Appointments for vetting and reporting to the house within 30 days as per the Bomet County Public Appointments (Assembly Approval) Act, 2014.

2.1 Committee meetings

The committee held several meetings and in one of the meetings the said nominee appeared for vetting in accordance with the Bomet County Public

Appointments (Assembly Approval) Act, 2014 for appointment as Member of the Executive committee in charge of Finance and Economic Planning.

On behalf of the committee on Appointments, I have the honour and pleasure to present the committee's report on the nominee for appointment as Member of the Executive committee in charge of Finance and Economic Planning.

The Committee had resolved to invite the Member of the Executive Committee, Finance and Economic Planning nominee for approval hearings at the County Assembly's Boardroom on Friday 20th March 2015. In conducting the vetting exercise, the Committee made reference to the Constitution, the Bomet County Public Appointments (Assembly Approval) Act 2014, 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 inviting the public to submit memoranda were placed in the mainstream print media (Monday 16th March 2015) in tandem with the law.

3.0 Acknowledgements

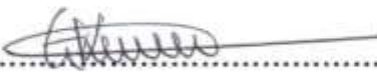
Mr. Speaker Sir,

The Committee wishes to thank the Office of the Speaker, the Clerk and staff of the County Assembly for the logistical 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 patience, sacrifice, endurance and commitment to complete the task within the stipulated period.

Mr. Speaker, Sir,

The Committee made several findings on the nominee during the vetting exercise. These findings guided the Committee in making its final recommendations. The Committee's final recommendations were based on the Constitution of Kenya, 2010, the Bomet County Public Appointments (Assembly Approval) Act, 2014, the County Governments Act, 2012 and information by the nominee from the proceedings of the Committee during the vetting exercise. The recommendations were agreed unanimously by the Committee Members during the adoption of the Report on 15th April, 2015.

SIGNED:  DATE: 15/04/2015

HON. G.K Kipngetich
Speaker of County Assembly/Chairperson
Committee on Appointments

4.0 Ownership of the Report

We the members of Committee do append our signatures against our names to this report to affirm the correctness of the contents and support for the report

1. Hon Josphat Kirui 
2. Hon. John Chepkwony..... 
3. Hon. Joyce Korir..... 
4. Hon. David Rotich Big Five..... 
5. Hon. Christopher Ngeno..... 

Dated on this 15th Day of April, 2015.

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5.0 BACKGROUND

The Committee on Appointments is one of the select committee established under standing order No. 188(1) and shall deal with all matters related to appointments that require the Assembly's approval particularly members of the County Executive Committee as provided for under Article 179(2)(b) of the Constitution.

The said Article requires H.E. the Governor to nominate and with the approval of the County Assembly, appoint members of the County Executive Committee. Additionally, Section 10(1) of the Bomet County Public Appointments (Assembly Approval) Act 2014 provides that, "*where the nomination of a candidate is rejected by the County Assembly, the appointing Authority may submit to the relevant House the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly*".

5.1 APPOINTMENT PROCESS OF THE CEC NOMINEES

- (I) Pursuant to Article 179(2) (b) of the Constitution and Section 35 of the County Government Act, 2012, H.E. the Governor through the County Attorney forwarded to the Clerk of the County Assembly, the name of CEC Finance and Economic Planning nominee vide letter dated 6th March 2015 for vetting by the Committee on Appointments and consideration for approval by the County Assembly for appointment as the County Executive Committee member in charge of Finance and Economic Planning.
- (II) On 10th March 2015, the name of the nominee was tabled in the House and the Honorable Speaker directed that the nominee be referred to the Committee on Appointments for vetting and reporting to the House within 30 days as per Section 8(1) of the Bomet County Public Appointments (Assembly Approval) Act, 2014.

- (III) The public was expected to participate in the vetting process through submission of memoranda (affidavit) on the suitability of the nominee. On Thursday 16th March 2015, pursuant to section 4 of the Bomet County Public Appointments (Assembly Approval) Act, 2014, the Clerk of the County Assembly placed an advertisement in the print media and the Assembly website inviting the public to submit memoranda by 19th March 2015 on the said nominee. However, there was no memorandum received from the public.
- (IV) Further, the committee received the following documents from the nominee; (Annex 1)
- Curriculum Vitae, Personal Credentials and Academic Certificates.
 - Online Compliance Certificate from Kenya Revenue Authority (KRA).
 - Clearance Certificate from the Higher Education Loans Board (HELB) on Clearance of the Loans Repayment.
 - Clearance Certificate from the Ethics and Anti-Corruption Commission (EACC).
 - Police Clearance Certificate from the Criminal Investigation Department (CID).
 - Clearance Certificate from Credit Reference Bureau.

6.0. VETTING OF DR. PETER K. A KOROS, CEC FINANCE AND ECONOMIC PLANNING NOMINEE

In conducting the vetting process, the Committee on Appointments examined the nominee against the following vetting criteria, amongst others, in accordance with the Bomet County Public Appointments (Assembly Approval) Act 2014.

- (i) Academic Qualification
- (ii) Employment Record
- (iii) Professional Qualification
- (iv) Potential Conflict of Interest
- (v) Knowledge of the relevant subject
- (vi) Overall suitability for position
- (vii) Tax Compliance
- (viii) Integrity (Chapter Six of the Constitution)

The Committee vetted the nominee as per the new vetting form without scores because there were no comparisons to be done with the mentioned nominee.

During its sitting held on Friday 20th March 2015 at the County Assembly Chambers, the Committee orally interviewed the CEC Finance and Economic Planning nominee. The Minutes of the vetting proceedings are attached (Annex 2). 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 in free and fair elections;
- b. Objectivity and impartiality in decision making and in ensuring that decisions are not influenced by nepotism, favouritism, 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 of service to the people.

6.1 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, and the provisions of the Bomet County Public Appointments (Assembly Approval) Act 2014.

6.2 Notification to the nominee

On 13th March 2015, the Clerk of the Assembly, Pursuant to section (6) 4 of the Bomet County Public Appointments (Assembly Approval) Act, 2014 notified the nominee of the time and place for holding the approval hearing through a formal letter and an advert that was placed in the print media on 16th March 2015.

6.3 Notification to the Public

Further, Pursuant to Section 6(5) of the Bomet County Public Appointments (Assembly Approval) Act 2014 the Committee notified the public of the time and place for holding the approval hearing through the print media and the Assembly website. This was to allow public participation in Committee proceedings. The notification further gave provision for the submission of memoranda to the office of the Clerk on the suitability of the nominee, by Thursday, 19th March 2015, at 10.00am by the public.

6.4 Committee meetings

The Committee held a one day vetting and approval hearing session on Friday, 20th March 2015. Before vetting the nominee, the committee held a debrief session in order to deliberate on the vetting questionnaire guidelines and the vetting procedure as provided for by the Bomet County Public Appointments (Assembly Approval) Act 2014.

6.5 Submission of memoranda

By close of business on Thursday, 19th March 2015, the Committee had not received any memoranda from the public.

6.6 The Vetting Process

The committee on appointments while vetting the nominee for appointment of member to the executive committee was guided by the Constitution of Kenya 2010, the County Government Act, 2012, the Bomet County Public Appointments (Assembly Approval) Act, 2014 and the Standing Orders (Amongst forms, precedents, customs, procedures and traditions of the County Assembly of Kenya and other jurisdictions.)

Article 179(2) (b) of the Constitution which states that:

“The County Executive Committee consists of members appointed by the county governor; with the approval of the assembly, from among persons who are not members of the assembly.”

(3) “The number of members appointed under Article 2(b) above shall not exceed:

(a) one third of the number of members of the county assembly, if the assembly has less than thirty members; or

(b) Ten, if the assembly has thirty or more members.”

The committee considered the provisions of section 35(2) of the **County Governments Act, 2012** which states as follows:-

“The County Assembly shall not approve nominations that do not take into account -

(a) Not more than two thirds of either gender;

(b) Representation of the minorities, marginalized groups and communities; and

(c) Community and cultural diversity within the county.

(3) A person may be appointed as a member of the executive committee if that person-

1. Is a Kenyan citizen;

2. Is a holder of at least a first degree from a university recognized in Kenya;

3. Satisfies the requirement of chapter six of the Constitution; and

4. Has knowledge, experience and distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.

(4) A member of the County Executive committee shall not hold any other State or Public office.

6.7. Dr. Peter K. A Koros - County Executive Committee Member, Finance and Economic Planning

Dr. Peter K.A Koros appeared before the Committee on Friday, 20th March 2015. According to the vetting exercise, Dr. Peter Koros stated to the committee the following:

1. He comes from Embomos Ward and he was born in 1969. He holds a PhD in Economics and Planning and has a Masters in the same (Economics and Planning). He also undertook his Degree, Bachelor of Education Science (Maths and Economics) at Kenyatta University. He went to Cheptalal Secondary School and Sotik High School for his Secondary Education. He has taught in Secondary Schools for 16 years and since 2006 he has been lecturing in universities; currently he is a full time lecturer at Egerton University, he is also a part time lecture at Mt. Kenya University Nakuru Campus and Kenya Methodist University Nakuru Campus. His area of specialization is on financial matters having done economics and planning.
2. The nominee informed the committee that he was interested in coming to work for the County Government since he had taught for over 26 years and it was time for him to pay back to the people and the county that laid his foundation. He emphasized that he wanted to become part of the County development.
3. The nominee informed the committee that he had applied for the CEC Position.
4. He stated that having worked outside the County did not mean that he was not satisfied and he would get this by working in the County. However, if given the opportunity, he would like to come home and use the skills and experience he has acquired over the years to make a big contribution in financial management in the County Government.
5. On the question of whether his experience in economics and planning was only applicable in the Education Sector, the nominee informed the committee that the principles of economics and planning cut across all sectors and public organizations, and would not restrict him to the education sector only.
6. The nominee informed the committee that it will not be a challenge for him to leave the teaching profession and work in the office, this is because he has also before worked in an office where he coordinates programmes while also lecturing at the same time.

7. The nominee stated that once he is approved for the position, he would completely concentrate in his roles and responsibilities as a CEC and would not teach.
8. The nominee assured the committee that once given the position he would execute his roles and would not give up and resign when faced with challenges. He informed the committee that he would face the challenges head on, he would not fear taking risks and venturing into new areas.
9. The nominee informed the committee that in giving back to the community, he is currently a Board member in Cheptalal Secondary School and it was through his initiative that the school is supplied with water from the County Government. The nominee is also a board member in Kimulot Secondary School, where the school is now a Centre of excellence in Konoin with the KCSE examination results released for last year 2014. He further informed the committee that he assisted in the construction of a tea buying centre in his area and he supports paying school fees for some of the needy children from his ward.
10. On the questions of the functions of the CEC office, the nominee informed the committee that he would be required to handle all financial activities within the county and; receive budgets from various departments for review and considerations before forwarding to the County Assembly for approval.
11. On the budgets the nominee had been able to control, the nominee stated that he is currently a Chairman of a coordination programme unit (Coordination of School Based Programs) which has an allocation of 3 million budget, therefore, he has been able to manage the budget prudently and would then be able to scale up the management of finances at the county Government using his financial management skills. He further informed the committee that if given a chance he will be able to utilize his skills and experience in finance and economic planning to handle the more than 4 billion County government budget.
12. On the question of how the nominee will handle his junior staff in execution of his responsibilities; the nominee stated that he would ensure all the procedures and regulations are followed and adhered to,

as well as the systems that have been put in place. He affirmed upholding the procedures and regulations.

13. The nominee stated to the committee that he would implement the budget that is approved by the County Assembly for the two entities and would adhere to the allocations given.
14. On the question of what are some of the challenges the nominee is likely to experience if he assumes the position, the nominee informed the committee that he would first want to understand his roles and responsibilities and the law especially on public finance management. He noted that prudent use of public finances was imperative to avoid any challenges that may arise in the department.
15. The nominee informed the committee that he was conversant with some sections of the Public Finance Management (PFM) Act, 2012.
16. On the question of the functions and responsibilities of the County treasuries as stipulated by the PFM Act, 2012, the nominee stated that the County treasury is mandated to design and implement financial and economic policies; it is the custodian of all financial assets in the County and; it is mandated to review and consolidate departmental budgets for submission to the County Assembly for approval.
17. The nominee was able to state the timeline as indicated in the PFM Act 2012, on the submission of the County Fiscal Strategy Paper (CFSP), but was unable to state the timelines for the County Budget Review and Outlook Paper (CBROP) and the Budget Estimates. He informed the committee he had not gotten a chance to learn on the two mentioned documents.
18. On the question of what the CFSP, the CBROP and the Budget estimates address, the nominee stated that the CFSP addresses certain areas in different sectors e.g. Agriculture, Infrastructure etc., where it looks into these areas and funds allocated to them. The Budget estimates give financial amounts of different programmes projected for use in any financial year. The nominee was unable to state what the CBROP addresses.

19. The nominee informed the committee that his role in the County Executive and County Assembly Budgets will be to manage and oversee these budgets implementation. His team at the County treasury will also review, consider and consolidate budgets received from the departments before approval by the County Assembly.
20. The nominee was not conversant with the County Assembly as an entity budget preparation process especially on the person mandated to develop the County Assembly budget. Further, he stated that the CEC would have the final say on the County Budget. However, he informed the committee, in instances where the County Assembly would reject the budget submitted for its approval, he would ensure there is dialogue and consultation done to solve the matter.
21. On the question of the technical skills and experience the nominee has acquired to handle the position, he informed the committee he has skills and experience in financial management and financing in public sectors, where he would ensure that the County government funds received are utilized as allocated on the approved budgets and work plans submitted.
22. The nominee informed the committee that he was competent and capable of handling the CEC position; he would further get support to execute his mandate from the staff in his ministry, however with time he will require capacity building to perform even better in the Finance Ministry.
23. On the question of what the nominee understood by the County Integrated Development Plan (CIDP) and the Annual Development Plan (ADP) and how they are tied to the budget making process. The nominee informed the committee that the CIDP was a five year County Development Plan while the ADP was an Annual Development Plan for the different sectors indicating the activities to be undertaken, timelines and the funds allocated; therefore budgets developed are based on all the activities laid out in these two plans and most importantly the ADP. Once the budgets have been approved, then activities laid out in the ADP are implemented.

24. On the question of what steps he would take as the CEC to redress budget issues especially on items that are not in the CIDP and the ADP but have been slotted and allocated funds in the budget. The nominee stated that he would study the items and note if they are critical or of emergency for inclusion in the budget; further a supplementary budget would be required to redress such issues.
25. On the question of the circumstances and the procedure required for the County Government to acquire an overdraft, the nominee was unable to give the procedure and he was also not able to explain what Section 142 of the PFM Act, 2012 indicated.
26. On the question of how the nominee would handle the challenge of remitting statutory deductions as required and on time; the nominee noted that lack of remitting these deductions only indicated there was a planning problem, therefore, if he assumes office, he would first undertake an assessment of the problem and streamline the sector to ensure these statutory deductions are remitted as required.
27. The nominee noted that for the County Government to have challenges in cash flow management and secure overdrafts, this indicated that funds received were/are directed to projects or programmes not intended for thus misappropriation of funds. He therefore assured the committee that once he assumes office, he would stop completely the misappropriation of funds and direct finances as per approved work plans and budgets.
28. The nominee stated that he would advise the County government to avoid securing overdrafts since this indicated lack of prudent financial management; he would further ensure there is good cash flow management and uphold the law in use of public funds.
29. The nominee informed the committee that he would ensure the CIDP and ADP are implemented as per the law. He further informed the committee that once he assumes the office, he would like to understand the circumstances surrounding the delay in submission of the ADP for approval by the County Assembly and thereafter solve the issue by ensuring it is approved as provided by the law.

30. The nominee was not conversant with the Constitution of Kenya 2010, especially on the Devolution Chapter.
31. The nominee assured the committee that he will uphold the rule of law while undertaking his roles and responsibilities. He would further seek to listen and understand and he would be firm in the decisions made.
32. On the question of the three legal documents that would guide him in the management of financial issues at the County. The nominee stated only two documents; they include the Constitution of Kenya 2010 and the PFM Act, 2012.
33. On the question of what three (3) circumstances the CEC will be bound by the national values and principles of governance as stated on Chapter 2, Article 10(1) of the Constitution, 2010; the nominee stated that these values would bind him when sharing out financial resources, therefore ensure fairness and justice and; when there is a dispute in resources utilization.
34. The nominee informed the committee that he will ensure he advises the County government on financial matters and will ensure he respects the roles of the County Executive and the County Assembly as provided for by law.
35. The nominee stated that he did not have any potential conflicts of interest.
36. The nominee assured the committee that once in office he would ensure the County has a CIDP and the ADP, he would further ensure fair, just and equitable dispatch of resources in line with the two documents. The nominee noted that for devolution to succeed in the County, he will ensure the principle of fairness, justice and accountability is applied on the resources available.
37. On the question of what measures the nominee will put in place to ensure work plans developed as per approved budgets are funded in good time to avoid delay in projects implementations; the nominee informed the committee that he will ensure consultations on the work

plans are done with the departments concerned and funds released as required for implementation to take place.

38. The nominee stated that he was worth approximately 4 million and this was from his teaching earnings. He also stated that he has a small tea farm that he plans to gradually increase and develop.
39. On the question of how the nominee will handle and sort some of the county problems e.g. failure of the County government to adhere to the CIDP and ADP, financial management and currently the county running at a deficit of about 1 billion and contractors not paid among others; the nominee informed the committee that he would put in place radical measures, therefore; he will undertake an assessment to understand all the problems in the ministry and make policy decisions based on informed knowledge.
40. The nominee informed the committee that he will respect the budget making process for the two County government entities; he would further honour the financial requisitions made by the two entities.
41. The nominee stated that he will support the financial independence of the two entities especially the County Assembly as well as the management of their pay roll.

7.0 COMMITTEE OBSERVATIONS

After the vetting exercise, the committee made the following observations:

	KEY AREAS VETTED	COMMITTEE OBSERVATION
1	Academic Qualification	Holds PHD in Economics & Planning(Education),Masters in Economics & Planning(Education) and a degree (Bachelor of Education Science (Math and Economics)- the nominee fulfilled Section 35(3)(b) of the County Governments Act, 2012
2	Leadership and Integrity as per Chapter Six of the Constitution of Kenya, 2010.	The Nominee satisfied this requirement
3	Vast Knowledge on the laws of Kenya and other guiding principles e.g. The Constitution of Kenya, 2010, The devolution laws, vision 2030, etc.	The nominee was partially conversant with the relevant laws of Kenya e.g the Constitution of Kenya, 2010, the Public Finance Management Act, 2012
4	Professional Skills and Technical Skills	The nominee has been a teacher having taught in secondary schools for 16 years. Currently the nominee is a full time lecturer at Egerton University and part time lecturer at Mt. Kenya University Nakuru campus and Kenya Methodist University Nakuru -The nominee therefore has professional skills in teaching having taught for over 26 years.
5	Additional Skills as per the position applied for.	The nominee has additional skills in administration, coordination and collaboration- since the nominee is the Chairman of a coordination programe unit which has an allocation of 3 million per year.
6	Self-awareness in relation to personal characteristics and career pursuits	The nominee had done research on the anticipated position, but was not well versed to understand its current status. The nominee is yet to learn more on the budget making process. However, he promised and indicated his passion

		<p>to familiarize and learn fast on the same.</p> <p>-The committee further noted that the nominee had applied for the position.</p>
7	<p>Specific Examples of appropriate length when talking about experiences, cause of action, personality traits and knowledge</p>	<p>-The nominee having worked for 26 years in the teaching profession and in addition having a PHD in Economics and Planning and therefore, possesses the required knowledge however, he lacks the relevant experience to handle the sector.</p> <p>- The nominee is also a board member of Cheptalal Secondary School and Kimulot Secondary School in Konoin Sub County.</p> <p>-The nominee also has been helping paying school fees for the needy children and has also participated in the construction of a tea buying centre in his ward.</p>

9.0 COMMITTEES'S OBSERVATIONS AND FINDINGS

At the end of the vetting and approval hearing process, the Committee APPROVED the nominee due to the fact that;

1. The nominee satisfied all the requirements of Chapter six of the Constitution of Kenya 2010 and Section 35 of the County Government Act, 2012.
2. The nominee was at least partially conversant with some few sections of the Public Finance Management Act, 2012 and was also willing to learn from his juniors if given the position.
3. The nominee has no conflict of interest.

10.0 COMMITTEE RECOMMENDATION TO THE HOUSE

In view of the mentioned findings and observations, the Committee therefore recommends to the County Assembly to **APPROVE THE NOMINEE** for the position of CEC in charge of **Finance, ICT and Economic Planning**.