



COUNTY ASSEMBLY OF BOMET
THIRD ASSEMBLY: THIRD SESSION

REPORT OF THE
COMMITTEE ON TRADE, INDUSTRY, TOURISM AND CO-OPERATIVES ON THE
VETTING OF THE CHIEF OFFICER NOMINEE FOR THE DEPARTMENT OF CO-
OPERATIVES

(BENARD KOROS KIPLANGAT)



*Tabled on 13th February 2024
at 2.30p.m
D.*

JANUARY, 2024

*Approved for
tabling
14/2/2024*

*Hon Speaker
you may approve
tabling
14/2/24*

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Preface

Establishment and Mandate of the Committee

The Committee on Trade, Industry, Tourism and Co-operatives is established pursuant to Standing Order 201 and the second schedule to the Standing Orders. Standing Order 201(5) defines its functions as being to:

- 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 analyse 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. **Vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 197 (Committee on Appointments);**
- g. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Committee Membership

The Committee on Trade, Industry, Tourism and Co-operatives as currently constituted comprises the following members: -

No	NAME	POSITION
1.	Hon. Benard Langat	Chairperson
2.	Hon. Naomi Chemutai	V-Chairperson
3.	Hon. Joseah Samoei	Member
4.	Hon. Victor Rop	Member
5.	Hon. Dancel Kirui	Member
6.	Hon. Dennis Busienei	Member
7.	Hon. Vincent Mutai	Member

Committee Secretariat

The secretariat of the committee comprises of the following;

1. Annebetty Koros-Committee Clerk
2. Oscar Sang-General Counsel
3. Calvine Kitur-Legal Counsel
4. Timothy Korir-Research Officer
5. Stanley Maritim- Serjeant –at-Arms

Background

Notification of nomination

Pursuant to the provision of Article 196 of the Constitution of Kenya, 2010, Section 45(1)(b) of the County Governments Act, 2012, Section 7 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017, and Bomet County Assembly Standing Order 51(4), H.E. the Governor, submitted to the County Assembly, the name of nominee, **Mr. Benard Koros Kiplangat**, vide a letter dated **28th November, 2023** for vetting and approval by the County Assembly for appointment as the County Chief Officer for Co-operatives Department.

Notification to the Assembly and referral to the Committee on Trade, Tourism and Co-operatives

Pursuant to the provisions of Standing Order 42(1), the Speaker, vide a Communication dated **Thursday, 30th November 2023**, informed the Assembly of the Governor's message to the County Assembly on the nomination of Mr. Bernard Koros Kiplangat for approval as Chief Officer Co-operatives Department.

Pursuant to Section 7(1) of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 and Standing Order 51 of the Bomet County Assembly Standing Orders, the name of the nominee was referred to the Committee on Trade, Industry, Tourism and Co-operatives for approval hearing and reporting to the Assembly.

Notification to the Public

The Constitution of Kenya and the County Governments Act, 2012 obligate the County Assembly to facilitate public participation and involvement in the legislative business and other businesses of the Assembly and its Committees.

Section 7(5) of the of the Public Appointments (County Assemblies Approval) Act No 5 of 2017 further provides that the Committee shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearings.

Further, section 7(10) of the Public Appointments (County Assemblies Approval) Act 2017 provides that *"any person may, prior to the approval*

hearings and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated".

Pursuant to section 7(10) of Public Appointments (County Assemblies Approval) Act, 2017, the Clerk of the County Assembly placed an advertisement in the print media on **Friday 12th January, 2024** inviting the public to submit memoranda by way of a written statement on oath (affidavit) on the suitability or otherwise of the nominee for the position to which he was nominated to serve. The advertisement indicated that the said submissions from the public were to be received by **Tuesday 23rd January, 2024**.

Notification to the Nominee

On **Friday, 12th January, 2024** the Clerk of the County Assembly invited the nominee, in writing, for the approval hearings in accordance with Section 7(4) of the Public Appointments (County Assemblies Approval) Act, 2017. The nominee was required to appear before the committee on **Wednesday, 24th January 2024** at 10.00 am.

Clearance and Compliance Requirements

The Clerk, in his written notification to the nominee required him to bring letters or certificates of compliance and clearance during the vetting exercise from:

1. Ethics and Anti-Corruption Commission (EACC),
2. Kenya Revenue Authority (KRA),
3. Directorate of Criminal Investigations (DCI),
4. The Higher Education Loans Board (HELB)
5. Commission for University Education (CUE) in case of foreign certificates
6. Any of the credit Reference Bureaus

Committee meetings

The committee held a total of four meetings, and during one of the meetings on 24th January, 2024, the said nominee appeared before the committee and was vetted in accordance with the Public Appointments (County Assemblies Approval) Act No.5 of 2017 for appointment as the County Chief Executive Officer in charge of Co-operatives Department.

In a meeting held on 30th November 2023, the Committee resolved to invite the nominee for approval hearing at the County Assembly Mini Chambers on 10th December, 2023 which was later rescheduled to Wednesday 24th January, 2024.

In conducting the vetting exercise, the Committee made reference to the Constitution, the County Governments Act, 2012, the Leadership and Integrity Act, the Public Appointments (County Assemblies Approval) Act No.5 of 2017 and the Standing Orders.

The Committee complied with the Constitutional and legal requirements in its procedure for vetting. It ensured that there was public participation, transparency, and openness in carrying out the vetting exercise.

Notifications and invitations to the general public to submit memoranda were placed in the mainstream print media on 12th January, 2024 in line with the provision of Sections 91 and 95 of the County Governments Act 2012 and Section 7(5)&(10) of the Public Appointments Approval Act No.5 of 2017. By the close of business on Tuesday, 23rd January 2024, no written memorandum had been submitted to the office of the Clerk of the County Assembly.

Acknowledgment

The Committee on Trade, Industry, Tourism and Co-operatives wishes to thank the Office of the Speaker, the Office of the Clerk, and the staff of the County Assembly for the logistical support accorded to it during the vetting exercise and execution of the committee's mandate. The Committee appreciates all its members for their patience, sacrifice, endurance, and commitment to serving the public under tight schedules which enabled it to complete the task within the stipulated period.

The Committee made a number of findings on the nominee during the vetting exercise. These findings guided the Committee in making its final recommendation. The Committee's final recommendations were based on the Constitution of Kenya, 2010, the County Governments Act 2012, the Leadership and Integrity Act 2012, the Public Appointments (County Assemblies Approval) Act, 2017 and the information supplied by the nominee during the proceedings of the Committee and the public hearing.




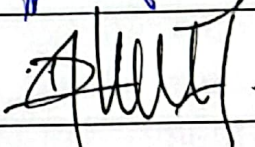


The Committee report was adopted by members on 26th January, 2024.

SIGNED.......... DATE: 26th Jan 2024.....

**HON. BENARD LANGAT
THE CHAIRPERSON
COMMITTEE ON TRADE, INDUSTRY TOURISM AND
CO-OPERATIVES**

Ownership of the Report

We, the members of Committee on Trade, Industry, Tourism and Co-operatives do hereby append our signatures against our names in this report to affirm the correctness of the contents and support for the report.

No	NAME	POSITION	SIGN
1.	Hon. Benard Langat	Chairperson	
2.	Hon. Naomi Chemutai	V-Chairperson	
3.	Hon. Joseah Samoei	Member	
4.	Hon. Victor Rop	Member	
5.	Hon. Dancel Kirui	Member	
6.	Hon. Dennis Busienei	Member	
7.	Hon. Vincent Mutai	Member	

Dated this 26th day of January, 2024

Approval Hearing of the Nominee

Issues for Consideration

The Committee held a sitting prior to the approval hearing on 24th January, 2024 to deliberate on the approval hearing and noted the following —

- (1) That, the nominee had not notified the Clerk of the County Assembly of his withdrawal from the approval process as outlined under Section 7(12) of the Public Appointments (County Assemblies Approval) Act, 2017.
- (2) That, Section 45 of the County Governments Act, requires H.E. the Governor to nominate and appoint qualified and experienced county chief officers from among persons competitively sourced and recommended by the County Public Service Board with the approval of the County Assembly.
- (3) That, Section 45 of the County Governments Act, provides that a county chief officer shall be responsible to the respective county executive committee member for the administration of a county department and the county chief officer shall be the authorized officer in respect of the exercise of delegated power.
- (4) Further, the committee required the nominee to submit the following documents;
 - i. Questionnaire for vetting/approval of the nominee for County Chief Officer position;
 - ii. Curriculum Vitae, Personal Credentials, and Academic Certificates;
 - iii. Clearance Certificate from Higher Education Loans Board (HELB);
 - iv. Certificate of Good Conduct from the Directorate of Criminal Investigation Department (DCI);
 - v. Compliance Certificate from Kenya Revenue Authority (KRA);
 - vi. Sworn Self-Declaration form submitted to the Ethics and Anti-Corruption Commission (EACC);
 - vii. Clearance Certificate from Any Credit Reference Bureau.

- (5) That, the Committee would therefore proceed with the approval hearings on Wednesday 24th January, 2024; and
- (6) That, the Committee would examine the nominee against the criteria set out in Sections 7 and 8 of the Public Appointments (County Assemblies Approval) Act, 2017.

Submission of memoranda

By the close of business on 23rd January, 2024, the Committee had not received any memoranda from the public.

Issues for consideration

In conducting the approval hearing, the Committee was guided by Article 73 (2) (a)(b)(c) and (e) of the Constitution, Section 45 of the County Governments Act and the provisions of the Public Appointments (County Assemblies Approval) Act 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 based on 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 to service to the people.

In conducting the vetting process, the Committee examined the nominee against the following criteria, in accordance with the Public Appointments (County Assemblies Approval) Act, 2017.

- i. Academic Qualifications
- ii. Employment Record
- iii. Knowledge of the relevant subject/ role of County Chief Executive Officer
- iv. Appreciation of the Constitution of Kenya 2010, Acts of Parliament, and Devolution
- v. Overall suitability for the Position
- vi. Compliance and Integrity

Submissions

Oral Submissions from Mr. Benard Koros Kiplangat

The nominee appeared before the committee on Wednesday 24th January, 2024 at 10.00 am and stated as follows:

- (1) **THAT** he hails from Merigi Ward, Bomet-East Sub-county.
- (2) **THAT** he is worth Kenya Shillings 30 million comprising of parcels and plots of land, vehicles and livestock.
- (3) **THAT** he applied for the position because he wants to serve the people of people something he is passionate about.
- (4) **THAT** the department of co-operatives is domiciled in the department of Agriculture, Livestock and Fisheries.
- (5) **THAT** as a Chief Officer his duties and responsibilities include being an authorized officer in respect of exercise of delegated power and that he is also responsible to the County Executive Committee member in the administration of the department.
- (6) **THAT** in terms of experience in senior management and leadership, he has undertaken induction courses by ICPAK and other bodies and he undertakes to attend senior management training and continuous leadership courses if approved for the position.

- (7) **THAT** some of the departmental sector goals as outlined in the CIDP include training and governance, support of co-operative societies' ventures and inventions and completion of stalled projects.
- (8) **THAT** some of the proposed strategies, policies and programs that he would implement specifically targeting the co-operative sector in the county include capacity building through trainings and civic education, developing regulations to regulate the sector, enhance support of the co-operative societies and link the co-operatives with financial institutions. He also stated that in order to enhance the performance of the revolving fund, he would undertake training of co-operative societies on the use and management of the funds and that he would also improve auditing of the funds for purposes of monitoring and evaluation.
- (9) **THAT** some of the functions of the department as listed in the Governor's Executive Order No.1 of 2022 include registration and auditing of co-operatives, training and civic education of co-operative society members and supporting in the development of infrastructure.
- (10) **THAT** in order to ensure fulfilment of functions listed in the Governor's Executive Order, he would ensure completion of training manuals that are currently in progress and leverage on technology.
- (11) **THAT** some of the programs and strategies that he would initiate to generate revenue in the department include improvement in auditing and liaising with other departments that generate revenue. He also stated that the department can lease out tractors as a way of generating revenue.
- (12) **THAT** the Governor in his manifesto for the department indicated marketing of produce and provision of infrastructure to the co-operative societies as some of the objectives that he intends to achieve in the department.
- (13) **THAT** in order to avoid and mitigate instances of pending bills in the department, he shall ensure that all the verified bills are paid on First Come First Out basis. He also indicated that he shall ensure that the department sticks to its procurement plans in project planning so as to build confidence with the contractors and suppliers.

- (14) **THAT** in case of any conflict of interest arising out in the performance of his duties, he shall declare the interest and recuse himself from decision making on that particular matter. He also stated that he shall be open and transparent in his undertakings so as to ensure fairness.
- (15) **THAT** in order to ensure that funds are not diverted to other activities which were not intended as in the case where KES 15 Million meant for support to co-operatives, he shall ensure that the departments sticks to its plans and programs.
- (16) **THAT** in order to avoid wrangles and conflicts with the County Executive Committee Member, he shall embrace consultations and discussions with the CECM. He also stated that he shall ensure completion of projects and programs so as to avoid conflicts.
- (17) **THAT** some of the principles of co-operatives include openness and accountability, economic participation of members and co-operation among co-operatives. He also stated in order to promote and ensure adherence to the stated principles, he shall develop regulations for regulating co-operative societies in the county and ensure proper auditing. He also stated that he shall have forums for discussions and problem solving.
- (18) **THAT** as an accountant, he has financial management and budgeting skills that will help him in the running of the department. He also stated that he has project planning and training skills that he has acquired in his previous positions. He further stated that some of the current trends and best practices in co-operative development include leveraging on technology for proper management of co-operatives and ease of membership.
- (19) **THAT** in terms of strategic planning for advancement of co-operative development as stated in the CIDP, he would improve on membership and training so as to build capacity for members. He also stated that he will link the co-operatives to markets for their produce and encourage healthy competition amongst co-operatives.

- (20) **THAT** in order to ensure prudential financial management in the department, he would ensure discipline and adherence to the PFM Act and undertake public participation so as to ensure transparency.
- (21) **THAT** in order to bring on board all the stakeholders in the co-operative sector including national government agencies and non-governmental organizations, he shall have joint forums with all the stakeholders and ensure harmonious working relationship.
- (22) **THAT** in order to ensure inclusivity and participation of diverse community members in co-operative initiatives particularly the youth, he shall create awareness and educate the youth on the importance of joining a co-operative society. He also stated that he shall encourage capacity building of the youth through forums and formal trainings.
- (23) **THAT** some of the examples of key performance indicators that are used to assess the effectiveness of co-operative projects include the number of active co-operative societies and exhibitions.
- (24) **THAT** in order to encourage lower cadre employees both in private and public sectors to embrace internet banking as concluded in his research paper titled " Infrastructure of online banking in commercial banks" published in International Journal of Research, he indicated that there is need to train and educate the lower cadre employees on the need to embrace technology in banking. He further stated that he shall engage and involve the lower cadre staff in his department and encourage them to embrace online banking.
- (25) **THAT** co-operatives are owned by the members who come together for a common good for purposes of improving access to markets and welfare of members.

Committee's Observations

After the vetting exercise, the committee made the following observations concerning the nominee.

Integrity

The Committee noted the following about documents submitted by the nominee:

NO	Documents	Remarks
1.	National Identification card/passport	The nominee submitted his National ID card Number 23586359 confirming that he is a Kenyan citizen.
2.	KRA compliance	The nominee submitted a valid KRA tax compliance certificate.
3.	Higher Education Loans Board (HELB)	The nominee submitted a valid HELB compliance certificate.
4.	Clearance from EACC	The nominee submitted a sworn self-declaration form from EACC as required under the Leadership and Integrity Act.
5.	Clearance from The Criminal Investigation Department (C24A)	The nominee submitted a valid police clearance certificate with no criminal record.
6.	Clearance from professional bodies	The nominee is a member of ICPAK.
7.	Clearance from Credit Reference Bureau	The nominee submitted a valid CRB clearance certificate
8.	County Assembly vetting questionnaire	The nominee submitted a dully filled questionnaire indicating that he is Kenyan and his place of permanent and current residence is Bomet County.

General observations

NO	KEY AREAS VETTED	COMMITTEE OBSERVATIONS
1.	Academic Qualification	The nominee has a Bachelor of Business Management (Accounting) Degree from Moi University and a Master of Business Administration (Finance) Degree from Kenyatta University and is therefore qualified to be appointed as Chief Officer as per the advert of the County Public Service Board.
2.	Communication and presentation	The nominee was able to articulate the issues affecting the department.
3.	Education and Training (Relevant to the portfolio)	The nominee is an accountant by profession and therefore his education and training are relevant to the portfolio which he was nominated for.
4.	Work Experience as it relates to the position	The nominee has been a Certified Public Accountant with over 12 years of experience and therefore his work experience is relevant to the portfolio for which he was nominated for.
5.	Professional skills and technical skills	The nominee has the requisite professional and technical skills to perform the functions of the Chief Officer Co-operatives.
6.	Additional skills as per the position applied for	The nominee has financial management and budgeting skills necessary for the position which he was nominated for.
7.	Vast knowledge on the laws of Kenya and other guiding principles e.g. The Constitution of Kenya,	The nominee has knowledge on finance as contained in the Constitution of Kenya and the Public Finance Management Act, 2012. He is also well versed with the County Governments Act and Vision 2030 having

	2010, The devolution laws, vision 2030, etc.	worked in the National treasury and economic planning.
8.	Leadership and Integrity as per Chapter Six of the Constitution of Kenya, 2010.	The nominee having presented all the clearance forms from the relevant bodies meets the requirements of Chapter six of the Constitution.
9.	Decision making and problem-solving skills	The nominee fairly demonstrated the requisite decision making and problem-solving skills on issues affecting the department

Committee's findings

The Committee having observed the oral submissions by the nominee and the documents submitted to it, made the following findings:

1. **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), and the Higher Education Loans Board (HELB).
2. **THAT** his academic credentials, professional training and experience comply with section 7(8) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2022.
3. **THAT** Pursuant to Section 45 of the County Governments Act, 2012; the Committee found the **nominee suitable** for appointment as the County Chief Officer in charge of Co-operative Department.

Committee's Recommendation

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 according to **Section 9 (2) of Public Appointments (County Assemblies Approval) Act No. 5 of 2017**, the Committee recommends that the County Assembly approves the nomination and subsequent appointment of **Mr. Benard Koros Kiplangat** for the position of County Chief Officer in charge of Co-operatives Department.