

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY



SECOND ASSEMBLY-FIRST SESSION

**THE COMMITTEE ON EDUCATION, YOUTHS AND SPORTS
REPORT**

**ON NOMINATION OF NICHOLUS KERICH FOR APPOINTMENT
AS CHIEF OFFICER INCHARGE OF THE DEPARTMENT OF
YOUTH AND SPORTS**

DECEMBER, 2017

*Tabled on 22/12/17
at 9:00am*

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1.0 PREFACE

Mr. Speaker Sir,

On behalf of the Committee on Education, Vocational Training Youths and Sports pursuant to Standing Order 193(5) (f), it is my duty and pleasure to present to the County Assembly, the Committee's report on the vetting of the nominee for appointment as Chief Officer in charge of Youths and Sports.

The Committee on Education, Vocational Training, Youths and Sports is one of the Sectoral committees established under Standing Order 193(1). It is therefore the relevant Committee that is mandated to vet and report for approval by the County Assembly, nominations made under Section 45(1) (b) of the County Governments Act, 2012.

1.1 Committee Membership

Mr. Speaker Sir,

The Committee on Education, Vocational Training, Youths and Sports, as currently constituted, comprises of the following members: -

1. Hon. Joseph Kellong - Chairperson
2. Hon. Vincent Mutai - Vice Chairperson
3. Hon. Josiah Chepkwony - Member
4. Hon. Zaddock Kilel - Member
5. Hon. Andrew Maritim - Member
6. Hon. Cecilia Mutai - Member
7. Hon. Marcella Chepkirui - Member

1.2 Committee's Mandate

Mr. Speaker,

The Sectoral Committee on Education, Vocational Training, Youths and Sports derives its mandate from provisions of Standing Order 193(5) and the Second Schedule to the Standing Orders which defines functions of the Committee as being:

- a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) To study the programmes and policy objectives of departments and the effectiveness of their implementation;
- c) To study and review all legislations referred to it;
- d) To study, assess and analyze the relative success of the departments measured by the results obtained as compared with their stated objectives;
- e) To investigate and inquire into all matters relating to the assigned departments as may be deemed necessary, and as may be referred to it by the County Assembly;
- f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 188 (Committee on appointments); and
- g) To make reports and recommendations to the Assembly as often as possible, including recommendations of proposed legislation.

1.3 Nomination of the County Chief Officer in charge of the department of Youths and Sports.

Mr. Speaker,

Pursuant to Section 45(1)(a) of the County Governments Act, 2012, the Governor forwarded to the Speaker of the County Assembly, the name of Mr. Nicholas Kerich vide letter dated 5th December, 2017 for vetting and approval by the County

Assembly for appointment as the County Chief Officer in charge of the department of Youths and Sports.

. The nominee was then committed to the Committee on Education, Vocational Training, Youths and Sports which was to conduct vetting of the nominee and report to the Assembly as provided for under the Public Appointments (County Assemblies Approval) Act, 2017.

1.4 Committee Meetings

Mr. Speaker Sir,

The committee held a total four meetings and in one of the meetings the said nominee appeared for vetting in accordance with the Public Appointments (County Assemblies Approval) Act, 2017 for appointment as the Chief Officer in charge of the department of Youths and Sports.

The Committee resolved to invite the nominee for an approval hearing at the County Assembly's Members Lounge on Monday 18th December, 2017. In conducting the vetting exercise, the Committee made reference to the Constitution, the Public Appointments (County Assemblies Approval) Act, 2017, the County Governments Act, 2012 and the County Assembly Standing Orders.

The Committee complied with the Constitutional and legal requirements and the established procedures for vetting. It ensured that there was public participation and openness in carrying out the vetting exercise. Notifications and invitations to the public to submit memoranda were placed in the mainstream print media as required by law.

2.0 Acknowledgment

Mr. Speaker Sir,

The Committee wishes to thank the Offices of the Speaker and the Clerk 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 Commitment to serve the public.

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, the constitution and all other relevant Law. This recommendation was agreed upon by the Committee Members during the adoption of the Report on Thursday 21st December, 2017.

Mr. Speaker Sir,

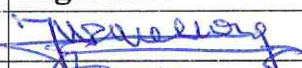
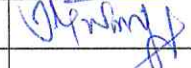
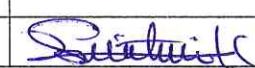
Finally, on behalf of the Committee, and pursuant to Section 9(2) of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 and Standing Order No.193 (5) (f), on behalf of the Committee on Education, Vocational Training, Youths and Sports, I have the honour and pleasure to present the committee's report on vetting of the nominee, Mr. Nicholus Kerich, for appointment as the County Chief Officer in charge of the department of Youths and Sports.

SIGNED.....DATE..... 21st Dec 2017

HON.JOSEPH KELLONG, CHAIRPERSON

3.0 Ownership of the Report

We, the members of Education, Vocational Training, Youths and Sports Committee, do append our signatures against our names to this report to affirm the correctness of the contents and support for the report;

No.	Name	Designation	Signature
1.	Hon. Joseph Kellong	Chair	
2.	Hon. Vincent Mutai	V/Chair	
3.	Hon. Josiah Chepkwony	Member	
4.	Hon. Cicilia C Mutai	Member	
5.	Hon. Zaddock Kilel	Member	
6.	Hon. Marcella Chepkirui	Member	
7.	Hon. Andrew Maritim	Member	

Dated this.....21st Dec.....of December, 2017

4.0 Background

The Committee on Education, Vocational Training, Youths and Sports is one of the Sectoral committees established under Standing Order No. 193(1) and deals with all county matters relating to Youths and sports including appointments that require the County Assembly's approval.

Section 45 of the County Governments Act establishes the office of the County Chief Officer. The section requires the Governor to nominate and with the approval of the County Assembly, appoint County Chief Officers.

Section 45 (1) of the County Governments Act further provides that the Governor shall-

- a) nominate qualified and experienced county chief officers from among persons competitively sourced and recommended by the County Public Service Board; and
- b) with the approval of the county assembly, appoint county Chief Officers.

Additionally, the procedure for approval hearing, issues for consideration and the period for consideration and reporting is provided for under the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017.

Article 73(2) of the Constitution on Leadership and Integrity provides as 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 in service to the people.

4.1 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, Section 7(8) and Section 8 of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017.

Section 8 of the Public Appointments (County Assemblies Approval) Act provides that the issues for consideration by the relevant County Assembly in relation to any nomination shall be—

- (a) the procedure used to arrive at the nominee including the criteria for the short listing of the nominees;
- (b) any constitutional or statutory requirements relating to the office in question; and
- (c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's credentials, abilities, experience and qualities meet the needs of the body to which the nomination is being made.

4.2 Appointment Process of a County Chief Officer

Pursuant to Section 45 (1) of the County Governments Act, 2012, the Governor forwarded to the Speaker of the County Assembly, the name of Mr. Nicholas Kerich vide a letter dated 5th December, 2017 for vetting and consideration for approval by the County Assembly for appointment as the County Chief Officer in charge of Youths and Sports.

On 6th December, 2017, the name of the nominee was tabled in the Assembly and the Hon. Speaker directed that the nominee be referred to the Committee on Education, Vocational Training, Youths and Sports for vetting and report to the Assembly within 14 days.

4.3 Notification to the nominee

On 8th December, 2017, the Clerk of the Assembly, pursuant to Section 7(4) of the **Public Appointments (County Assemblies Approval) Act, No. 5 of 2017** notified the nominee of the time and place for holding the approval hearing through an advert in the print media.

4.4 Notification to the public

The public was expected to participate in the vetting process through submission of memoranda (affidavit) on the suitability of the nominee. On 8th December, 2017, pursuant to section 7(4) of the Public Appointments (County Assemblies Approval) Act, the Clerk of the County Assembly placed an advertisement in the print media and the Assembly's website inviting the public to submit memoranda by Friday 15th December, 2017 on the said nominee.

4.5 Committee meetings

The Committee conducted a vetting session on Monday 18th December, 2017. However, before the nominee was invited to appear; the committee held a session in order to deliberate and agree on the mode of vetting in line with the Public Appointments (County Assemblies Approval) Act No.5 of 2017.

4.6 Submission of memoranda

Mr. Speaker Sir,

At the close of business on Friday, 15th December, 2017, the Committee had not received any memoranda from the public.

4.7 The Vetting Process

The committee allocated the nominee a maximum of one and a half hours for vetting. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (County Assemblies Approval) Act No.5 of 2017 and the County Assembly Standing Orders.

The Committee also considered the following criteria in vetting the nominee;

- a) Employment record and work experience
- b) Public office, political activities and affiliations
- c) Potential conflict of interest
- d) Suitability to the position
- e) Integrity
- f) General knowledge on public affairs

4.8 Submission of relevant documents from the nominee

The committee received the following documents from the nominee;

- i. Curriculum Vitae, personal credentials and academic certificates.
- ii. Online Compliance Certificate from Kenya Revenue Authority (KRA)
- iii. Clearance Certificate from the Ethics and Anti-Corruption Commission (EACC).
- iv. Clearance Certificate from the Higher Education Loans Board (HELB)
- v. Police Clearance Certificate from the Criminal Investigation Department (CID).
- vi. Clearance Certificate from Credit Reference Bureau (CRB)

4.9 Vetting of Mr. Nicholas Kerich

Upon appearing before the committee on Monday 18th December, 2017, the nominee submitted to the committee as follows;

- (a) He indicated that he comes from Kembu Ward in Bomet East sub-county.
- (b) He also indicated that he attended Kabianga High School for Secondary School Education, Moi University for undergraduate degree (Bachelor of Business Management (Purchasing and supplies) option, ongoing Master of Business Administration (entrepreneurship option)
- (c) He also said that he has vast experience in the Financial sector, Entrepreneurship and youth participation having worked as Customer service adviser in Barclay Bank and as Youth Business Coach and Entrepreneurship consultant at Technoserve Kenya(NGO) Bomet branch.
- (d) When asked on the roles and duties of a Chief Officer, the nominee indicated that some of the roles of a Chief Officer would include being an

accounting officer of the department, doing administrative duties, supervising the staff under the department, preparation of reports and linking the department with the donors and stakeholders.

- (e) On the professional skills that he has gained in his Career and how he would utilize in his role as a chief Officer, the nominee indicated that he possesses passion to work with the youth having been the Chairperson the Nation Youth Council Kenya-Bomet County, communication, Entrepreneurship and mentorship skills leadership and team building skills.
- (f) When asked to indicate the strategies that he would put in place to ensure that youths and sports sector improves, the nominee indicated that he shall engage other departments to mainstream youth issues, develop a youth policy, establish youth leadership structure within the county, promote Youth entrepreneurship and carry on talent search amongst youth. He also said that he shall make sure that youths are involve and participate in decision making and governance.
- (g) On the absence of social halls, cinema Centers as well as casinos he responded that he will strive to see that there is establish in every sub-county Youth Empowerment Centers which will enhance business trainings among youths in the county while offering such social services.
- (h) When asked on three legal documents that guide him in management of youths and sports the nominee indicated that he will be guided by the various legislations in the sector.
- (i) When asked on the stalled youth and sports project (the current Bomet Stadium under construction) the nominee indicate he would advocate for a social audit on the project before it is completed since the project is vital for the department and county at large he also gave the same reply when asked about the Tegat High Altitude Training Centre.
- (j) On the how he would be bound by the National Values and Principles of Governance, the nominee indicated that he would be bound by those values while interpreting the Constitution, during decision making and implementation.

5.0 COMMITTEE OBSERVATIONS AND FINDINGS

The Committee having considered Mr. Nicholas Kerich as a nominee for the position of County Chief Officer, his curriculum vitae, academic qualification, experience and heard his oral submissions during the vetting exercise, made the following observations: -

- i. That he is a holder of Bachelor of Business management (purchasing and supplies option) from Moi University, ongoing Master of Business Administration Degree(entrepreneurship) at Kenya Methodist University(KEMU)
- ii. That has an in-depth understanding of entrepreneurship, Business Coaching and Youth engagement and participation.
- iii. That he has clear understanding and appreciation of the role of the office of County Chief Officer as established under the relevant law
- iv. That he had submitted required documents including clearance certificates from KRA, HELB, Criminal Investigation Department, Credit Reference Bureau and Ethics and Anti-corruption Commission for assessment of compliance with requirements of Leadership and Integrity Act.
- v. That on the basis of his professional background, his experience was relevant in discharging the mandate of the County Chief Officer, Youths and Sports.
- vi. The Committee found Mr. Nicholas Kerich suitable for appointment as the County Chief Officer in charge of the Department of Youths and Sports

6.0 RECOMMENDATION OF THE COMMITTEE

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

That having considered the suitability, capacity and integrity of the 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 **Mr. Nicholas Kerich** as Bomet County Chief Officer, in charge of the department of Youths and Sports

The meeting was opened at 1700 hrs with a word of prayer from Hon. Cicilia Mutai. The Chair then called the meeting to order and welcomed the members to the meeting.

MIN 46/12/17 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting were not confirmed as they were not ready.

MIN 47/12/17 BRAINSTORMING OF THE QUESTIONS

The Chair introduced the main agenda for the day. The structured questions that the committee would use interrogating the nominee were laid before the committee. They were then shared among the members. The following rules to govern the vetting were also agreed among the members:

- I. That no member would use vulgar language.
- II. That the Chair would be the overall moderator of the exercise and that it was on her sole discretion to pick who to ask a question.
- III. That the committee would strictly adhere to the time allocated to it in vetting the nominee.
- IV. That the members to confine themselves to the questions appearing on the questionnaire and any supplementary question should be relevant to the docket.

MIN 49/12/17 VETTING OF THE CHIEF OFFICER NOMINEE

As at 1720hrs, the nominee, Mr. Nicholas Kerich was ushered in. The chair welcomed her and she introduced the committee members. She was then interrogated in the following the order below:

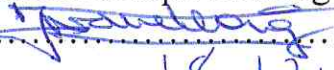
- I. Submission of the relevant documents
- II. Employment record and work experience
- III. Public office, political activities and affiliations
- IV. Potential conflict of interest
- V. Suitability to the position
- VI. Integrity
- VII. General knowledge on public affairs

MIN 44/12/17 ADJOURNMENT

As at 1830 hrs, the committee concluded the vetting exercise. The Chair thanked the nominee and the members. There being no other business, the meeting was adjourned with a word of prayer from Vincent Mutai.

CONFIRMATION

Honourable Joseph Kellong (Chair)

Sign..........

Date.....18.12.17.....

Edwin Makiche (Committee Clerk)

Sign..........18.12.17.....