

REPUBLIC OF KENYA



COUNTY ASSEMBLY OF BOMET

FIRST ASSEMBLY- THIRD SESSION

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THE JOINT COMMITTEES ON FINANCE, ICT & ECONOMIC  
PLANNING AND BUDGET & APPROPRIATION REPORT ON THE VETTING  
OF THE CHIEF OFFICER NOMINEE FOR FINANCE

FEBRUARY, 2015

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*Tabled on  
26/2/2015  
G. [Signature]*

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## Annexures

- i. Committee minutes
- ii. Public service Board advertisements, list of submitted nominees and shortlist
- iii. Nominees curriculum vitae/academic certificates
- iv. Copies of the following submitted documents;
  - ID Card
  - Curriculum Vitae/ Personal credentials/ academic certificates
  - Compliance Certificate from Kenya Revenue Authority (KRA)
  - Clearance Certificate from the Higher Education Loans Board (HELB)
  - Certificate of Good Conduct from Criminal Investigation Department (CID)
  - Clearance certificate from Credit Reference Bureau (CRB)
  - Self-declaration form from Ethics and Anti-Corruption Commission

## PREFACE

### 1.1 Committee composition

The joint committees on Budget & Appropriation and Finance, ICT & Economic Planning are comprised of the following Honorable members:

1. Hon. Christopher Ngeno, – Chairperson
2. Hon. Aurelia Rono, – V.Chair
3. Hon. EvelineChepkemoi,
4. Hon. JosphatKirui,
5. Hon. Joyce Korir,
6. Hon. Sammy Kirui,
7. Hon. Beatrice Chebomui,
8. Hon. Philip Siele,
9. Hon. Reuben Langat,
10. Hon. John Ngetich,
11. Hon. BenardNgeno,
12. Hon. Robert Metet,
13. Hon. Cecilia Towett,
14. Hon. TableleiRotich,
15. Hon. SamwelBor,
16. Hon. Philip korir,
17. Hon. Wilson Keter,

### 1.2 Mandate of the Committee

The second schedule of the standing orders establishes the Finance, ICT and Economic Planning 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:-

- 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 programme 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) *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) *make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation*

The standing order No. 188 establishes the Budget and Appropriation Committee with specific mandate to:

- a. *investigate, inquire into and report on all matters related to coordination, control and monitoring of the of the county budget,*
- b. *discuss and review the estimates and make recommendations to the County Assembly;*
- c. *examine the County Budget Policy Statement presented to the County Assembly;*
- d. *examine Bills related to the national budget, including Appropriations Bills; and*
- e. *evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.*

### 1.3 Acknowledgement

I wish to thank the members of Finance, ICT & Economic Planning and Budget & Appropriation Committee for dedicating their time and energy to prepare this report. The Committee is grateful to the office of the Speaker and the Clerk of County Assembly for the support received as it discharged its mandate.

### 1.4 Committee meetings on vetting

The Committee held one joint sitting on 20<sup>th</sup> February 2015 in which Ms. Rose Chepkirui Kositany of national identification number 24243972 appeared before the committee and was vetted in accordance to the provisions of the County Government Act 2012 and Appointment Approval Act No. 7, 2014 for consideration of appointment as Chief Officer for Finance.

### 1.5 Affirmation and approval

Mr. Speaker sir,

It is therefore my pleasant duty and privilege, on behalf of the joint committees of Budget & appropriation and Finance, ICT and Economic Planning Committee to table this Report and commend it to the House for adoption.

Signed -----


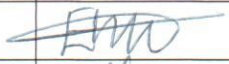





THE HON. CHRISTOPHER NGENO

CHAIRPERSON, JOINT FINANCE, ICT & ECONOMIC PLANNING AND BUDGET  
& APPROPRIATION COMMITTEE

Date 24<sup>th</sup> Feb, 2015.-----

## Ownership

We, honorable members of the joint committees of Finance, ICT & Economic Planning and Budget & Appropriation Committee, do hereby affix our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity:-

No.	Name	Position	Signature
1.	Hon. Aurelia C. Rono	V. Chair	
2.	Hon. Benard Ngeno	Member	
3.	Hon. Robert Metet	Member	
4.	Hon. Cecilia Towett	Member	
5.	Hon. Tablelei Rotich	Member	
6.	Hon. Samwel Bor	Member	
7.	Hon. Philip korir	Member	
8.	Hon. Sammy Kirui	Member	
9.	Hon. Wilson Keter	Member	
10.	Hon. Eveline Chepkemoi	Member	
11.	Hon. John Ngetich	Member	
12.	Hon. Beatrice Chebomui	Member	
13.	Hon. Joyce Korir	Member	
14.	Hon. Reuben Langat	Member	
15.	Hon. Josphat Kirui	Member	
16.	Hon. Philip Siele	Member	

### 1.6 Nomination of the Chief Officer for Economic Planning

**Mr. Speaker Sir,**

Pursuant section 45 of the County Government Act, 2012, H.E. the Governor, through the office of the County Attorney vide a letter dated 30<sup>th</sup> January 2015, forwarded to the Clerk of the Bomet County Assembly the name of the following Chief officer

for finance for consideration and approval by the Bomet County Assembly for appointment as the Bomet County Chief Officer nominee for Finance:-

Nominee	Portfolio
Ms. Rose ChepkiruiKositany	Finance

## 2 ADHERENCE TO THE LEGAL FRAMEWORK

Section 45(1) of the County Government Act states that;

*The governor shall-*

- a) *Nominate qualified and experienced county chief officers from among persons competitively sourced and recommended by the County Public Service Board; and*
- b) *With the approval of the county assembly, appoint county chief officers*

Standing order 193(5) (f) states the functions of a Sectoral Committee as;

*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)*

Section 6(8) of the Bomet County Public Appointments (Assembly Approval) Act, 2014 states that,

*“an approval hearing shall focus on a candidate’s academic credentials professional training and experience, personal integrity and background”* Section 6(9) of the same acts states that *“the criteria specified in the first schedule shall be used by a committee during an approval hearing for the purposes of vetting a candidate*

Section 7 further recommends that the;

*issues for consideration by the Assembly in relation to any nomination shall be-*

- (a) *The procedure used to arrive at the nominee;*
- (b) *Any constitutional or statutory requirements relating to the office in question; and the suitability of the nominee for the appointment proposed having regard to whether*



*the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.*

## **2.1 Joint sitting of committees of the County Assembly**

Standing order 186 states that;

*(1) Two committees of the County Assembly considering similar matters may, with the approval by Speaker, hold joint sittings.*

*(4) The quorum of a joint sitting of two or more committees shall be the number obtained by adding the respective quorum of each committee, excluding the Chairpersons.*

*(5) The report of a joint sitting of two or more committees shall not be adopted unless supported by a resolution of a majority of the total membership of the committees.*

## **3 VETTING PROCESS OF THE CHIEF OFFICER FOR FINANCE**

**Mr. Speaker Sir,**

This house can recall that, on 10<sup>th</sup> February 2015, the Hon. Speaker via communication to the House, informed the House that the Clerk of the County Assembly, had received the name of the nominee and directed that the name and Curriculum Vitae of the said nominee be referred to the Committee on Finance, ICT and Economic Planning for vetting and reporting to the House within 21 days from the day it was committed to the committee. On a response seeking further clarifications from the Chair, Budget and appropriation, the Hon. Speaker directed that the two committees of Budget and appropriation vet the two Chief Officer nominees for Finance and Economic planning.

An advert was placed in the Standard Newspaper on Thursday, 12<sup>th</sup> February, 2015 inviting the public to submit any information/memorandum/petition that may have a bearing on the selection of the candidates by Thursday 18<sup>th</sup> February, 2015.

### 3.1 Public participation

**Mr. Speaker Sir,**

The public was given the opportunity to participate in the vetting process through the submission of memoranda (affidavit) on the suitability or otherwise of the nominee. However, no memoranda were received from the public.

The nominee submitted copies of the following documents on 18<sup>th</sup> February 2015:-

- i. Curriculum Vitae/ Personal credentials/ academic certificates
- ii. Self-declaration form from the Ethics and Anti-Corruption Commission
- iii. Compliance Certificate from Kenya Revenue Authority (KRA)
- iv. Enquiry form from the Higher Education Loans Board (HELB)
- v. Receipt for application of police clearance certificate

**Mr. Speaker Sir,**

In conducting the vetting process, the joint committees of Finance, ICT & Economic Planning and Budget & appropriation examined the nominee against the following criteria, amongst others, in accordance with the Public Appointments (County Assembly Approval) Act No. 7 of 2014.

- i. Academic qualifications
- ii. Employment record
- iii. Professional affiliations
- iv. Potential conflict of interest
- v. Knowledge of the relevant field
- vi. Overall suitability for the position
- vii. Tax compliance
- viii. Integrity

**Mr. Speaker Sir,**

During its joint Sitting held on Thursday 19<sup>th</sup> February 2015 at the Assembly Chambers, the Committees orally interviewed the nominee

The nominee submitted originals of the following documents:-

- Kenya Passport
- Curriculum Vitae/ Personal credentials and the following academic certificates
- Undergraduate Degree
- Kenya Certificate of Secondary Education

N/B. the committee was not convinced on the documents submitted indicating that the nominee had successfully completed masters and awaiting graduation

- Online copy of the Compliance Certificate from Kenya Revenue Authority (KRA)
- Enquiry form from the Higher Education Loans Board (HELB)
- Self-declaration form from the Ethics and Anti-Corruption Commission
- Unstamped Receipt for application of police clearance certificate
- Clearance certificate from Credit Reference Bureau (CRB)

**Mr. Speaker Sir,**

**I. Academic Qualifications**

In regard to her academic qualifications, the committee noted that,

- Although the nominee submitted a letter from the Dean, school of graduate studies & research, KCA university that she was awaiting graduation it differed with the information given by the assistant registrar, student advisory and planning
- She graduated in Bachelor of Commerce (Banking and Finance option) second class lower division, from Egerton University
- She did her K.C.S.E at Ndarawetta Girls High School in 2003.

**II. Employment Record**

In regard to her employment record, the committee noted that,

- She was serving as a Director/Chief Finance Officer in the County Government of Bomet also appointed the Accounting Officer of the Finance, ICT and Economic Planning as from October 2013 to date as per public management Act 2012 sec.148.

She further stated that she had worked in the following organizations, although no document was submitted to support the same;

- She served as an Accountant & Administration Manager in the CLUSA-USAID .
- She served as a Administration Manager- Insight Africa Consulting Limited Reporting to the Managing Consultant.
- She served as a Finance andAdministration Officer- Mega peak Training Centre.

## 4 NOMINEE'S SUBMISSIONS

### 4.1 Achievements

**Mr. Speaker Sir,**

The nominee submitted that her achievements included the following

- i. Setting up of systems including IFMIS and G-Pay
- ii. Overseeing the training of the department staff
- iii. Enforcement of tight internal controls

### 4.2 Challenges

**Mr. Speaker Sir,**

The nominee sighted the challenges faced as a director for finance in the county government of Bomet as follows;

- i. Working with the people from different backgrounds

#### **Potential Conflict of Interest**

The nominee stated and filled a questionnaire she had no areas that would create potential conflict of interest.

#### **v) Knowledge of the Relevant Field**

The nominee did not meet the minimum required experience of ten (10) years for the position. The committee further noted that she had two (2) years' experience as a finance officer in the county government of Bomet and that the committee could not

verify experience obtained from working in other organizations, as alleged, owing to lack of documents in support thereof.

#### **vi) Tax Compliance**

The nominee submitted online copy of the Compliance Certificate from Kenya Revenue Authority three days to vetting.

#### **vii) Integrity**

The constitution of Kenya 2010 assumes the theme of integrity and good leadership throughout its chapters. Chapter six in particular addresses issues of and is titled leadership and integrity. Considering the prognosis that the main maladies of public affairs are poor leadership and corruption, it has been argued that chapter six is the soul of the Constitution of Kenya 2010. Article 79 establishes an independent ethics and anti-corruption commission for purposes of ensuring compliance with the provisions of the said chapter. This perhaps explains the reason why it is now mandatory for persons seeking employment within the government both at the national and county level to produce evidence of them having been cleared by the Ethics and Anti-Corruption Commission. The applicants are also required to provide clearances from the Criminal Investigation Department, Kenya Revenue Authority and the Higher Education Loans Board. It is expected that the clearances certificates will assist the recruiting agency in this case the CPSB to establish the extent of the compliance of the mandatory requirements of chapter six. The Bomet County Public Appointments (Approval) Act obliges the committee to inquire into the procedure used (by the CPSB) to arrive at the nominee and whether the nominee complied with the requirements set out in the advertisement. Section 7 of the act reads as follows;

*“The issues for consideration by the assembly in relation to any nomination shall be-*

*(a) the procedure used to arrive at the nominee*

*(b) any constitutional or statutory requirements relating to the office in question; the suitability of the nominee for the appointment proposed having regard to whether the*

*nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made"*

Besides chapter six, Article 10 lists integrity as one of the national values and principles of governance on which Kenya is founded. The question then arises, what is integrity? What does it mean? .There is no one accepted definition of integrity. A general understanding however can be deciphered. Integrity is derived from the Latin word *integritas* which means whole, unscathed,Unblemished. It comes from the same word as 'integer' meaning a whole number. It refers to something that is complete in itself. The Concise Oxford Dictionary defines integrity as "moral uprightness or honesty".

Our Constitution ordains integrity as a guiding value and principle of governance, alongside such concepts as good governance, transparency and accountability.

It is necessary therefore to determine what level of integrity is needed in leadership be it elective or appointive as the case herein. Indeed it is critical to understand first and foremost why there is a need to care about integrity of state and public officers. There is a very close nexus between integrity and leadership (elective and appointive).It has been successfully argued albeit with sound evidence that Leadership without integrity is a recipe for disaster. Resources are stolen or misapplied; the poor and vulnerable are oppressed while the benefits of the state only accrue to a few. Integrity in leadership would ensure that the public machinery treats everyone with some basic rights and entitlements and that public office is not used for private gain or against the public interest.

It is however, agreed that even though the citizens are yet to have a robust debate as a nation on the issue of integrity, there is a consensus that there is need for integrity in leadership. There are however varied arguments on what constitutes lack of integrity. What deficit in integrity qualifies one to lack integrity for purposes of occupying public office? This depends on the values and ethos of society. It is however clear that conviction in court of law may preclude one from being considered for a public office

though the argument again would be the applicability of the same in view of the principle of innocence till proven guilty. The standard for leadership (elective and appointive) is premised on the foundation that only the best in every respect should be accorded the honor to lead/serve the people. Vetting for purposes of leadership is therefore to determine who is best suited to occupy those positions of trust in consonance with the origin of the practice that of assessing and evaluating horses to determine which ones are fit for racing.

The committee noted that the clearance documents provided by the nominee clearly indicated that the same were obtained/issued on 17<sup>th</sup> February 2015. It is therefore inconceivable that the said document could have been presented to the CPSB on 20<sup>th</sup> January 2015 when the candidate appeared for the interview. This goes into the root of the procedure used to arrive at the nominee pursuant of section 7 of the Bomet County Public Appointment (Approval) Act, 2014. The committee therefore finds that the nominee's failure to provide certificate of good conduct from the Criminal Investigation department, The Higher Education Loans Board certificate, Kenya Revenue Authority clearance certificates, Ethics and Anti-Corruption Commission clearance certificates and the Credit Reference Bureau certificate invalidated the nomination procedure and that the nominee did not satisfactorily demonstrate that she met the mandatory requirements of chapter six of the constitution.

## 5 COMMITTEE'S FINDINGS AND OBSERVATIONS

Mr. Speaker Sir,

The Committee made the following findings and observations on the nominee;

- I. The committee noted that the nominee possesses a degree in Bachelor of Commerce degree (Banking and Finance Option) thus qualified on academic requirement. The minimum requirement as per the advertisement was at least a first degree from a university recognized in Kenya.
- II. The nominee had the relevant knowledge.
- III. That even though the nominee submitted Master's degree documents, the same had serious authentic/ integrity issues and could not be relied upon especially in view of the letter from the university confirming the non-completion of the said program.
- IV. The committee noted that the professional qualification regarding the nominee's Certified Public Accountancy were incomplete since some of the certificates were missing. Neither an exemption certificate was availed nor police abstract or an affidavit to confirm that the documents were lost and could not be traced. The committee also noted that the submitted document not original
- V. The committee noted that the nominee had been instrumental in setting up of systems including IFMIS and G-PAY in the county.
- VI. The committee could not understand why the nominee did not avail required clearance documents from Criminal Investigation Department, Kenya Revenue Authority, Credit Reference Bureau, Higher Education Loans Board and Ethics and Anti - Corruption Commission. The same documents were required at the time of the interview by County Public Service Board (Copy of the advertisement attached).
- VII. The committee could not comprehend why the County Public Service Board allowed the nominee to appear in the interview whereas the nominee had not fully complied with was expected of her during the interview.
- VIII. The nominee did not meet the minimum required experience of ten (10) years for the position. The committee further noted that she had two (2) years'



experience as a finance officer in the county government of Bomet and that the committee could not verify experience obtained from working in other organizations, as alleged, owing to lack of documents in support thereof.

- IX. The committee resolved that there was need to confirm the authenticity and validity of the tender documents submitted during the interview to determine the directors of the company's stated in it.
- X. The committee noted that the nominee was quite evasive during vetting and deliberately avoided answering some of the questions especially those relating to her tenure at the county treasury as the director of finance. The nominee did not provide satisfactory answers on crucial financial issues within her docket such as signing and issuing cheques which were not supported by any regulation, policies or legislations.
- XI. The nominee could not convince the committee the extend of her participation in the preparation of the county assembly budget which should legally be prepared by the county assembly clerk. She also did not provide convincing reasons why the budget uploaded in the IFMIS differed with the one approved by the assembly.

## 6 COMMITTEE'S RECCOMENDATIONS

Mr. Speaker Sir,

In view of the above findings and observations, the committee by a majority decision found that the **nominee was not suitable** to be the Chief Officer for Finance. The committee therefore recommends that The Governor resubmit another nominee for vetting.