

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

FIRST ASSEMBLY- THIRD SESSION

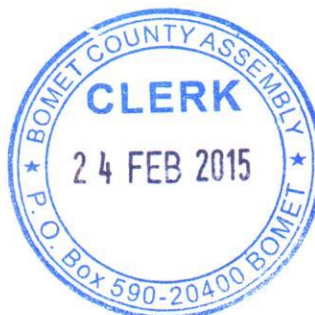
THE COMMITTEE ON HEALTH SERVICES AND SANITATION

REPORT

**ON NOMINATION FOR APPOINTMENT TO THE POSITION OF
CHIEF OFFICER, HEALTH AND SANITATION**

23rd FEBRUARY, 2015

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Tabled on
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ANNEXTURES

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Chief Officer, Health and Sanitation

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

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Copies of academic Certificates

Clearance Documents

- Questionnaire for Vetting (for appointment to public office by the Assembly)
- Police clearance certificate
- Higher education Loans Board Clearance
- Tax Compliance Certificate
- Self- Declaration Form (Leadership and Integrity Act, 2012

1.0 PREFACE

Mr. Speaker Sir,

On behalf of the Committee on Health Services and sanitation and pursuant to Standing Order 193 (5) (f), I am pleased to report on the findings of the committee on the vetting of nominee for Chief Officer of Health and Sanitation for the County Of Bomet.

This is one of the sectoral committees established under the Standing Orders 193(1) and the Second Schedule to the Standing Orders which provides that the Sectoral Committees, of which the Committee on Health Services and sanitation 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 Health Services and sanitation as currently constituted comprises of the following Honourable Members:-

- | | |
|--------------------------------|-------------------|
| 1. Hon. Philip Siele | - Chairperson |
| 2. Hon. Leonard Kirui | -Vice Chairperson |
| 3. Hon. Rose Boiyon | - Member |
| 4. Hon. William Mosonik | - Member |
| 5. Hon. John Molel | - Member |
| 6. Hon. John Ngetich | - Member |
| 7. Hon. Hellen Taplelei Rotich | - Member |
| 8. Hon. Nancy Chepkirui | - Member |
| 9. Hon. Patrick Chepkwony | - Member |

Mr. Speaker, Sir,

1.2 Committee's Mandate

The Sectoral Committee on Committee on Health Services and sanitation derives its mandate from provisions of Standing order 193(5) which defines its functions 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 Chief Executive Committee member;
- 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. Vet and report all appointment where constitution or any law requires the county assembly to approve
- ii. Make report and recommendation to the house on vetting process

Mr. Speaker,

Section 45 of the **Act** provides that (1) 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.

(2) The office of a county chief officer shall be an office in the county public service.

(3) A county chief officer shall be responsible to the respective county executive committee member for the administration of a county department as provided under section 46.

(4) The county chief officer shall be the authorized officer in respect of exercise of delegated power.

(5) The governor may re-assign a county chief officer.

(6) A county chief officer may resign from office by giving notice, in writing, to the governor.

Nomination of the Chief Officer for Health service and Sanitation

Pursuant to article 235(b) of the Constitution and Section 45, His Excellency the Governor forwarded to the Speaker of the County Assembly the nominee vide a letter dated 30th July, 2014 for vetting by the Committee on and consideration for approval by the County Assembly for Appointment as Chief officer for Health service and Sanitation

Mr. Speaker, Sir,

After receiving the name of the nominee to the position of Chief Officer for Health and Sanitation on 20th January 2015, the vetting of the nominee was committed to the Committee on 17th February, 2015. The committee was further required to table its report on Tuesday, 24th February, 2015 for debate and consideration.

To dispense with the matter at hand, the committee in its meeting on 15th and 16th February, 2015 deliberated and agreed on the procedure for conducting the vetting exercise. It was resolved that in conducting the vetting process, the committee should examine the nominee against the following criteria, amongst others;

1. Academic qualification
2. Employment records
3. Professional qualification
4. Potential conflicts of interest
5. Knowledge of the relevant subject
6. Overall suitability for the position
7. Tax compliance
8. Integrity (Chapter six of the constitution of Kenya 2010)

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 inviting the public to submit memoranda were placed in the mainstream print media, as required by law.

In conducting the vetting exercise, the Committee made reference to the Constitution, the County Public Appointments Act of 2014, County Government Act No 17 of 2012, and the County Assembly 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 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 nominee during the vetting exercise. These findings guided the Committee in making its final recommendation. The Committee's final recommendation was based on the information by the nominee from the proceedings of the Committee during the vetting exercise. This recommendation was agreed upon by Committee Members during the adoption of the Report on Monday, 23th February, 2015.

Mr. Speaker,

Finally, on behalf of the Committee, and pursuant to **Section 45(1)** of the County Government Act 2012, Section 6 of Bomet County Appointment (Assembly Approval) Act 2014 and standing order 44(4), it is my pleasant duty to table the Report of the Committee on Health Services and sanitation on the nomination of **Dr. Sowek Benard Kiplangat** to serve in the position of Chief Officer of Health services and Sanitation in Bomet County and further consideration and adoption by the House.

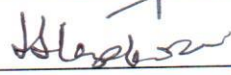
for SIGNED:  DATE: 24/02/2015

HON. PHILIP SIELE

CHAIRPERSON

1.4 Ownership of the Report

We, Honourable members of Committee on Health services and Sanitation do hereby append our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity:-

S/No.	Name	Position	Signature
1.	Hon. Philip Siele	Chairperson	
2.	Hon. Leonard Kirui	V. Chair	
3.	Hon. Rose Boiyon	Member	
4.	Hon. William Mosonik	Member	
5.	Hon. Patrick Chepkwony	Member	
6.	Hon. John Molel	Member	
7.	Hon. John Ngetich	Member	
8.	Hon. Helen Taplelei Rotich	Member	
9.	Hon. Nancy Chepkirui	Member	

Dated this 23rd day of February, 2015

2.0 BACKGROUND

The Bomet County Appointment Act of 2014 is an Act meant to provide for further

Article 73 (2) of the Constitution on leadership and Integrity provides as follows:

That the guiding principles of leadership and integrity include;

a. Selection on the basis of personal integrity, competence and suitability in free and fair elections;

b. Objectivity and impartiality in decision making and in ensuring that decisions are not influenced by nepotism, 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 County Public Appointments Act of 2014**.

2.2 Correspondence by the County Attorney

On **10th February, 2015**, the Speaker communicated to the committee on Health service and Sanitation that the Governor, through the office of County Attorney had submitted the name of one **Dr. Sowek Benard Kiplangat** that had been nominated to serve in the position of Chief Officer of the Health Service and Sanitation for approval by the Assembly.

County government Act Section 45(1) confers Governor the power to nominate qualified and experienced county chief officers from among persons competitively sourced and recommended by the County Public Service Board subject to approval by the county Assembly. The curriculum vitae and certificates of the nominee were also thereafter forwarded to the Committee on Health service and Sanitation to conduct approval hearings.

2.3 Notification to the nominees

On **12th February, 2015**, the Clerk of the Assembly, pursuant to Section 6(1) of the Public Appointments Act notified the nominee 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(10) of the Public Appointments Act**, 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 **Thursday 12th February 2015**, the Clerk of the County Assembly, placed notifications informing the general public of the intention of the Assembly to conduct an approval hearing, as provided for by **Articles 118 (1)(a)(b)(2) and 196 of the Constitution** and **Section 6(4)** of the Bomet County Public Appointments (Approval) Act, 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 Tuesday, 18th February, 2015.

2.5 Committee meetings

The Committee held a total of three meetings with regards to the vetting exercise including a session the vetting session to deliberate and agree on standardized questions on the vetting in line with the Bomet County Public Appointments (Approval) Act.

2.6 Submission of memoranda

By **18th February, 2015, at 5.00PM** the Committee had not received any memoranda from the members of the public.

2.7 The Vetting Process

The committee allocated the nominee two hours for vetting. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the County Governments Act, Bomet County Public Appointments (Approval) Act and the county Assembly Standing Orders.

The Committee examined the nominee using the guidelines provided for under the Bomet County Public Appointments (Approval) Act. The Committee also followed the following criteria in vetting the nominees: -

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

The Nominee was also evaluated on the following areas;

- a) Technical knowledge particularly in respect to the mandate of the Chief Officer

- b) General appreciation of the Constitution and the current legislations
- c) Personal Presentation by the candidate
- d) General knowledge on public affairs

2.8 VETTING OF Dr. Sowek Benard Kiplangat

Dr. Sowek appeared before the Committee on **19th February, 2015, at 10:00AM** and despite inviting memoranda from the public, on his suitability or otherwise for appointment to public office, none was received. The vetting process was strictly guided by the law and more specifically, the Constitution of Kenya, the County Government Act as well as Bomet County Public Appointments (Approval) Act, 2014.

In his oral submission he stated that;

- He would give technical advice in the Health department
- He would Co-ordinate the health department in a transparency manner.
- He said that he has passion to work for Bomet County
- He would Make sure that the County Government is getting its value for money through integrated planning

The Committee having considered his Curriculum Vitae and his oral submissions during his vetting exercise had the following observations:-

- He comes from Kongasis ward within Chepalungu Sub-county. He attended Kabema Primary school, Starehe Boys Centre Secondary School and attained a mean grade of A plain
- He was born on 2nd January 1982.
- He holds a Bachelors Degree in Medicine and Bachelor of surgery(MBchB) from the University of Nairobi,
- In terms of experience, he is currently the Director of medical services and Administration of Bomet County from April 2014; from January 2014

to April 2014 he was the Deputy Director of Medical Services of Bomet County; from December 2013 to January 2014 he was medical Superintendent of Longisa Referral Hospital where he ensured smooth operation of the facility when it experienced industrial dispute with health workers. He also ensured prudent financial management of resources including fiscal management debts which accumulated from previous management; from September 2013 to December 2013, He was Sub County medical Officer of Health in Konoin Sub County. He also indicated that he has worked as medical officer in Kapenguria District Hospital in West Pokot County.

The committee observed that, on the basis of his academic and professional background, his experience was relevant in discharging the mandate of the Chief Officer. The committee further observed that he has general Knowledge of Health issues in the county and good appreciation of the constitution, the Vision 2030 and other Health related legislations.

3.0 COMMITTEE FINDINGS

3.1 SUITABILITY OF Dr. Sowek Benard Kiplangat

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, the nominee's experience was relevant in discharging the mandate of the Chief Officer.
- ii. That he has general Knowledge of issues to do with Health, the constitution, vision 2013 Health related legislations and the Health issues within the county.

The Committee found that Dr. Sowek is suitable for appointment as Chief Officer of the Health service and Sanitation.

3.2RECOMMENDATION OF THE COMMITTEE

At the end of the vetting process, the Committee made the following recommendation:-

That; having considered the suitability, capability and integrity of the nominee, the Committee recommends that the County Assembly approves the nomination and subsequent appointment of **Dr. Sowek Benard Kiplangat** to be the Chief Officer for Health service and Sanitation in Bomet County.