



REPUBLIC OF KENYA

BOMET COUNTY ASSEMBLY

THIRD COUNTY ASSEMBLY

ASSEMBLY DEBATES

Vol. 1 NO. 12

DAILY HANSARD

OFFICIAL HANSARD REPORT

The Assembly met at the Main Assembly Chamber,

Dr. Joyce Laboso Centre at 9:30 a m

Third County Assembly- First Session

Wednesday, 2nd November, 2022

*(The Assembly met at 9:30 a m in the
County Assembly Mini Chamber at County Assembly Buildings)*

[Hon. Speaker (Hon. C. Korir) in the Chair]

PRAYER

MOTION

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

Hon. P. Kirui (Majority Leader): Hon. Speaker, I beg to Move a Motion;

THAT, pursuant to Standing Order 197 of the County Assembly Standing Orders and Section 9 (2) of the Public Appointments (County Assemblies Approval Act, 2017), this County Assembly notes the First Report of the Committee on Appointments on the vetting of County Executive Committee Member nominee in charge of Economic Planning, Finance and ICT and pursuant to Article 179 (2) (b) of the Constitution of Kenya, 2010 approves the appointment of Sigei Andrew as the County Executive Committee Member in charge of Economic Planning, Finance and ICT. Notification of nomination Hon. Speaker, His Excellency the Governor, pursuant to Article 179(2)(b) of the constitution read together with sections 30(2)(d) and section 35 of the County Government's Act 2012 (Appointment of the County Executive Committee Members) via a letter reference: CGB/GVN/SPKR/06/1/1/(35) dated 12th October, 2022 submitted for vetting the name of Hon. Sigei Kimutai Andrew alongside names of six other nominees for the position of County

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Executive Committee member for Economic Planning, Finance and ICT. Notification to the Assembly and referral to the Committee on Appointments

Pursuant to the provisions of Standing Order 42(1), the Speaker, vide a Communication dated Thursday, 13th October, 2022, informed the Assembly of the Governor's message to the Assembly on nomination of County Executive Committee Members, for approval by the County Assembly.

Hon. Speaker, pursuant to section 7(1) of the Public Appointments (County Assemblies Approval) Act No 5 of 2017 and Standing Order 197(4), the names and curriculum vitae of the nominees were referred to the Committee on Appointments for approval hearings and reporting to the Assembly.

The Constitution, 2010 and the County Governments Act, 2012 obligates the County Assembly to facilitate public participation and involvement in the legislative business and other business of Assembly and its Committees.

Section 7(5) of the of the Public Appointments (County Assemblies Approval) Act No, 2017 Act 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.

Upon receipt, pursuant to section 7(10) of the Public Appointments (County Assembly Approval) Act No. 5 of 2017, County Assembly Clerk, via daily nation newspaper of 15th October, 2022 invited the nominees to appear before the committee on appointments for vetting on 24th and 25th October 2022 in the County Assembly Mini Chamber at various individual scheduled times. On the same newspaper, County Assembly pursuant to section 7(10) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017) invited the members of the public to submit memoranda by way of a written statement on oath (affidavit) on the suitability or otherwise of the nominees for the position to which they were nominated to serve. The advertisement indicated that the submissions were to be received by Friday, 21st October, 2022 at 5.00 p.m.

Notification to the Nominee

On Friday, 14th October, 2022, the Clerk of the County Assembly invited the nominees, in writing, for the approval hearings in accordance with Section 7(4) of the of the Public Appointments (County Assemblies Approval) Act, 2017 (Annexure 3). The nominee was required to appear before the committee on appointments on Monday, 24th October, 2022 at 9.00 a.m.

Consequently, Hon. Sigei Kimutai Andrew appeared before the committee in the morning of 24th October 2022.

The nominee submitted the following documents for purposes of suitability clearance in accordance to chapter six of the constitution;

- i. Tax Compliance Certificate from Kenya Revenue Authority (KRA) valid up to 18th October 2022.
- ii. Clearance Certificate from Higher Education Loans Board (HELB) registration No. N06/1324/92
- iii. Self-declaration form from Ethics and Anti-Corruption Commission (EACC) dated 18th October, 2022.
- iv. Police clearance Certificate dated 24th October 2022 reference number PCC-30 TL 99KM
- v. Clearance Certificate from Credit info- CRB Kenya ltd serial no.2259579148

The committee held a total of seven meetings, and during one of the meetings on 24th October, 2022, the said nominee appeared before the committee on Appointments and was vetted in accordance with the Public Appointments (County Assemblies Approval) Act No 5 of 2017 for appointment as the County Executive Committee Member for Economic Planning, Finance and ICT.

In a meeting held on 13th October, 2022, the Committee resolved to invite the nominee for approval hearing at the County Assembly Mini Chamber on Monday 24th October 2022. 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 vetting procedure by ensuring that there was public participation, transparency and openness in carrying out the exercise. Hon. Speaker, notifications and invitation of the general public to submit memoranda were placed in the mainstream print media on Saturday 15th October, 2022 in line with the provision of sections 91 and 95 of the County Governments Act 2012. By close of Business on Friday, 21st October, 2022 no written memorandum had been submitted to the office of the Clerk of the County Assembly.

Hon. Members, the Committee on Appointments wishes to thank the Office of the Speaker and Clerk and the secretariat for the facilitation and technical support accorded to it during the vetting exercise.

I also wish to acknowledge and appreciate the committee Members on their individual capacity for their unwavering commitment and dedication to serve the public under tight schedules which enabled the committee to deliver its duty within the stipulated period.

Honorable members, allow me to recognize and appreciate the members of the public led by their online brigade who sacrificed their time to walk the journey with the committee during the vetting exercise. The committee noted that contributions from the participants have come of age. Indeed, the members of the public have become more knowledgeable on the space granted to them by the constitution. It should be on record that participation of the members of the public on the county legislative activities have continued to get better and better. The committee took their submissions seriously and incorporated a number of them in the vetting process. Their invaluable participation and contributions will continue to be enhanced and entrenched in all future legislative activities.

The nominee's oral submissions on the issues raised and committee findings during the vetting exercise guided the Committee in making its final recommendation. The Committee's decisions 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 Monday, 31st October, 2022.

Hon. Speaker, we, the members of Committee on Appointments, do append our signatures against our names in this report to affirm the correctness of the contents and support for the report

- | | | | |
|------|--------------------------|---|-------------|
| i. | Hon. Cosmas Korir | - | Chairperson |
| ii. | Hon. Leonard Rotich | - | Member |
| iii. | Hon. Paul Kipyegon Kirui | - | Member |
| iv. | Hon. Stephen Chang'morik | - | Member |
| v. | Hon. Kibet Ngetich | - | Member |
| vi. | Hon. Rosaline Cheptoo | - | Member |
| vii. | Hon. Eric Kirui | - | Member |

Dated this Monday, 31st day of October, 2022

Hon. Speaker, the Committee held a sitting on Monday, 24th October, 2022 to deliberate on the approval hearings 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, Article 179(2) of the Constitution requires H.E. the Governor to nominate and with the approval of the County Assembly, appoint members of the County Executive Committee
- (3) THAT, Article 179(3) of the Constitution provides that the County Executive Committee Members appointed under clause (2) (b) shall not exceed one-third of the number of members of the County Assembly, if the Assembly has less than thirty members; or ten, if the Assembly has thirty or more members.

In this regard, it was notable that in compliance with the provisions of Article 179(3) of the Constitution, the Governor had nominated seven County Executive Committee Members.

- (4) Further, the committee required the nominee to submit the following documents; (Annex 4)
 - i Questionnaire for vetting/approval of the Nominee for the CECM 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 Criminal Investigation Department (CID)
 - v Compliance Certificate from Kenya Revenue Authority (KRA)
 - vi Sworn self- declaration form submitted to the Ethics and Anti-Corruption Commission (EACC) for 2022
 - vii Clearance Certificate from Credit Reference Bureau
- (5) THAT, the Committee would therefore proceed with the approval hearings on Monday, 24th October, 2022; 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.

By close of business on 21st October, 2022, the Committee had not received any memoranda from the public.

In conducting the approval hearing, the Committee was guided by Article 73(2)(a)(b)(c) and (e) of the Constitution, Section 35 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 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, 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 of service to the people.

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

- (i) Academic Qualification
- (ii) Employment Record
- (iii) Knowledge of the relevant subject/ role of CECM Economic Planning, Finance and ICT
- (iv) Appreciation of the Constitution of Kenya 2010, Acts of Parliament and Devolution

- (v) Overall Suitability for the Position
- (vi) Compliance and Integrity.

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.

Hon. Speaker, Hon. Sigei Kimutai Andrew appeared before the committee in the morning of 24th October 2022 and was interrogated as follows;

The nominee estimated his total financial net worth at KES 27 million and comprises of the following;

- i. Home at Mogogosiek on 2 acres.....5 Million
- ii. A developed plot in Mogogosiek.....2 Million
- iii. A plot in Kaplong.....1.5 Million
- iv. A plot in Sotik..... 4 Million

- v. Eucalyptus trees.....4 Million
- vi. Eight acres of Tea.....2.5 Million.
- vii. Assorted vehicles6.6 Million
- viii. 20 heads of livestock.....1.4 Million

From his submission, the committee noted that the nominee was born on 18th December, 1970 in Konoin. He attended Siomo primary school in 1978 to 1986 and later admitted to Cheptenye Secondary school in 1987 to 1990 where he scored a C plain. He stated that, in 1991, he was re-admitted in Sosit secondary school and managed to score a B (minus). He further stated that in 1995 to 1998 he was admitted in University of Nairobi to pursue Bachelor of Arts (Economics and Mathematics) and graduated in 30th November 1998.

The nominee submitted that he secured a contract with Central Bureau of Statistics as the Supervisor to conduct census in 1999 in Embomos and later another contract with the same company in 2000 to participate in the Kenya Demographic and Health survey.

Hon. Speaker, the nominee was later in 2007 employed in CDF as a fund account manager for Narok South constituency. Between 2009 and 2017, he served in the same capacity in Rarieda, Sotik and Belgut constituencies. During the period, he also acted as a fund account manager for Soin/Sigowet and Ainamoi constituencies before substantive fund account managers were posted to those sub-counties. He later joined Bomet County Government as the County Executive Member for Finance and Economic Planning up to the year 2022.

The committee interrogated the nominee on the following areas including issues that occurred during his tenure;

ISSUE RAISED; The committee enquired to know why during the nominee's tenure as the County Executive Committee Member for Finance (CECMF), the County Treasury repeatedly set local revenue targets it knew it could not achieve contributing to pending bills. The committee highlighted examples of local revenues for FYs 2019/2020 and 2020/2021 which had both been estimated at KES. 275 million and 2021/2022 had been estimated at KES 300M.

NOMINEE'S RESPONSE; The Nominee posited that it was not in order to underestimate revenue since it will encourage laxity. He stated that the County Treasury had anticipated to collect

revenue from *boda boda* segment but was not executed since the County Government did not fully implement its part of the agreement with the group. He further explained that *boda boda* were to be issued with stickers after undergoing training and issuance of driving licenses through the department of administration. The nominee also stated that it was not possible to approach the group on such matters during the electioneering period. He further submitted that revenue from multinationals was not received on time. The nominee also explained that revenue realization was affected by outbreak of COVID – 19 which led to the closure of many businesses.

ISSUE RAISED; Measures the nominee intends to undertake to address the issue of unrealistic revenue targets if he is re-appointed.

NOMINEE'S RESPONSE; the nominee pointed out two areas; Multinationals and Valuation roll.

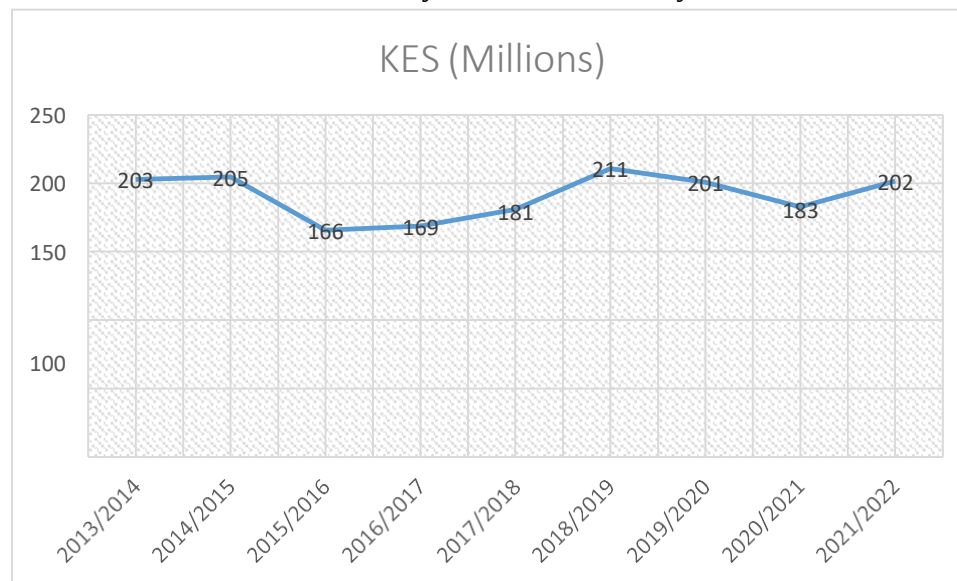
The nominee explained that multinationals value **one (1) acre** at **KES 80,000** and upon subjecting 2%, Multinationals can only pay the county **KES 1,600** per year per acre which was way below the market rate or any standards in the country and beyond. He stated that they intended to carry out sufficient public participation to reduce resistance. The nominee submitted that if the value of an acre is doubled then the County will get KES120M without struggling. He also stated that the rate of tax can begin from the current 2% then 2.5% and 5% in the fullness of time. He finally stated that the sector could give the County KES 300 million to 400 million alone.

The nominee stated that public participation was critical to allow people to clearly understand the process and appreciate the charges. He added that if the valuation roll was fully implemented, the revenue will rise up to 400M. He stated that it was not targeting multinationals alone but also properties in the Bomet town and all centers (Sotik, Mogogosiok, Sigor etc) across the county which required to be revalued and re-measured.

He listed the following other segments which can yield more revenue if pulled up; Medical certificates (additional KES 1 million) as well as Food hygiene and inspection fees which provides no revenue at the moment but can yield up to KES2M each.

ISSUE RAISED; Stagnated local revenue. The committee posited an analysis of local revenue collection since the Financial year 2013/2014, as shown in the chart below, which indicated that there has been no significant change in local revenue collection even after the advent of devolution.

Revenue trend for Bomet County over the financial years



Source: Bomet County Treasury Financial statements, County Budget Review and outlook Paper and Controller of Budget Reports

Note: Revenue for FY 2016/17 excludes revenue received from Agriculture, Fisheries and Food Authority(AFFA) realized from ad valorem levy amounting to KES 67 million.

Hon. Speaker, the committee also demonstrated how Laikipia and Kericho Counties had grown their local revenue collection from KES 347 million and KES 371 million respectively in 2013 to KES 894 million and KES 595 million in 2021.

The committee further enquired to know why the nominee did not consider establishing a County Revenue Committee/Board as a local revenue enhancement strategy as seen in a number of counties which have established and doing extremely well.

NOMINEE'S RESPONSE; the nominee concurred with the committee that figures don't lie. He stated that there were many challenges in revenue collection and the weakest link was leakages.

The nominee further stated that he had requested, but did not succeed, to be assigned independent revenue enforcement officers since the ones he had were reporting to a different director, the director in administration, yet they ought to be answerable directly to the director in revenue for smooth operations.

Hon. Speaker, in his defense, the nominee pointed out that Bomet County cannot be compared with Laikipia and Narok County in terms of revenue performance because the two counties had unique revenue streams majorly on tourism whereas Bomet was a typically rural county with only two towns, Bomet and Sotik, while others were just centers. He stated that the two counties have very well established revenue collection measures and that they were still collecting more revenues even before devolution.

He stated that his major area of focus was expanding the revenue base. He also stated that the issue of County revenue board was discussed at the cabinet level but a number of issues needed to be addressed first.

Hon. Speaker, the nominee was tasked to explain why the county contracted a firm to automate revenue collection at a huge cost (KES 60M) yet revenue did not increase by more than KES 20M, whether there was value for money and if there were any feasibility studies carried out before to indicate that revenue would be increased once the automation was installed.

The committee also sought to know if the nominee considered revenue automation as a failure and whether he regretted that it should not have been implemented in the first place noting that huge resources were consumed with no meaningful output.

NOMINEE'S RESPONSE; The nominee posited that there were other factors apart from the system that contributed to low revenue. That there were numerous limitations of the office and also that there have been many challenges due to many implementers including technical limitations. He explained that the technical team procured the system, analyzed it, used it and reported that it was the right one.

He posited that studies on cost benefit analysis were done. He also stated that revenue automation was the way to go hence needed to be embraced as it separates manpower and the system.

He further stated that all the phases of the contract were not fully serviced, that the service provider pulled out the system which led the County Treasury to stop further payment. He submitted a report on the system which indicated that the total cost of installation was KES 58,963,063.50. That out of the total, KES 41,304,496.45 had been paid to the supplier.

Committee reaction, the committee was not convinced by the nominee's explanations. The committee believed that if the county felt short changed or blackmailed by the supplier, then the county ought to seek legal redress but review of correspondence submitted by the nominee shows

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that the county has extended the suppliers contract for management and maintenance for another one year.

Issue raised; the nominee was asked why he did not consider to table before the Assembly any specific law, policy or regulations that would have targeted increasing key sources of local revenue such as business permits, land rates among others which would have streamlined their collection for instance trade Licensing and Revenue Act that many other counties have enacted and whether he alludes to the fact that lack of elaborate legal framework had contributed to poor collection and unrealistic target.

NOMINEE'S RESPONSE; The nominee stated that they had a legal framework though it was not yet exhaustive. He also said that apart from the contract management policy, he had tabled some policy on hiring of heavy equipment when he was acting as CECM for the department of Roads, Public works and transport, for three months.

Committee reaction, the committee noted that the nominee ought to have prioritized relevant enabling revenue laws including trade licensing Act and Revenue Administration Act.

Issue raised; the committee sought to know from the nominee why he failed to collect a whopping KES. 256 million in outstanding land rates as per the Auditor General's Report of the year ended June 2021 and whether he had put in place any measures to enforce the collections as provided for under Regulation 63(1) of the Public Finance Management Act.

NOMINEE'S RESPONSE; The nominee posited that it was not easy to enforce the land rates in the county because of its historical nature which dates back to the local authorities. He stated that land owners were waiting for the waiver even though it could not be provided without a new valuation roll.

He further stated that multinationals sometimes do not remit their payment in good time but they ultimately pay. He listed some companies which owed the county and those with new invoices as follows;

S/NO	Company Name	Amount owes the county
1	Unilever Tea	KES 17,097,136 plus KES 2,137,142 which the did not pay last time totalllyup to KES 19,234,278.
2	William Son Tea	KES 4,321,600
3	Jemae Estate	KES 118,608
4	Raphael Kiprono Kitur	KES 1,051,763
5	James finlay	KES 23,701,675
6	Kipsigis Highland	KES 7,882,000
	Total	KES 56,309,924

Issue raised; the committee sought to know why throughout nominee's tenure in office, he failed to lay before the Assembly a paper on the revenue raising measures for approval in the Assembly in accordance to section 132 of the Public Finance Management Act. The committee further notes that if the paper had been laid before the assembly it would have shown the nominee's strategy as CEC finance to increase revenue and giving situational analysis together with the challenges and mitigation measures.

The committee wondered on the law currently being used by the County Treasury to levy charges since the last Finance Bill to be submitted to the County Assembly was in the year 2020. The committee posited that by failing to table the Finance Bill for the last two years, the County Treasury exposed the county to possible refusal by members of the public to pay county levies and fees.

Nominee's response; the nominee posited that he submitted Annual Development plans, County Budget Review and Outlook Paper, County Fiscal Strategy Paper and Budget Estimates containing revenue matters in them. However, committee was not convinced as the document in question was expressly provided for in section 132 of the PFM Act 2012. Upon further interrogation, the nominee stated that the Finance Bill he submitted every year to the Assembly contained all the information on revenue raising measures and therefore did not see the need to table revenue raising measures.

Hon. Speaker, the committee, however, posited that the last time the nominee submitted a Finance Bill was 3rd March 2020 and therefore the County had been operating without a Finance Act for two years. The Nominee disputed and promised to table letters confirming that he submitted Finance Bill to the Assembly. He later submitted a letter dated 17th February 2021 which stated that the County Treasury did not intend to make any adjustments in the existing Finance Act and therefore the charges, levies, fees and rates should continue to apply.

Committee reaction, the committee notes that the nominee was unable to demonstrate a clear understanding of section 132 and 157 of the PFM Act 2012.

ISSUE RAISED; The committee enquired to know if the nominee complied with Section 157 (2) of the Public Finance Management Act which required the CECM for finance to appoint a Receiver of Revenue for purposes of revenue collection and IF NOT, why he failed to do so in his five-year tenure. He was also asked to give a structure of revenue collection.

Nominee's response; The nominee outlined the structure of revenue collection starting with the CEC Member for finance, then the Chief Officer, the director revenue and the deputy director revenue, revenue officers and their assistants, and finally collectors. He stated that in between, there were revenue inspectors following them.

Upon enquiry, he stated that there was no revenue director whom he had never given a letter as a receiver of revenue because it was a requirement of the law.

Committee reaction; the nominee abandoned the Director of revenue to the Chief Officer after appointing him instead of supervising his operations and output.

Issue raised; Upon analysis of annual report and financial statements for the financial year 2021/2022 that was submitted to the Assembly, the committee wondered why the county had accumulated huge pending bills to a tune of **KES 884,415, 277** affecting over 300 suppliers noting that it was the highest in the last five years.

Nominee's response; the nominee confirmed that it was indeed true that the declared figure was **KES 884, 418, 277**. He posited that the County Treasury did not receive all the monies from the National Treasury at the end of the financial year. He further submitted that there were balances carried forward from the previous financial year to a tune of **KES 957, 652,250**.

He argued that pending bills was not criminal in nature, but only that one is got up with time adding

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that the balances brought down from the previous FY will be used to clear the suppliers and contractors. He also stated that it was always safe to establish a pending bills Committee to look into them.

Committee reaction; the nominee did not sufficiently address the root cause of a spike in pending bills.

Issue raised; The committee notes that during the nominee's tenure, he submitted supplementary budget proposals to the Assembly with the balances brought down from the previous financial year recognized as revenue and re-budgeted afresh without any regard as to the initial programmes which were meant for posing a great financial risk and contributing to the rising pending bills. The Committee further sought to know why during the nominee's tenure, he brought supplementary bills without statements of actual expenditure.

Nominee's Response; the nominee reaffirmed that it was indeed true that he submitted at least one supplementary budget every year to capture balances carried forward but he also submits monthly, quarterly, and annual reports to the Assembly and therefore do not see any need to submit accompanying statements of explanations. On the issue of unspent balances reallocated afresh and treated as revenue, he stated that his was just a proposal to the Assembly who has the last say and whenever it sails through, it was a plus for him.

Committee reaction, the committee noted that the nominee being the principal advisor on financial matters ought to have taken a lead role to guide on financial prudence in instances where other players were on the wrong.

Issue raised; the committee posited that analysis of the Annual report and financial statements for FY 2021/2022 the nominee submitted to the Assembly revealed a perturbing trend on absorption of funds largely affecting development expenditure. It indicated that the bank balances stood at KES **1.29 Billion**. It was also noted that service departments were doing better in absorption of funds, especially on recurrent expenditure, than the departments charged with county development. The committee was concerned that if left unabated, it will critically affect the County's attainment of its development objectives. The committee demonstrated the issue by highlighting under expenditure in Finance (48%), Economic Planning (17%) and ICT (26%) which were directly under the nominee's docket.

Nominee's response; the nominee posted that the balances were brought down from the previous

financial year, that some of the funds could not be spent due to delayed disbursement or got up with time due to delays by some contractors. He added that under absorption in Economic planning was due to the fact that the contractor had not qualified for payment.

Issue raised; the nominee was interrogated on the status of County assets due to his role as principal custodian. He was asked if the County had an updated asset register and plans for disposal of assets that have outlived their shelf life. He was also asked if he prepared an asset disposal policy during his tenure.

Response; The nominee posited that the county had an updated asset register and promised to provide it in the course of the day. As promised, the nominee actually submitted an asset register alongside revenue report in the afternoon of 24th October 2022. He concurred with the committee observation that about 70% of the County Vehicles were in the garage including those used by the County Executive Committee members.

He argued that the responsibility lied with the departments since the cars alongside other county assets were devolved to the departments and it was the responsibility of the accounting officers in charge to ensure to take their cars out of the garage.

In response to the question on the disposal policy, the nominee stated that the disposal was hindered by ownership details of assets and gave examples of cars that still bear the GK number plates even after being handed over to the county government after devolution making it hard for them to be effectively disposed.

the committee, aware that, the nominee's docket hosts Internal Audit function enquired to know the steps that he undertook to ensure that there was value for money in the projects tendered out to by the county; Examples given were; -the World Bank Project which undertook storm water project and parking yet compared to Kericho the contractor did a shoddy job and also the Chebibir – Bomet University Rd which costed KES, 67 million but only 1 Kilometer was done.

Nominee's response; the nominee reported that he respected the separation of powers as per the law and whenever required, he supplies documents to the Auditor General's office, and the arising Audit report will be tabled before the Assembly and if not satisfactory, it goes all the way to the senate.

Issue raised; the committee posited that there was a damning report by the office of the Auditor General on how Covid-19 Funds were spent during the nominee's tenure. The Committee therefore

sought to know why it could not hold him personally accountable for the wasteful utilization of funds during the period especially given that the funds were meant to protect the lives and livelihoods of the people of Bomet.

Nominee's response; In his response to questions raised on how covid-19 funds were misappropriated, the nominee stated that he did not have the Attorney General report and could not remember off head.

He further stated that that since it was a national disaster the mode of operation had to be hastened, that it was about protecting doctors. He also stated that the issue affected different department and was not fully in charge of their activities. He pointed out that it could be easier to ask **questions** right now but the situation was different during the pandemic.

ISSUED RAISED; The committee asked the nominee to respond to the allegations that he lost control of his staff, and that towards the end, he was no longer in charge of the department and that junior staff were running the show at the Treasury. That it was further alleged that some of his officers were working in hotels and not in the office. An issue was also raised on officer's absenteeism from office.

Nominee's response; the nominee stated that there were limitations in the office but that he was in charge as the appointing authority but just like any other home, there were always naughty boys who can only be disciplined. He also argued that the issue of absenteeism perhaps relates to the electioneering period when the officers were threatened while discharging their duties.

After the vetting exercise, the committee unanimously made the following findings and observations in regard to the nominee;

NO	KEY AREAS VETTED	COMMITTEE OBSERVATIONS
	Academic Qualification	The nominee holds a Bachelor's of Arts degree from University of Nairobi having graduated in 30 th November 1998. He also holds a Master's degree in Business Management and therefore, fulfilled the provision of section 35(3)(b) of the County Government Act, 2012.

	Communication and presentation (promptness, appearance, neatness of resume/application)	The nominee exhibited knowledge and understanding of budget and finance in the public service sector. He communicated fairly on issues posted to him.
	Education and Training (Relevant to the portfolio)	Having studied business management, statistics and economics, the nominee was found to have had relevant education and training to the portfolio.
	Work Experience as it relates to the position	The nominee has been serving as the County Executive Committee member for Finance, ICT and Economic Planning since the year 2017. Prior to it, he served as the fund account manager under National Government Constituency Development Fund for various constituencies from the year 2007 to 2017. The committee therefore finds that the nominee had relevant work experience for the position.
	Professional skills and technical skills	The nominee possesses finance and accounting skills in public service having served at senior positions in public institutions
	Leadership and Integrity as per Chapter Six of the Constitution of Kenya, 2010.	The nominee submitted the original documents as required by the Constitution of Kenya, 2010. He therefore, satisfied the requirements as per Section 35(3)(c) of the County Governments Act, 2012.

Unique as it may look, pursuant to section 7 and section 8 of the Public Appointments (County Assemblies Approval) Act, and Section 35 of the County Government Act, 2012 and standing order 197(4), the Committee could not determine **the suitability or otherwise** of Hon. Sigei Kimutai Andrew for appointment as the County Executive Member in charge of Economic Planning, Finance and ICT since there was not majority decision reached.

The committee decision was divided in the middle since three members were of the opinion that the nominee was suitable while three other members were of the opinion that the nominee was not suitable for the appointment and gave their reasons.

The following members held the opinion that Hon. Sigei Kimutai Andrew was **not suitable** for appointment as County Executive Committee Member for Economic Planning, Finance and ICT

- (1) Hon. Eric Kirui, Committee Member
- (2) Hon. Rosaline Cheptoo, Committee Member
- (3) Hon. Kibet Ngetich V, Committee Member

Reasons in support of the rejection of the appointment of the Nominee

The three members posited that;

- I. The nominee failed to demonstrate adequate management and problem solving skills
- II. The nominee was not conversant with key statutes governing Public Finance, and other guiding principles and regulations in relation to the portfolio. For instance, the members noted that the nominee was unable to demonstrate a clear understanding of section 157 of the PFM Act 2012. The structure of the revenue department setting up the county revenue receiver being responsible to the CECM in-charge of finance and thus relegating his mandate to the chief officer finance who did not have full control as provided for by PFM act 2012.
- III. The nominee was unable to provide real and practical solutions on a number of issues faced in the department. The members noted that he was quite evasive and non-committal on issues he was uncomfortable with. Areas the committee found not to have been satisfactorily addressed included submission of revenue raising measures and delayed submission of Finance Bill.
- IV. The nominee failed to address the issue of growing pending bills over the last five years. The pending bills grew from KES. 500Million to a whopping KES. 884,418,277 during his tenure as the CECM for finance and economic planning. He even without a flinch, said that pending bills were not criminal

whereas this figure is equivalent to 45% of the county's annual development budget.

V. The nominee being the principal advisor on financial matters failed to take a lead role on financial prudence. All the county departments faced budget modifications through supplementary budgets that were done more than twice every year. The principle of fiscal discipline in the county departments was not observed neither was it impressed upon departments during his tenure.

VI. The Nominee for two consecutive financial years failed to submit to the County Assembly Finance bill for the last 2 financial years and NEVER in the last five years made pronouncement of the Revenue raising measures to the County Assembly as per requirement of section 132 PFM act 2012.

VII. The Nominee was not able to convince the committee on whether the county was able to get value for money on the Revenue collection and management system acquired by the county in the FY2018/2019. In fact, the revenues from the time the RCMS was acquired plummeted continuously for the Years to date. The Nominee on this Further misled the committee by saying that the service provider on revenue collection management system pulled out of the contract; however, a letter dated 13th May 2022 submitted to the committee confirmed that the department wrote to the service Provider requesting for contract extension for a period of one year pending payment of the money owed to the service provider corroborated by another letter dated 12th May 2022, which was a commitment letter to pay the pending dues. The contract value was KES. 58,963,063 and by then the county had paid KES. 41,304,496 leaving a balance of KES 17,658,597. Subsequently the service provider may have pulled down the system due the said balances.

VIII. The Nominee showed lack of understanding on the role of the CEC in charge of Finance and Economic Planning because all his questions, were short of shifting blame to the appointing authority by every time saying that; "The Office had its own limitations.....",

“That he wouldn’t supervise colleagues” That he wasn’t aware that very sensitive tasks like paying the suppliers were being paid made in hotels in Bomet Town and outside.

- IX. The Nominee further failed to convince the committee on why he had not replaced his token for the Internet banking (IB) that could manage rights of the users on the IB Platform and those of the IFMIS Platform.
- X. On the Issue of enabling legislations for the county to aid in revenue management system Such as Trade Licensing Act and Revenue Administration. The Nominee instead posed questions to the committee and acted as though these legislations were not important to the achievement of the overall objective of achievement of own source revenue targets, he instead chose to describe the failure to achieve revenue targets as “unfair to set targets that can easily be achieved” further painting himself as an aloof manager of the County Treasury.
- XI. The nominee was not able to explain to the committee on the status of the valuation roll which had been budgeted in the FY2018/2019, and the money was spent and the final documentation that would help the county government develop a bill on valuation for rating, thus enhancing the current revenues received through land rates.

The following members held the opinion that Hon. Sigei Kimutai Andrew was **suitable** for appointment as County Executive Committee Member for Economic Planning, Finance and ICT — (1) Hon. Paul Kirui, Committee Member

(2) Hon. Stephen Chang’morik, Committee Member

(3) Hon. Leonard Rotich, Committee Member

Reasons in support of the Appointment of the Nominee

The three members posited that;

- I. The nominee had pre-requisite experience and knowledge to run the docket

- II. The nominee has steered the County Treasury successfully enabling to obtain qualified Audit report-since 2017/2018 to date up from previous disclaimers.
- III. That from the qualified report, the County was awarded Investment funds by Kenya Devolution Support Programme (KDSP) -which are currently being used to put up the Mother and Child Hospital at Longisa (Dr.Joyce Labour Memorial)
- IV. No person, body or organization submitted any memoranda to challenge the nomination of Hon. Sigei Kimutai Andrew during the approval hearing.
- V. Challenges and limitations faced by the nominee while discharging his duties were outside his control and therefore the nominee cannot exclusively take the blame.
- VI. The second Assembly's failure to fully discharge its oversight role gave the County Executive member for Finance a clean bill to run the affairs of the County Treasury the way he deems fit.
- VII. Entrenched participatory Budget making process in all departments. The citizens of Bomet County are now participating in the allocation of resource envelop. Participatory budget making has yielded strengthening of Public Participation and Civic Education department which is now fully fledged Department.
- VIII. The nominee scored above average on the aggregated marks awarded by the committee members indicating that he generally managed to convince the members.
- IX. Through Hon. Sigei's leadership, the monitoring and evaluation of projects has been Strengthened and now in the process of fully being digitalized. This was recognized by State Department of Planning through an Award in this year's National M&E week at Tom Mboya Labour college-Kisumu
- X. He had strong negotiation skills helpful to the docket he is nominated for. Through Hon. Sigei's Leadership with the advice of the Governor and

approval of County Assembly, the Proposal of the Mother and Child Hospital was approved by the World Bank team and is now under construction.

- XI. The Finance and Economic Planning Department has been submitting on timely basis the County Projects Implementation Status reports to the Controller of Budget which allows approval and disbursements of County Funds.
- XII. Since 2018, all the County Plans i.e CIDP, County Annual Development Plans, County Fiscal Strategy Paper and Budgets, has been completed and submitted to County Assembly on time.
- XIII. Debt management has improved and hence bills to the County has reduced.
- XIV. From his personality, he is a Team Builder at Cabinet level
- XV. Has continued to uphold the rule of law, high Ethical and Integrity Standards with a clear understanding of Government processes and Procedures

COMMITTEE RECOMMENDATIONS

Hon. Speaker, Honorable Members, having adhered to the approval hearing pursuant to section 7 of the Public Appointments (County Assemblies Approval) Act, and Section 35 of the County Government Act, 2012 and standing order 197(4), but based on the committee's sharply divided findings and observations as to the suitability of the nominee resulting in a tie, the Committee **recommends** that this Assembly on its own merit **determines** the **approval** of Hon. Sigei Kimutai Andrew to the position of the County Executive Committee Member for Economic Planning, Finance and ICT.

Honorable Members I therefore request that we approve the nominee to this docket having demonstrate his abilities and having showed us that despite the challenge he faced, he tried. He has served in county government for a period of time. We are behind schedule so let us approve the nominee so that we can move to other businesses. I ask Hon Changmorik to second.

Hon. S. Changmorik (Longisa Ward, UDA) seconded

(Question proposed.)

Hon. E. Kirui (Kimulot Ward, UDA): Hon. Speaker I rise in accordance to the provision of the standing orders and the motion that has been laid before this Assembly. I thank the committee that participated in vetting, I being in that committee. It was not an easy journey but we set a pace as a county. I want to note the deficiencies in the standing orders we are using currently having noted the tie on the committee decision. On a future date we will seek to bring an amendment to the standing order. The report has been tabled before us and read clearly by the leader of majority and let us make sober judgment. Being a member of committee on appointment we made our own decisions depending on how the nominee performed. I urge Members that we do the right thing since Finance docket is a serious department.

Hon. P. Ronoh (Kipsonoi Ward, UDA): Mr. Speaker I rise to contribute to the critical motion in hand. I expect Hon. E. Kirui to tell this Assembly whether he supports or oppose the motion. The select committee has render the report back to the Assembly for deliberation and the Members of the committee to give chance to other Members to contribute. Hon Speaker the Vote is a tie and the proposal by the chair that we approve the appointment of Hon. Sigei as the CEC finance is worth considering. I support the Motion because during vetting I listened to the nominee and expressed himself well. I do not want to see a repeat of Jesus time, where He was crucified. The Pharisees crucified him even though they knew he had no mistake. The same should not happen here. I quote a section of governments act, the vetting committee was supposed to limit itself to the deliberation of article 35(2) of the County Government Act of 2012 (4) States that for a person to be nominated as a county executive committee member, the person has...

Hon. Speaker (Hon C. Korir): Next time as you rising on a point of order quote the point of order you are rising on. Proceed for now.

Hon. B. Langat Rose on a point of order.

Hon. B. Langat (Kembu Ward, UDA): Hon Speaker I rise on a point of order to ask whether the Hon member on the floor is equating what this Assembly is doing to what Jesus underwent. He should clarify.

Hon. P. Ronoh (Kipsonoi Ward, UDA): Hon Speaker, this is a world of parables and I do not have luxury of time to take the Member through class. I can take him to class on off camera. Hon Speaker Speaking in parables is acceptable here.

Hon. Speaker (Hon C. Korir): He has asked whether you are equating the Member who was here with Jesus Christ.

Hon. P. Ronoh (Kipsonoi Ward, UDA): Mr. Speaker the story has been written by several authors and are for reference. I am about to quote another two. I want to be fair to the Assembly, to the nominee and to the Committee. The process that took place here was guided by law. The Assembly and committee should not be given latitude to bring in issues not related to subject matter. I wanted to refer to the County Government Act of 2012 (4), for someone to be nominated as a county executive committee member, the person should have knowledge, experience and distinguished career of not less than 5yrs in the field relevant to the department the person is being appointed. For the case of Hon. Andrew he is a scholar, he has studied economics and statistics, he is being appointed to finance and economic planning, very relevant. We are yet to get reports of people who studied different field and the committee has approved, it is paradox. I support the motion. The governor has expressed confidence in the motion.

Hon. E. Kirui rose on a point of order

Hon. E. Kirui (Kimulot Ward, UDA): The honorable members is talking of matter that has not been brought to the Assembly. I urge him to contribute to the matter at hand.

Hon. Speaker (Hon C. Korir): Kindly contribute to the matter at hand

Hon. P. Ronoh (Kipsonoi Ward, UDA): Hon. Speaker I Support the appointment of Hon A. K. Sigei to the position of CEC Finance and economic planning.

Hon. B. Langat: Thank you hon. speaker, before I make my comment, I want to welcome the students from St. Catherine, they are from my ward. Concerning the report which was tabled Yesterday, I have some objection concerning the CEC in charge of trade since she is coming from my Ward. I think she is the only one who was sacrificed and the others were approve.

Hon. Speaker (Cosmas. Korir): Hon. Member you are discussing outside the report. We are discussing on Hon. Sigei.

Hon. B. Langat (Kembu Ward, UDA): The motion before us Mr. Speaker, as hon member from Chemaner has asked the committee, we have different opinions concerning the CEC on Finance. When you read the report on those who approve, they are giving the attributes of the nominee and not the facts concerning what the CEC was able to discuss while those who oppose are giving the

facts as per the questions which were asked. We want this committee on appointment to explain to us what exactly they were giving us since they are giving unnecessary issues.

Hon. W. Kiprotich (Chepchas Ward, UDA): Thank you hon speaker for giving me this opportunity so that I can also deal into this motion at hand. I don't know what's happening because some members seem to be beating around the bush and not going really into what's happening. You either oppose or support. Mr. Speaker so that we don't take a lot of time and owing to the fact that I can even help you to read the mood of the Assembly at the close of my remark. Mr. Speaker, allow me to join hon. Langat from Kembo in welcoming the students and the teachers from St. Catherine to our county assembly. We have always said not once that the public are allowed to follow the proceedings as much as they want.

Before I go straight to this particular motion and owing to the questions that have been asked, I am not a member of the committee on appointment which you chair and starting with what my good friend the majority whip from Chemar raised, he said that for me whether to support this or not, is based on the facts that are supposed to be presented before me. Mr. speaker, even me I am not a member of this committee on appointment, I only made my time to be present during the vetting not because in lose what to do but because I love to hear what the nominees were saying and I was present in all of them apart from one on the tail end. Mr. Speaker, I want to pose a mathematical question to you and this will answer my friend from Chemar, what debt is bigger, is it 5ksh when you have 10 or is it 10 Kshs when you have 15. You need not to answer but the answer is as good as mine. The debt of 5ksh when you 10 is 50%, the debt of 10kshs when you have 15 is 66.66%. This committee failed to show us what is 500 million of what? A pending Bill of what? Under what budget and figure? Then they say it rose to Kshs 884 million, of what budget?

Now on the contrary, the committee members, hon. Changmorik, hon. deputy speaker and hon. majority leader came in what was raised by hon member from Chemar and say that the debt have reduced, so who is right?. It's right that if the committee on appointment was basing on 2017 budget, what was the budget of 2017 and what's the budget of 2022. Mr. Speaker you will bear me witness that the budget of 2017 is not the same as the budget of 2022. In other words, the budget of 2022 is far much higher that the budget of 2017 and that's now giving other reasons why the debt is reducing. Let's talk about facts.

Several questions were raised during the vetting and I want to really thank the committee members who were on the side of rejection, they are exercising their democratic right and we need not to

demonize them for what they are doing. They are doing what's considered right. Mr. Speaker, we listened to hon Sigei present himself before this Assembly very well and so these members took whatever they wanted, he explained this very well but because you are the examiner you say he has failed to mention things very well but anyway he tried and that's why we have a 3-3 tie.

Mr. Speaker, we are not the only ones who are having a 3-3 tie and I heard hon Eric mentioned about it. Yesterday a county assembly in this country called Bomet asking how they need to come out of a tie and its serve the same question that we had. Mr. Speaker, if we are to go by that, and this Assembly have the final mandate, I would really say that because the accounting authority in every department is actually vested on the chief officer. In his wisdom, the governor of Bomet Prof. Hillary Barchok chose Andrew Sigei, in other words he said without mentioning that I have confidence in this man, he works for me well and that he knows what he is doing. Mr. Speaker on day to day activities. Mr. Sigei is going to report to the governor and owing to the fact that there are 3-3 tie, I would go the way that was said by the member of Kipsonoi that could be hon. Sigei is having a form.

Hon. Speaker (Hon. C. Korir): May I stop you a little bit? Its almost 12 and we are supposed to adjourn unless the majority leader will beg to increase the time.

(Hon. Richard Ruto rose on a point of information)

Hon. R. Rutttoh (Chemaner Ward, UDA): Mr. Speaker, kindly can you pose the question, we could have finish this business.

(The majority leader rose)

Hon. P. Kirui (Majority Leader): Mr. Speaker, I think with the procedural motion that we have pursuant to standing order 32(1), this county assembly resolve to extend sitting time from 12.30 p.m to 1 pm today. Thank you.

(The question on the extension of time is read and hon. Changmorik seconds)

Hon. Speaker (Hon. C. Korir): Proceed hon. Kiprotich.

Hon. W. Kiprotich (Chepchas Ward, UDA): Thank you. Mr. Speaker, coming now to the issues that hon. Sigei was accused of. Mr. Speaker you know this world is full of negativity and that's why people are concentrating on the negatives of an individual. Now look at the revenue that he was accused of not reaching target. I have gone through the previous budget and in the report we have the chart showing revenue from 2013/2014 which was 203 million, 2014/2015

which was 205 million, 2015/2016 which was 166 million, 2016/2017 which was 169 million. Now, 2016/2017 is the year in question where Mr. Sigei came in, so he found a revenue at 169 million and he was accused of not reaching the target. Mr. Speaker if he failed, he failed in 2 years and if he won, he won in 3 out of 5. Mr. Speaker, I am a product of a second term. I went to people of Chepchabas and told them I want to serve you again, there are those who told me “*hautoshi mboga*” because I did not manage to leave to the expectations of everyone because I am a human being, I didn’t get a 100%. If I can rate myself, out of 10 I manage 6 and I am here. Mr. Speaker, as the catholic say, it’s like he is in purgatory and I like Catholics because they don’t condemn you full, they say when you die you go to purgatory then after you either go to hell or heaven. Mr. Speaker, this Mr. Sigei is in purgatory and because he is in purgatory, I want to urge the hon. Assembly to remove him and bring him to heaven. Let’s give him a second chance so that he can prove that he is able to work very well. Mr. Speaker I can tread the mood of the Assembly and I suggest you put the question. Thank you. I Support.

Hon. Speaker (Hon. C. Korir): Thank you. I want to recognise the presence of the Chief for Sibaiyan location Chesoen ward, Ward administrator for Chesoen ward. I now put the question.

(The question is put and agreed to)

Hon. R. Cheptoo: We are requesting on the division.

Hon. Speaker (Hon. C. Korir): I am going to read you the orders on division, I know we haven’t not had division in this Assembly. Understanding order no. 81(Roll call division).

(The order on roll call voting is read and the members’ names are call out)

For division, we are giving the table office 10 minutes. Kindly ring the bell.

(The division bell is rang)

Hon. Speaker (Hon. C. Korir): When the division bell is rangs, members are not supposed to go out, actually it’s rang so that the members who are outside can come inside. So restriction of movement please. I want to direct the sergeant at arm to check if there’s any other member outside.

(The question is put on and the members are call out to vote.)

Hon. Speaker (Hon. C. Korir): Thank you. From the report that I have been given by the table office, one member was absent, four ABSTAINED, and eleven voted NO, twenty-two voted YES. Therefore, one, Andrew Sigei Kimutai has been approved as the county executive county member in charge of economic planning, finance and ICT. Thank you.

Hon. Ngetich. K. (Siongiroi Ward, CCM): I think for the appointment, it should have been brought as one entity, we want to approve quickly and we want to do it now. There's no need for us to go for lunch let's do it now and for all. We are delaying many things including approval of Juliah Chepkuto.

Hon. Speaker (Hon. C. Korir): You are out of order to discuss what is not on the floor of the Assembly. Kindly refrain from discussing matters which are not on the floor. Next order...

(The next order (9) on motion is read)

Hon. R. Cheptoo (Rongena/Manaret Ward, UDA): Mr. Speaker, allow me to read this motion. That pursuant to standing order 197 of the county assembly standing orders, this county assembly adopts the third report of the committee on appointment of the vetting of county executive committee member nominee in charge of agriculture, livestock, fisheries and cooperatives and pursuant to Article 179(2b), of the constitution of Kenya 2010, approve the appointment of Rosa Chepngetich as the county executive member in charge of agriculture, livestock, fisheries and cooperatives. Hon speaker, allow me to read the establishment and mandate of the committee.

Change of Chair

Hon. Speaker exits and hon. Deputy Speaker took Chair

The committee on appointment is established pursuant to standing order 197(1) (4), mandate the committee on appointment to consider to approve the appointment of executive committee member under Article 179(2) of the constitution. On Friday 14 October 2022, the clerk of the county assembly invites the nominee for the approval herein in accordance to section 7(4) of the public appointment, county assembly approval act 2017 (3).

Hon. B. Langat rose on a point of information

Hon. B. Langat (Kembu Ward, UDA): Thank you Mr. Speaker, since we have already known the outcome, why can't you give us the resolution of the report and for us to save time because we have a number of nominees? They can read for us only the resolution and comment they made.

Deputy Speaker (Hon. L. Rotich): That's the procedure. We cannot bridge the standing orders of this Assembly.

Hon. K. Ngetich (Siongiroi Ward, UDA): I think what hon. Makiche is insinuating is that I think we know the outcomes, there's need to sit the whole day and we know we will pass the same nominee, let's call a spade a spade.

Hon. S. Changmorik (Longisa Ward, UDA): Thank you hon. Speaker, because of the law, it's allowed to read the submission and just go to the committee recommendation. It's allowed that way.

Hon. R. Cheptoo (Rongena/Manaret Ward, UDA): I have been given where to read I will jump some of the pages so you will allow me to read where I have been given. Mr. Speaker. Allow me to continue.

Deputy Speaker (Hon. L. Rotich): Continue honourable Member.

Hon. R. Cheptoo (Rongena/Manaret Ward, UDA): Notification to the Nominee.

On Friday, 14th October, 2022, 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 Approvals) Act, 2017 (Annexure 3). The nominee was required to appear before the committee on appointments on Monday, 24th October, 2022 at 12.00 noon.

On acknowledgement, the committee on Appointment wishes to thank the office of the Speaker and Clerk, AND Staff of the County Assembly for the logistical...

Hon. W. Kiprotich (Chepchabas Ward, UDA): Hon. Speaker, I appreciate what honourable Cheptoo is doing, but only that it is like we in the dark because we do not have the report for honourable C. Rosa. We will contribute based on the report.

Hon. P. Mutai (Sigor Ward, UDA): Mr. Speaker, we need your clarification because the whole report given by the Committee was never supported with their comments. For example, they said that the nominee did not sufficiently address the root cause of spike in pending bills. The information given later was that, there were no pending bills or reduced. Why does the Committee not give us only the names and then we approve all of them?

Deputy Speaker (Hon. L. Rotich): Hon. Members, we will not breach the rules of this Assembly because we may be taken into questions on the same. I direct Honourable Cheptoo to read the comments from the Committee on Appointment, and then proceed to the last part of recommendations. Otherwise, we will not be required to lamp all of them and approve. Kindly continue.

Hon. R. Cheptoo (Rongena/Manaret Ward, UDA): Hon. Speaker, thank you. I want to go direct to the submissions of about ten pages.

Submission of memoranda.

By close of business on 21st October, 2022, the Committee had not received any memoranda from any member of the public contesting or supporting the suitability of the nominee.

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 35 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 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, 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 of service to the people.

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

i. Academic Qualification

ii. Employment Record

iii. Knowledge of the relevant subject/ role of County Executive

Committee Member in charge of Agriculture, Livestock, Fisheries and Cooperatives

iv. Appreciation of the Constitution of Kenya 2010, Acts of

Parliament and Devolution

v. Overall Suitability for the Position

vi. Compliance and Integrity

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.

Oral Submissions by Hon. Rosa Chepngetich, County Executive Committee Member Nominee in charge Agriculture, Livestock, Fisheries and Cooperatives.

During its sittings held on Monday 24th October 2022 at County Assembly Mini Chambers, the Committee orally interviewed the nominee. The Minutes of the vetting proceedings are attached (Annex 5).

Hon. Rosa Chepngetich, the nominee to the Office of the County Executive Committee Member in charge of Agriculture, Fisheries, Livestock and Cooperatives, appeared before the Committee on Monday 24th October, 2022 at 2.30 pm and was vetted under oath (Annex 6) pursuant to Article 179(2)(a) of the Constitution, the Public Appointments (County Assemblies Approvals) Act, 2017 and the Standing Orders of the County Assembly. The Committee noted the following:

Date and Place of Birth

The nominee is a female Kenyan born in 1972 in Kericho County. The nominee confirmed that she is a Kenyan citizen, holder of I.D No. 10989506 and did not hold any other citizenship. She confirmed that she had all her original academic certificates as well as documents required from statutory bodies and further submitted them for verification.

Academic and Professional Qualifications

The nominee holds a Master's Degree in Business Management (Strategic Management) from Kabianga University and Bachelor's Degree of Arts, Mathematics and Business Studies from the Kenyatta University. She attended Sisiot Girls High School for her secondary education and Liloch Primary School for her primary school education.

Employment Record

The nominee has served as County Executive Committee Member in Charge of Cooperatives and Enterprise Development since 21st May, 2020 to date. She also served as a Chief Executive Officer at Kimbilio Daima SACCO between January, 2011 to May, 2020 and as a Manager in the same SACCO between June, 2000 to December, 2010. She also served as Board of Management (BOM) teacher for three years as well as a cashier in the then, Chepsol Rural SACCO.

Income and Net worth The nominee estimated her net worth to be Kshs. 34 Million comprising of family land and developments thereon. She also indicated her sources of income as being monthly pension payments, monthly salary and allowances from her current employer, agency commission (banking), dividends from shares, interests accrued and others from farming and family business as well as benefits from Husband's estate.

General and Sector Specific Questions to Hon. Rosa Chepngetich

The Committee posed several questions to the nominee on her knowledge of the Public Service among other issues. The nominee responded as follows:

On relevance of experience and academic qualification to the portfolio, the nominee informed the committee that she has vast experience in cooperative movement having served one of the best managed SACCO in the County. Further, she submitted that having worked in the department of Cooperatives and Enterprise Development as the CECM, she is aware that most of the cooperative societies within the County are agriculture based and has thus engaged farmers before.

Achievements of the nominee in her previous employments

The nominee informed the Committee that during her tenure as a CEO at Kimbilio SACCO, she developed and empowered staff such that when she left the institution there was a smooth transition. She noted that when she was appointed as County Executive Committee Member in charge of Cooperatives and Enterprise Development, Chebunyo Dairies SACCO was at initial stages and that during her tenure, she successfully oversaw its completion. She however, indicated that the dairy plant is yet to commence operations due to lack of clean water. She further indicated that during her tenure, Lelaitich Sweet Potato Processing Plant was completed and has since been handed over to the County Government by the donors. She also indicated that the plant is awaiting certification from the relevant authorities before production of sweet potato flour commences.

Role of the Sector as per Governor's Executive Order No.1 of 2022.

On the functions of the Sector as per Executive Order no 1 of 2022 outlining the organization of the County Government of Bomet, the nominee informed the Committee that cooperatives department has been brought back to the Sector of Agriculture, Livestock, Fisheries and Cooperatives. That the sector is required to do food on the table, and money in the pocket for the farmers through policy development that support farming and introduction of new crops as well as animal and plant disease control.

Implementation of County Cooperative Policy

The nominee informed the committee that the County Government of Bomet developed Bomet County Cooperatives Policy in 2015. However, the policy has not been fully implemented. On the question of poor performance by Cooperatives within the County, the nominee informed the committee that it is indeed true that many Cooperatives societies within the County are currently facing challenges. She further noted that the biggest challenge among cooperatives was on governance issues and that it is necessary for the County Government to sensitize boards managing SACCOs within the county on this area. She also noted that she participated in the talks aimed at

assisting STEGRO SACCO to become operational and in her view the available option to revive the SACCO was to bring in new investors to inject capital and improve governance issues.

Regarding Korokwony milling plant, the nominee noted that it is also facing governance issues and huge debts which have accumulated over time.

Implementation of Enterprise Development Fund

On this question, the nominee confirmed it was true that the County Assembly had allocated Kenya Shillings 40,500,000 in the Financial Year 2021/2022 for Enterprise Development Fund. She further noted that her department prepared everything but the funds were not paid to the fund

account by the County Treasury, which is an enabling department. The nominee however, noted that enterprise development has since been moved to a different sector in the Governor's Executive Order No 1 of 2022. She further gave an undertaking that if approved by the Assembly, she would ensure that funds allocated are actually absorbed.

Policy on Value Addition

The nominee informed the Committee the County does not have a Policy on Value Addition and agricultural produce marketing. She however, indicated that if approved, she will prioritize development of the necessary policy that supports value addition for agricultural produce.

Low absorption rate of funds by the Sector

The nominee informed the Committee the low absorption of funds in the recent financial years was attributed to the effects of Covid-19 pandemic. However, she indicated that if approved, she will put in place strategies that will enable the sector to optimally utilize the allocated resources for delivery of planned programmes.

Addressing of Low earnings in the Tea Sector

The nominee informed the committee that she was aware of the County Government's bid to improve tea prices for tea farmers within the County had initiated talks with the Islamic Republic of Iran to enable direct tea sales. If approved by the Assembly, the nominee gave an undertaking that she will fully participate in all the programmes that will see the earning of tea improved.

Food Security in the County

While acknowledging that Kenya is currently ranked poorly in terms of food security index, the nominee informed the committee that she intends to put in place measures that will see the county

become food secure. She submitted that through the sector of agriculture and cooperatives, she will encourage the farmers to diversify and plant other crops that are disease resistant. She further submitted that subsidies of farm inputs such as fertilizers and seeds should be provided by the County Government.

Genetically Modified Organisms (GMO).

The nominee informed the Committee that lifting of the ban on the introduction of Genetically Modified Organisms (GMO) by the national government was necessitated by the current food insecurity within the Country. She further noted that there are no scientifically proven studies that GMO products are detrimental to the health of the consumers. She was of the view that there was need for sensitization of the members of the public on what GMO is all about as well as giving full disclosure to the consumers to enable them choose between organic and GMO products.

Integrated Software Management System for cooperatives

The nominee informed the committee that while resources were allocated in the previous financial for development of Integrated Software Management System for cooperatives operating within the County, the same was not developed. The process of developing the software is ongoing.

Bomet County Dairy policy

The nominee submitted that Bomet County has a huge potential in the dairy Sector and it is therefore necessary to develop a relevant comprehensive policy. Key in the proposed policy should be improved quality of milk, improved breeding of dairy animals and reduced cost of feeds.

Plant and Animal Disease Control

The nominee noted that animal and plant disease is one critical area that the County Government should focus on in the agricultural sector. There is need for improved surveillance so that notifiable diseases are prevented from spreading.

Programmes aimed at improving agricultural production

To improve agricultural production, the nominee informed the committee that if approved, she intends to focus on organizing of agricultural field days, Artificial Insemination and breeding, and reduction of the cost of animal feeds. Further on the issue of cost of animal feeds she submitted that it could be reduced through incorporating the already existing cooperatives to deal with feed mixing as well as encouraging them to source feeds in large quantities so as to reduce the cost of feeds.

County Own Source Revenue

The nominee informed the committee that the sector of Agriculture and Cooperative has various revenue streams which include Embomos Tea farms, movement permits for livestock and audit services to cooperative societies. She however, did not exhaust all the revenue streams such charges on county owned tractors, ploughing and baling of hay by the County tractors.

Actualizing of Hustler Fund

The nominee informed the committee that access to hustler fund should be done through registered cooperative societies within the County. She was of the opinion that once cooperative societies have been established, there is need to capacity build them so that they are effectively managed.

Livestock sale Yards and Slaughter house

The nominee agreed that livestock sale yards in Chebunyo Market and Mulot Market have moved to Narok County which has resulted in loss of an important revenue source for the County Government. She also noted that livestock from Konoin Sub-County are sold in Kapkatet market which is in Kericho County. She further noted that slaughter house owned by the County Government in Mulot Market has been closed and currently the private slaughter house in Narok County is in use. She submitted that there is need to put in place mechanisms to ensure that traders are brought back to operate within the County so that own source revenue can be improved.

Unimplemented flagship projects in the Sector

The nominee informed the Committee that indeed there were plans to establish Pack Assembly in Youth Farmers market centre, Irish Potato plant in Ndaraweta, Chebunyo Dairy plant, Chebole chicken slaughter Assembly, Lelaitich Sweet Potato Processing and value addition plant, Coffee Pulping Plant in Mutarakwa among others. She however, noted that Chebunyo Dairy Plant and Lelaitich Sweet Potato Processing have been completed but operations are yet to commence due to some few issues. Given an opportunity, the nominee informed the committee that she will prioritize the remaining flagship projects.

County Extension Officers

The nominee informed the committee that the department of agriculture does not have adequate agricultural extension officers. The nominee suggested that recruitment of officers in the department should be prioritized considering that they are key in ensuring that farmers are supported and empowered on best farming practices.

Committee's Observations on Integrity and Other Key Areas of Vetting.

The documents seen were national identity card, KRA, Higher Education Loans Board, Clearance forms, Police Clearance Certificate, Clearance from professional Bodies, Clearance from Credit and Reference Bureau.

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 Loan Board (HELB).
2. THAT her 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 35 of the County Government Act, 2012; the Committee found the nominee suitable for appointment as the County Executive Committee Member in charge of Agriculture, Livestock, Fisheries and Cooperatives.

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 pursuant 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 Rosa Chepngetich for the position of County Executive Committee Member in charge of Agriculture, Livestock, Fisheries and Cooperatives.

Hon. Speaker, I want to submit that the Committee on Appointment approves C. Rosa for the position of County Executive Committee Member in charge of Agriculture, Livestock, Fisheries and Cooperatives.

I wish to invite honourable V. Rop to second.

Thank you.

Hon. V. Rop (Nominated MCA, UDA): Hon. Speaker, thank you. Without much ado and less say, I second.

Hon. W. Kiprotich rose on a point of order

Hon. W. Kiprotich (Chepchas Ward, UDA): Mr. Speaker, so that we are not found on the wrong side of the law Honourable V. Rop is not a member of Committee on Appointment. I do not know if the law permits him to second when we have other members of the Appointment.

Hon. R. Cheptoo (Rongena/ Manaret Ward, UDA): Hon. Speaker, thank you. Let me invite honourable E. Kirui to second.

Hon. E. Kirui (Kimulot Ward, UDA): Hon. Speaker, I rise to second the Motion in support of the appointment of C. Rosa for the position of County Executive Committee Member in charge of Agriculture, Livestock, Fisheries and Cooperatives. I second.

Motion proposed

Deputy Speaker (Hon. L. Rotich): The Motion is now open for debate.

Hon. V. Rop (Nominated MCA, UDA): Mr. Speaker, thank you. Reading the mood of the Assembly, the honourable Members are hungry and I would like you to propose the question that, we pass one honourable C. Rosa.

Before that, I do support the Motion simply because our children in the ECD still want their milk.

Thank you.

Hon. V. Mutai (Nominated MCA, UDA): Hon. Speaker, thank you. I beseech you to read the mood of the Assembly and put the question.

(Applaud from the Members)

Hon. D. Busienei Chemagel Ward, UDA): Hon. Speaker, I am rising to support the Motion.

Before that, I am seeing most of the Members saying that they are reading the mood of the Assembly. I do not know which “mood” of the Assembly they are talking about because we came here to discuss serious businesses. If we allow this trend to happen, we are going to pass some other nominees unnoticed. I think we have to discuss. If some Members feel tired, they are at liberty to leave then we continue if we still have quorum.

I would urge Members that we continue discussing so that we can know this nominee because when we interrogated the first one, we found out that there were a lot of issues that were left.

Thank you.

Hon. W. Kiprotich (Chepchas Ward, UDA): Hon. Speaker, thank you. I am rising to support the Motion. I want to laud the Committee on Appointment. This may not call us to talk about so many issues because there is a unanimous agreement among the Members of Committee on Appointment.

Based on what honourable R. Cheptoo reiterated, the nominee has showed interest in the docket. She said that she is going to have policy on value addition, she is going to address the low absorption rate in the department, she is going in partnership with other stakeholders to address the low earnings of tea, also talked about food security.

I want to delve on food security because, this food security issue is what our beloved president of the republic of Kenya, and William Ruto is geared towards elevating issues to do with poverty where food security is going to be key. That is why the issue of GMO is coming up.

She also mentioned about the Hustler fund that is going to come by. If hustler can get this fund he can engage in farming, food security is going to be considered. As I said earlier, it does not require too much science, even to explain her ability for this docket.

I therefore support.

Question put and agreed to

Deputy Speaker (Hon. L. Rotich): Hon. C. Rosa has been approved as the County Executive Committee Member to be in-charge of Agriculture, Livestock, Fisheries, and Cooperatives of Bomet County. There being no other business, this Assembly stands adjourned to today at 2:30 p.m.

The Assembly rose at 12:45 Pm