

**REPUBLIC OF KENYA**



**BOMET COUNTY ASSEMBLY**

**FIRST ASSEMBLY- SECOND SESSION**

**THE COMMITTEE ON URBAN PLANNING, LAND & HOUSING**

**REPORT**

**ON NOMINATION FOR APPOINTMENT TO THE POSITION OF**

**MEMBERS OF THE BOMET COUNTY LAND MANAGEMENT**

**BOARD**

**24<sup>th</sup> SEPTEMBER, 2014**

## Table of Contents

Page

1.0 Preface .....	1
1.1 Committee Membership.....	1
1.2 Committee’s Mandate .....	1
1.3 Acknowledgments .....	4
2.0 Background .....	7
2.1 Issues for consideration .....	8
2.2 Correspondence by the County Secretary .....	9
2.3 Notification to Nominees .....	9
2.4 Notification to the Public.....	9
2.5 Committee Meetings.....	10
2.6 Submission of Memoranda.....	10
2.7 The Vetting process.....	10
2.71 Vetting of Roph Joel Kipkoech.....	11
2.72 Vetting of Soi Elijah Kibilo.....	12
2.73 Vetting of Mercy Chepkemoi.....	12
2.74 Vetting of Chirchir Eric Kipkirui.....	13
2.75 Vetting of Ann Chelangat Rotich.....	13
2.76 Vetting of Dr. Soo Stanley David.....	13
3.0 Committee’s Findings.....	14
3.1 Roph Joel Kipkoech .....	14
3.2 Roph Soi Elijah Kibilo .....	14
3.3 Mercy Chepkemoi .....	14
3.4 Chirchir Eric Kipkirui .....	15

3.5 Ann Chelangat Rotich .....	15
3.6 Dr. Soo Stanley David .....	16
3.7 Further Findings .....	16
3.8 Recommendation .....	16

**ANNEXTURES**

(I) ANNEXTURE (1): Committee Minutes

(II)ANNEXTURE (2): Correspondence from County Secretary on the nomination of the persons to the county land management board

(III) ANNEXTURE (3): Notifications in the media

(IV)ANNEXTURE (4): Curriculum vitae of nominees

## 1.0 PREFACE

**Mr. Speaker Sir,**

On behalf of the Committee on Urban planning, Land and Housing and pursuant to Standing Order 190 (5) (g), I am pleased to report on the findings of the committee on the vetting of nominees for members of the County Land Management Board for the County Of Bomet.

This is one of the sectoral committees established under the Standing Orders 190(1) and the Second Schedule to the Standing Orders which provides that the Sectoral Committees, of which the Committee on Urban Planning, Land and Housing falls, shall *inter alia*, vet and report on all appointments where the constitution or any law requires the County Assembly to approve.

### 1.1 Committee Membership

**Mr. Speaker Sir,**

The Committee on Urban planning, Land and Housing as currently constituted comprises of the following Honourable Members:-

1. Hon. Beatrice Chebomui - Chairperson
2. Hon. Josphine Rotich -Vice Chairperson
3. Hon. Leonard Kirui -
4. Hon. David Rotich Big Five
5. Hon. Aurelia Chepkirui
6. Hon. Philip Korir
7. Hon. Evaline Chepkemoi
8. Hon. Robert Serbai
9. Hon. Robert Metet

**Mr. Speaker, Sir,**

## **1.2 Committee's Mandate**

The Sectoral Committee on Urban Planning, Lands and Housing derives its mandate from provisions of Standing order 190(5) which defines functions of the Committee as being:

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- b) To study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
- c) To study and review all legislation referred to it;
- d) To study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a minister;
- 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 187 (Committee on appointments); and
- g) To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

**Mr. Speaker,**

According to Schedule II of the Standing Orders, the Committee examines the following areas:

- i. County planning and development
- ii. Land survey and Mapping
- iii. Boundaries and Fencing

iv. Housing

**Mr. Speaker,**

Section 18 of the National Land commission Act provides that the National Land Commission shall, in consultation and cooperation with the national and county governments, establish county land management boards for purposes of managing public land.

**Section 18 (2)** provides that a County Land Management Board shall comprise—

- (a) Not less than three and not more than seven members appointed by the Commission;  
and
- (b) A physical planner or a surveyor who shall be nominated by the county executive member and appointed by the governor.

**Section 18(6)** further provides that the appointment of the members shall be approved by the County Assembly and shall take into account the national values referred to in Article 10 and Article 232 of the Constitution and shall reflect gender equity and ethnic diversity within that county.

Section 18 (9) provides that the function of the board shall be—

- (a) subject to the physical planning and survey requirements, process applications for allocation of land, change and extension of user, subdivision of public land and renewal of leases; and
- (b) Perform any other functions assigned by the Commission or by any other written law.

**Mr. Speaker, Sir,**

After receiving the names of the nominee to the position of members to the County Land Management Board on 15<sup>th</sup> September 2014, the Committee resolved to have a meeting on the 16<sup>th</sup> of September 2014 to deliberate on the procedure for the vetting exercise.

The Committee complied with the Constitutional and legal requirements and established procedures for vetting. It ensured public participation and openness in carrying out the proceedings was adhered to. Notifications inviting the public to submit memoranda were placed in the mainstream print media, in tandem with the law.

The Committee in the meeting of Tuesday 16<sup>th</sup> September, 2014 resolved to invite the nominees to the county Land Management Board for approval hearings within the precincts of the county Assembly.

In conducting the vetting exercise, the Committee made reference to the Constitution, the National Land Commission Act, the Public Appointments (Parliamentary Approval) Act No. 33 of 2011), and the Standing Orders.

### **1.3 Acknowledgements**

**Mr. Speaker,**

The Committee wishes to thank the Offices of the Speaker and 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 serve the public under tight schedules which enabled us to complete the task within the stipulated period.

**Mr. Speaker, Sir,**

The Committee made several findings on the nominees 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 nominees from the proceedings of the Committee during the vetting exercise. This recommendation was agreed upon by the majority of Committee Members during the adoption of the Report on Tuesday 23<sup>rd</sup> September, 2014.

**Mr. Speaker,**

Finally, on behalf of the Committee, and pursuant to Section 8(1) of the Schedule to the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, Section 18(6) of the National Land Commission Act and Standing Order no. 199(6), it is my pleasant duty to table the Report of the Committee on Urban Planning, Lands and Housing on the nomination of the following individuals;

1. Mr. Ropy Joel Kipkoech
2. Mr. Elijah Kibilo Soi
3. Mr. Kipkurui Erick Chirchir
4. Miss. Mercy Chepkemoi
5. Mrs. Chelangat Ann Rotich
6. Mr. David Stanley Soo

to the post of member of the County Land Management Board, for debate, further consideration and subsequent adoption by the House.

**SIGNED: ..... DATE: .....**

**HON. BEATRICE CHEBOMUI**

**CHAIRPERSON**



**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. Josphine Rotich .....
- 2. Hon. Leonard Kirui -.....
- 3. Hon. David Rotich Big Five.....
- 4. Hon. Aurelia Chepkirui.....
- 5. Hon. Philip Korir.....
- 6. Hon. Evaline Chepkemoi.....
- 7. Hon. Robert Serbai.....
- 8. Hon. Robert Metet.....

**Dated this 24<sup>th</sup> day of September, 2014**

## 2.0 BACKGROUND

The National Land Commission Act No.5 of 2012 is an Act of Parliament meant to provide for further qualifications and procedures for appointments to the Commission; to give effect to the objects and principles of devolved government in land management and administration.

The County Land Management Board is established under **section 18** of the National Land Commission Act which provides;

(1) The Commission (National Land Commission) shall, in consultation and co- operation with the national and county governments, establish county land management boards for purposes of managing public land.

(2) A county land management board shall comprise-

(a) Not less than three and not more than seven members appointed by the Commission; and

(b) A physical planner or a surveyor who shall be nominated by the county executive member and appointed by the governor.

(3) A member of the board, unless ex-officio, shall be appointed for a single term of five years and shall not be eligible for re-appointment.

(4) The chairperson of the board shall be elected by the members in their first sitting.

(5) The secretary to the board shall be appointed by the Commission.

(6) The appointment of the members shall be approved by the county assembly and shall take into account the national values referred to in Article 10 and Article 232 of the Constitution and shall reflect gender equity and ethnic diversity within that county.

(7) The chairperson, members and the secretary of the board shall, before assuming office, make and subscribe, before a judge, to the oath or affirmation set out in the Third Schedule.

(8) In the discharge of their functions, the boards shall be comply with the regulations made by the Commission under this Act.

(9) The boards shall -

(a) subject to the physical planning and survey requirements, process applications for allocation of land, change and extension of user, subdivision of public land and renewal of leases; and (a)

(b) perform any other functions assigned by the Commission or by any other written law.

**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.

**2.1 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 **Section 7 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011**.

## **2.2 Correspondence by the County Secretary**

On September, 2014, the Speaker through the Clerk of the county Assembly conveyed a message to the committee on Urban Planning, Lands and Housing from county secretary that the governor had that had been nominated;

1. Mr. Roph Joel Kipkoech;
2. Mr. Elijah Kibilo Soi;
3. Mr. Kipkurui Erick Chirchir;
4. Miss. Mercy Chepkemoj;
5. Mrs. Chelangat Ann Rotich; and
6. Mr. David Stanley Soo

to serve in the position of members of the County Land Management Board. **Section 18(1)** of the **National Land Commission Act** confers upon the National Land Commission the power to appoint members of the county land board and subject to approval by the county Assembly.

The curriculum vitae and certificates of the nominees were also thereafter forwarded to the Committee on Urban Planning, Lands and Housing to conduct approval hearings.

## **2.3 Notification to the nominees**

On 18<sup>th</sup> September, 2014, the Clerk of the Assembly, pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), notified the nominees of the time and place for holding the approval hearing through an advert in the newspaper.

## **2.4 Notification to the public**

Further pursuant to **Section 6(9) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011**, which provides that “any person may, prior to the approval hearing, 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”.

In the same advert of the of the 18<sup>th</sup> September 2014, the Committee, placed notifications informing the general public of the intention of the Assembly to conduct an approval hearing, as provided for by **Article 118 (1)(a)(b) and (2) of the Constitution** and **Section 6(4)** of the Public Appointments (Parliamentary Approval) Act, 2011, which allow public participation in Committee proceedings. The notification further gave provision for the submission of memoranda to the office of the Clerk of the Suitability, on the suitability or otherwise of the nominee, by Friday, 19<sup>th</sup> September, 2014, at 5.30pm.

## **2.5 Committee meetings**

The Committee due to the time constraints held a one day the vetting session on Monday, 22<sup>nd</sup> September 2014. However before the nominees were 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 (Parliamentary Approval) Act No.33 2011

## **2.6 Submission of memoranda**

By close of business on Friday, 20<sup>th</sup> September 2014 the Committee no had not received any memoranda from the public.

## **2.7 The Vetting Process**

The committee allocated each candidate a maximum hour for vetting. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and the county Assembly Standing Orders.

The Committee examined the nominee using the guidelines provided for in the Public Appointments (Parliamentary Approval) Act No. 33 of 2011. The Committee also followed the following criteria in vetting the nominees: -

- a) Academic qualifications
- b) Employment record and work experience
- c) Professional association
- d) Public office, political activities and affiliations
- e) Potential conflict of interest
- f) Suitability to the position
- g) Integrity

The Nominees were also evaluated on the following areas;

- a) Technical knowledge particularly in respect to the mandate of the County Land Management Board and the National Land Commission
- b) General appreciation of the Constitution and the current Land Laws
- c) Personal Presentation by the candidate
- d) General knowledge on public affairs

#### **2.71 VETTING OF MR. JOEL KIPKOECH ROP**

Mr. Rop appeared before the Committee on Monday 22<sup>nd</sup> September, 2014 and informed the Committee as follows;

He comes from Chebunyo ward within Chepalungu Sub-county. He attended Chepnyalilyet Primary school, Cheptenye Secondary School and Moi University of Moi to pursue undergraduate degree, Bachelor of Science (Forestry). He is an environmentalist and currently working as a County Director of Environment (Bungoma).

The committee observed that, on the basis of his academic and professional background as well as his experience was relevant in discharging the mandate of the Board. The committee further observed that he has general Knowledge of issues to do with land, the constitution, the National Land Commission Act and the sticky land issues within the county.

#### **2.72 VETTING OF MR. ELIJAH KIBILO SOI**

Mr. Soi appeared before the Committee on Monday 22<sup>nd</sup> September, 2014 and informed the Committee as follows:

He comes from Chesoen ward within Bomet Central Sub-county. He attended Kiplokyi Primary school, Kabungut Intermediate School, Kericho Secondary School and Kenyatta Teachers Training College and Stirling University (Scotland, UK) to pursue undergraduate degree, Bachelor of Education (Religious Studies). He is currently pursuing Master of Arts Degree in Religious Studies. He has worked in the education sector, having taught in various secondary schools and currently is retired.

It was the committee's observation that he was knowledgeable on the matters of Kalenjin Culture and has authored several books on the same. However, the committee also observed that he was not well versed on the roles of the National Land Commission and the County Land management Board as well as the general appreciation of the Constitution.

#### **2.73 VETTING OF MISS MERCY CHEPKEMOI**

Miss Mercy Chepkemoi appeared before the Committee on Monday 22<sup>nd</sup> September, 2014 and informed the Committee as follows:

She comes from Sotik Sub-county. She attended Kaplong Primary school, Kaplong Secondary School and Moi University to pursue undergraduate degree, Bachelor of Laws (LLB). She is an Advocate of the High Court of Kenya and currently practicing Law based in Eldoret.

#### **2.74 VETTING OF MR. ERIC CHIRCHIR KIPKIRUI**

Mr. Chirchir appeared before the Committee on Monday 22<sup>nd</sup> September, 2014 and informed the Committee as follows:

He comes from Bomet East Sub-county. He attended Enoosaen Primary school, Kaparosu Secondary School and the University of Nairobi to pursue undergraduate degree, Bachelor of Arts, Planning. He is a professional Physical Planner and currently practicing in a private firm based in Nairobi.

#### **2.75 VETTING OF MRS. ANN CHELANGAT ROTICH**

Mrs. Rotich appeared before the Committee on Monday 22<sup>nd</sup> September, 2014 and informed the Committee as follows:

She comes from Silbwet Township, Bomet Central Sub-county. She attended Kaplong Primary school, Siongiroi Secondary School and Jomo Kenyatta University of Agriculture and Technology to pursue undergraduate degree, Bachelor of Commerce and Business Administration (Finance). She is an Accountant currently based in Machakos County and a member of ICPAK.

#### **2.76 VETTING OF Dr. DAVID STANLEY SOO**

Dr. Soo appeared before the Committee on Monday 22<sup>nd</sup> September, 2014 and informed the Committee as follows;

He comes from Chepalungu Sub-county born in 1954. He attended Kipkelat Primary school, Kaplong Secondary School and University of Nairobi to pursue undergraduate degree, Bachelor of Veterinary Medicine. He is a career veterinary doctor and has worked in the Public Service for over 26 years and retired in 2007. He is currently a farmer and also in private veterinary practice



### **3.0 COMMITTEE FINDINGS**

#### **3.1 MR. ROP JOEL KIPKOECH**

The Committee having considered his curriculum vitae and heard his oral submission during the vetting exercise, made the following observations:-

- i. That, on the basis of his academic and professional background as well as his experience was relevant in discharging the mandate of the Board.
- ii. That he has general Knowledge of issues to do with land, the constitution, the National Land Commission Act and the sticky land issues within the county.

**The Committee found Mr. Rop suitable for appointment as the member of the county land management board.**

#### **3.2 MR. ELIJAH KIBILO SOI**

The Committee having considered his curriculum vitae and heard his oral submission during the vetting exercise, made the following observations:-

That he was not well versed on the roles of the National Land Commission and the County Land management Board as well as the general appreciation of the Constitution.

**The Committee found Mr. Soi was not suitable for appointment as the member of the county land management board.**

#### **3.3 MISS MERCY CHEPKEMOI**

The Committee having considered her curriculum vitae and heard her oral submission during the vetting exercise, made the following observations:-

- i. That her legal professional background was relevant in executing the mandate of the Board

- ii. That her presentation was above average particularly on issues to do with land.

**The Committee found Miss. Mercy Chepkemai suitable for appointment as the member of the County Land Management Board**

### **3.4 MR. CHIRCHIR ERIC KIPKIRUI**

The Committee having considered his curriculum vitae and heard his oral submission during the vetting exercise, made the following observations:-

- i. That Mr. Chirchir was knowledgeable on land issues and presented himself well before the committee. He also has the requisite qualification in terms academic and professional experience being a physical planner.
- ii. That he was also observed that he was well versed on issues of land and the legal framework on land matters

**The Committee found Mr. Chirchir Eric Kipkurui suitable for appointment as the member of the County Land Management Board.**

### **3.5 MRS. ANN CHELANGAT ROTICH**

The Committee having considered her curriculum vitae and heard her oral submission during the vetting exercise, made the following observations:-

- i. Her academic and professional qualification was not relevant to the position
- ii. Her general knowledge particularly in respect to the mandate of the County Land Management Board and the National Land Commission was wanting
- iii. Her general appreciation of the Constitution and the current Land Laws was wanting
- iv. Her Personal Presentation before the Committee was not satisfactory
- v. Her general knowledge on current public affairs was on average

**The Committee found Mrs. Ann Chelangat Rotich not suitable for appointment as the member of the County Land Management Board**

### **3.6. DR. DAVID STANLEY SOO**

The Committee having considered his curriculum vitae and heard his oral submission during the vetting exercise, made the following observations:-

- i. Academic and professional qualification was not so relevant to the position
- ii. General knowledge particularly in respect to the mandate of the County Land Management Board and the National Land Commission was above average
- iii. Personal Presentation by the candidate was good
- iv. General knowledge on public affairs and Bomet County was good

**The Committee on the basis of competitiveness and regional balance found Dr. Soo David Stanley not suitable for appointment as the member of the county land management board**

### **3.7 Further findings of the committee**

Upon evaluation of all the nominees, the committee also observed that regional balance was not observed in nomination of candidates. It was particularly notable that;

- i. Konoin Sub-County did not have a nominee hence regional balance was not achieved
- ii. Persons with Disabilities were equally not nominated to the position of Member of County Land Management Board hence contravening provisions of Art. 232 (1) (i) of the constitution.

### **3.8 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 nominees, and pursuant to **section 18(6) of the National Land Commission Act** and **Section 8 (2) of the Schedule to the Public Appointments (Parliamentary Approval) Act No. 33 of 2011**, the Committee recommends that the county Assembly approve the nomination and subsequent appointment of the following Members of the County Land Management Board:

- i. **Mr. Roph Joel Kipkoech**
- ii. **Mr. Chirchir Eric Kipkurui**
- iii. **Miss. Mercy Chepkemoi**

The committee further recommends that subsequent nominations of the remaining three (3) nominees for the Members of County Land Management Board must take into account;

- i. Gender Equity to meet the required constitutional standards
- ii. Inclusion of at least one member of a person with disability
- iii. Representation of the two Sub-counties namely Bomet Central and Konoin