



Hon. Speaker  
This is in order  
Kipsural  
Por. The Clerk  
11/11/2022

**BOMET COUNTY ASSEMBLY**

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**THIRD ASSEMBLY: FIRST SESSION**

**THE FIFTH REPORT OF THE COMMITTEE ON  
APPOINTMENTS ON THE VETTING OF THE NOMINEE FOR  
THE POSITION OF THE COUNTY EXECUTIVE COMMITTEE  
MEMBER IN CHARGE OF EDUCATION, YOUTH, SPORTS AND  
VOCATIONAL TRAINING**

**NGENO CHEPKORIR AGNES**

NOVEMBER, 2022

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# 1 PREFACE

## 1.1 Establishment and Mandate of the Committee

The Committee on Appointments is established pursuant to Standing Order 197(1). The Standing Order 197(4) mandates the Committee on Appointments to consider, for approval by the County Assembly, the appointments of County Executive Committee Members under Article 179(2) of the Constitution.

## 1.2 Committee Membership

The Committee on Appointments was constituted on 13<sup>th</sup> October, 2022 and comprises of the following members: -

No	NAME	POSITION
1.	Hon. Cosmas Korir	Chairperson
2.	Hon. Leonard Rotich	Member
3.	Hon. Paul Kipyegon Kirui	Member
4.	Hon. Stephen Changmorik	Member
5.	Hon. Kibet Ngetich	Member
6.	Hon. Rosaline Cheptoo	Member
7.	Hon. Eric Kirui	Member

## 1.3 Committee Secretariat

1. Isaac Kitur – Clerk of the Assembly
2. Oscar Sang - General Counsel
3. Rashid Tonui - Director, Legislative Services
4. Veronica Waweru - Principal Clerk Asst.
5. Kenneth Langat - Principal Clerk Asst.
6. Timothy Korir - Ag. Assistant Director, Research Services
7. Ronald sang - Deputy Director, Budget Office

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8. Edwin Makiche - Assistant Director, Communications
9. AnneBetty Koros - Assistant Director, Committee Services
10. Josphat Koech - Hansard Reporter
11. Edward Rop - Serjeant at Arms
12. Janet Birech - Administrative Officer
13. Victor Mutai - Hansard Reporter

## **2 BACKGROUND**

### **2.1 Notification of Nomination**

Pursuant to Article 179(2)(b) of the Constitution of Kenya, 2010, as read together with sections 30(2)(d) and 35 of the County Governments Act, 2012 and Section 6(1) of Public Appointments (County Assemblies Approval) Act, 2017, H.E. the Governor, submitted to the County Assembly, the name of the nominee, Ngeno Chepkorir Agnes, vide a letter dated **12<sup>th</sup> October, 2022** for vetting and approval by the County Assembly for appointment as the County Executive Committee Member for Education, Youth, Sports and Vocational Training (Annexure 1). The notification contained the Curriculum Vitae and the testimonial of the nominee.

### **2.2 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, 13<sup>th</sup> 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.

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.

### **2.3 Notification to the Public**

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

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

Further, section 7(10) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017 provides that *"any person may, prior to the approval hearings and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated"*.

Pursuant to section 7(10) of Public Appointments (County Assemblies Approval) Act, 2017, the Clerk of the County Assembly placed an advertisement in the print media on 14<sup>th</sup> October, 2022 (Annexure 2) inviting the public to submit memoranda by way of a written statement on oath (affidavit) on the suitability or otherwise of the nominee for the position to which she was nominated to serve. The advertisement indicated that the submissions were to be received by Friday, 21<sup>st</sup> October, 2022 at 5.00 pm.

#### **2.4 Notification to the Nominee**

On Friday, 14<sup>th</sup> 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 of the Public Appointments (County Assemblies Approval) Act, 2017 (Annexure 3). The nominee was required to appear before the Committee on Appointments on Tuesday, 25<sup>th</sup> October, 2022 at 9.00 AM.

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## **2.5 Clearance and Compliance Requirements**

On Friday, 14<sup>th</sup> October, 2022, the Clerk of the County Assembly wrote to the Ethics and Anti-Corruption Commission requesting for reports with respect to the nominee on the ethics and integrity.

Further, the Clerk, in his notification to the nominee required her in writing to bring letters or certificates of compliance and clearance during the vetting exercise from:

1. Ethics and Anti-Corruption Commission (EACC),
2. Kenya Revenue Authority (KRA),
3. Directorate of Criminal Investigations (DCI),
4. The Higher Education Loans Board (HELB)
5. Any of the credit Reference Bureaus

## **2.6 Committee meetings**

The committee held a total of seven meetings, and during one of the meetings on 25<sup>th</sup> 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 in charge of Education, Youth, Sports and Vocational Training.

In a meeting held on 13<sup>th</sup> October, 2022, the Committee resolved to invite the nominee for approval hearing at the County Assembly Mini Chamber on Tuesday 25<sup>th</sup> 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.

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The Committee complied with the Constitutional and legal requirements in its procedure for vetting. It ensured that there was public participation, transparency and openness in carrying out the vetting exercise.

Notifications and invitation of the general public to submit memoranda were placed in the mainstream print media on Saturday, 15<sup>th</sup> October, 2022 in line with the provision of Sections 91 and 95 of the County Governments Act 2012. By close of Business on Friday, 21<sup>st</sup> October, 2022 no written memorandum had been submitted to the office of the Clerk of the County Assembly.



### 3 ACKNOWLEDGEMENT

The Committee on Appointments wishes to thank the Office of the Speaker, the Office of the Clerk and staff of the County Assembly for the logistical support accorded to it during the vetting exercise and execution of the committee's mandate.

The Committee thanks all its members for their patience, sacrifice, endurance and commitment to serve the public under tight schedules which enabled it to complete the task within the stipulated period.

The Committee made a number of findings on the nominee during the vetting exercise. These findings guided the Committee in making its final recommendation. The Committee's final recommendations 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, 31<sup>st</sup> October, 2022.

SIGNED.....



DATE: .....

1<sup>ST</sup> NOVEMBER, 2022

**Hon. Cosmas Korir**

**Speaker and the Chairperson**

**Committee on Appointments**

#### 4 OWNERSHIP OF THE REPORT

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

No	NAME	POSITION	SIGN
1.	Hon. Cosmas Korir	Chairperson	
2.	Hon. Leonard Rotich	Member	
3.	Hon. Paul Kipyegon Kirui	Member	
4.	Hon. Stephen Changmorik	Member	
5.	Hon. Kibet Ngetich	Member	
6.	Hon. Rosaline Cheptoo	Member	
7.	Hon. Eric Kirui	Member	

**Dated this Monday, 31<sup>st</sup> day of October, 2022**



## 5 APPROVAL HEARING OF THE NOMINEE

### 5.1 Issues for Consideration

The Committee held a sitting on Tuesday 25<sup>th</sup> 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 her withdrawal from the approval process as outlined under section 7(12) of the Public Appointments (County Assemblies Approval) Act, 2017.
2. 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 Member 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 Tuesday, 25<sup>th</sup> October, 2022; and
6. THAT, the Committee would examine the nominees against the criteria set out in sections 7 and 8 of the Public Appointments (County Assemblies Approval) Act, 2017.

## **5.2 Submission of memoranda**

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

## **5.3 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;*

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- 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 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.*

*(4) A member of the County Executive committee shall not hold any other State or Public office.*



## **6 ORAL SUBMISSION FROM NGENO CHEPKORIR AGNES**

During its sittings held on Tuesday, 25<sup>th</sup> October 2022 at the County Assembly Mini Chambers, the Committee orally interviewed the nominee. The Minutes of the vetting proceedings are attached (Annex 5).

Ngeno Chepkorir Agnes, the nominee to the Office of the County Executive Committee Member in charge of Education, Youth, Sports and Vocational Training appeared before the Committee on Tuesday, 25<sup>th</sup> October 2022 at 9:00 AM and was vetted under oath 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:

### **6.1 Introduction**

#### **6.1.1 Date and place of Birth**

The nominee, a female Kenyan, Identity Card Number 22086785, was born in 1980 in Chebunyo Ward, Bomet County. The nominee confirmed to the committee that she is a Kenyan Citizen and does not hold any other citizenship. The nominee confirmed that she was in possession of all the original clearance documents and certificates as required by Chapter Six of the Constitution of Kenya, 2010.

#### **6.1.2 Academic and Professional Qualifications**

The nominee holds a Bachelor of Education degree from Moi University, Chepkoilel Campus, Kenya Certificate of Secondary Education from Moi

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Siongiroi and a Kenya Certificate of Education from Kiproroget Primary School in Bomet County.

### **6.1.3 Employment record**

In terms of work and professional progression, the nominee is a senior teacher at Ndaraweta Girls Secondary and acts as a Deputy Principal. She is the Head of Department, Assistant games teacher, class teacher and a sports coach. She is currently the Secretary Secondary of Kenya Union of Post Primary Education Teachers (KUPPET)

### **6.1.4 Honours and Awards**

The nominee was awarded a certificate of completion having attended a course on Public Procurement in Educational Institution on 30<sup>th</sup> December 2018.

### **6.1.5 Income and net worth**

The nominee informed the Committee that her current net worth is Kshs. 5.1 million including liabilities of Kshs. 1.68 million and assets of Kshs. 3.5 million.

## **6.2 General and Sector Specific Questions**

In order to assess the nominee's overall suitability to the position, the Committee examined the nominee on general and specific thematic areas which the nominee responded to as follows:



### 6.2.1 Relevant Experience to Portfolio

1. The committee noted that the nominee is the Acting Deputy Principal in Ndaraweta Girls. The committee pondered whether this should be the only management experience the nominee has had in her career. However, the nominee clarified that she's had vast experience in management at Bomet Central Sports Association as an official.
2. The nominee further submitted that she is a treasurer at Bomet Sports Association where the budget for the entire County is drawn. She is also a welfare official in the sports association where she manages resources of members.
3. The committee informed the nominee that in the docket she is supposed to fill, the budgetary allocation is Kshs. 400 million and employees in excess of 1200. The committee inquired how the nominee will account for every cent and the measures she'll deploy to ensure prudent use of funds. The nominee submitted that she will work hand in hand with the Chief Officers and other stakeholders to ensure prudent use of resources in her docket. She further stated that because her docket is vast, it is important to involve the members of the public through public participation so that their views and considerations are captured in the budget.
4. She further informed the committee that she understands budget development having been involved in it at the County Sports Association by ascertaining the priorities as per the availability of funds.



5. On policy making, the nominee submitted that she has been involved before especially on one that aimed at aiding students who are academically weak, reciprocate their abilities in sports.

### **6.2.2 Political Aspirations**

The nominee submitted that she vied for the Member of Parliament for Bomet Central in 2022, but lost. She further clarified that she believes that she has been nominated to this position because of her aggressiveness and purpose to serve the residents of Bomet County.

### **6.2.3 Infrastructure Support to Vocational Training Colleges**

1. On the scarcity of infrastructure at VTCs, she submitted that she would engage the County Assembly to increase allocation for infrastructure in all the 33 VTCs. She will liaise with the relevant authorities and various foreign sponsors to help equip these VTCs.
2. The nominee stated that it is important to uplift the trainers' morale by promoting them. This will motivate them stir more interest to work harder.
3. On her thoughts about linking VTCs with Industry, the nominee stated that she would introduce internship programme for youth. She will encourage interaction between the National polytechnic and the local VTCs for benchmark. This will influence the decision to have all artisan courses at the County level since the community will tend to understand the importance of these tertiary colleges.

4. The nominee believes that if the VTCs can be harnessed to become income generating centres by providing artisan courses where the youth will be able to acquire knowledge and acquire variety of skills such as carpentry and tailoring. The department will then liaise with Trade department and have the youth's products marketed even beyond County level.
5. She posited that her department will ensure that all VTCs will be well equipped with facilities such as electricity for smooth running of the institutions.
6. The nominee acknowledged that the IAAF stadium is a white elephant owing to the fact that Kshs. 258 million has been pumped to it and is still unfunctional. She is also aware that there's a tussle between Bomet County and Bomet University College over the ownership of land where the stadium lies. She proposed that she would involve the two parties at a table with the Lands registry official to charter the way forward and proposed to have the university get allocation of land elsewhere within the County.
7. On her view about having playing fields in all the sub counties, the nominee will invoke the various departments in the county to procure land to set up these fields.

#### **6.2.4 Paralympics and Deaflympics**

1. On the sustainability of the annual Paralympics and Deaflympics sports in the County, the nominee stated that she will strive to have all the fields properly equipped to nurture talents.



2. She will strive to have donors and partner with various institutions to elevate sports training in the County. She highlighted the victory of Gideon Rotich and Cherono Bii who represented Kenya in African Olympics and noted that their talents should be tapped and molded to greater heights.

#### **6.2.5 Early Childhood Development**

In forming strong foundation from Early Childhood Development, the nominee proposed that more ECD teachers should be employed so that student – teacher ratio is proportional.

The nominee asserted that all ECD centres should be complete and well equipped. More budgetary allocation should be made to ensure that this programme is sustainable.

On the County Milk Programme to students, the nominee applauded the Governor for it. It was in the opinion of the nominee that more budget allocation should be made to the programme so that the students can get the milk at least five times a week compared to the current three.

#### **6.2.6 Film Fund**

The nominee proposed that in order to safeguard the Film Fund against default, she will ensure that this fund is revolving. Clear guidelines and proper regulations should be set to avoid misuse of the fund.

She reiterated that marketing of the Film Fund products will be enhanced involving Trade department. This way the beneficiaries of the fund will be able to refund the money loaned.



### **6.2.7 Bomet County Bursary Fund**

1. The nominee mentioned the myriad of challenges that County bursary fund is facing. She informed the committee that the fund is meant for the needy and less fortunate students in the County. The Member of County Assembly should be able identify these students and forward their names to the Board. Transparency and accountability are paramount in the distribution of this fund.
2. The nominee further affirmed that the disbursement of this fund should be done promptly to ensure the smooth running of the learners and the institution.
3. She further stated that the bursary forms should be locally availed at the ward level for easy access to the students.

### **6.2.8 Internship**

With the discretion of the members of the County Assembly, the nominee informed the committee that she will distribute the internship opportunities to each and every ward such that is rotational. This will help deal with the challenges of nepotism, and favoritism in rolling out of the programme. Payment of stipends to the interns will be prompt.

She further averred that if approved, she will reinforce the 'hustler fund' to enable the youth be self-reliant.

### **6.3 Responses to questions posted via Facebook**

1. On her thoughts on the usage of machines at multinational companies that has rendered many youths jobless, the nominee emphasized that the youth should be trained in our VTCs on how to operate these machines and display these skills in the job market.
2. The nominee informed to the committee that she comprehends the roles and functions of the County Assembly as stipulated in the Constitution of Kenya, 2010. Checks and balances are important so that everybody is accountable for their actions.
3. The nominee submitted that Mental health for the youth is rampant because of the hard economic times. With the approval of the County Assembly, the department should roll out programmes for guidance and counseling for Bomet residents.
4. In her opinion on Competence Based Curriculum (CBC), the nominee submitted that CBC is better than the initial 8:4:4 System since this system molds learners for their preferred careers and not exam oriented. Further, she believes that the task force that has been constituted to evaluate the curriculum, shall submit a report recommending appropriate reforms that are convenient and affordable to parents.



## 7 COMMITTEE'S OBSERVATIONS ON KEY AREAS VETTED ON

After the vetting exercise, the committee made the following observations regarding the nominee;

**Academic Qualification:** The nominee holds a Bachelor of Education degree from Moi University, Chepkoilel Campus, a Kenya Certificate of Secondary Education from Moi Siongiroi and a Kenya Certificate of Education from Kiproroget Primary School in Bomet County.

- i. **Memoranda contesting the suitability of the Nominee:** There was no memorandum submitted to the committee challenging or supporting the nomination or otherwise of Ngeno Chepkorir Agnes as the County Executive Committee Member in charge of Education, Youth, Sports and Vocational Training as at the time of vetting and approval hearing
- ii. **Communication and Presentation (Promptness, appearance, neatness):** The nominee has rich experience in academia. She presented herself with decorum and decency.
- iii. **Education and Training (Relevance to the portfolio):** The nominee proved to the Committee that her education and trainings are relevant to the portfolio.
- iv. **Appreciation and understanding relevant legislation:** The nominee is conversant with the relevant laws of Kenya, the relevant policies and the functions of the department of Education, Youth, Sports



and Vocational Training as per the Governors Executive order No. 1 of 2022 on the reorganization of County Government.

- v. **Work experience as it relates to the position:** The nominee has experience in the teaching fraternity and thus making her experience relevant to the portfolio being vetted for. She is also a sports enthusiast.
- vi. **Decision making and problem-solving skills;** The nominee demonstrated practical solution to the challenges affecting Education, Youth, Sports and Vocational Training.
- vii. **Integrity:** The Committee noted the following with regards to documents submitted by the nominee:

SNO.	Documents	Remarks
1.	National Identification Card/passport	The nominee submitted her National ID card No. 22086785 confirming that she is a Kenyan citizen.
2.	KRA compliance	During the vetting exercise, the nominee submitted valid <b>KRA tax compliance certificate.</b>
3.	Higher Education Loans Board (HELB)	During the vetting exercise, the nominee submitted valid <b>HELB compliance</b>

		<b>certificate issued with a Certificate No. 418714 in the year 2022.</b>
4.	Clearance from EACC	The nominee submitted a sworn self-declaration form to EACC as required under the Leadership and Integrity Act.
5.	Clearance from The Criminal Investigation Department.	The nominee submitted a valid police clearance certificate (C24A) dated 17 <sup>th</sup> March 2022.
6.	Clearance from professional bodies	The nominee is not a member of any professional body
7.	Clearance from Credit Reference Bureau	The nominee submitted a valid CRB clearance dated 22 <sup>nd</sup> February 2022.
8.	County Assembly vetting questionnaire	The nominee submitted a filled questionnaire indicating that she is Kenyan and her place of permanent and current residence is Bomet.

viii. **Knowledge and Experience in the relevant field**

The nominee exhibited clear understanding on the relevant portfolio and the existing challenges



## **8 COMMITTEES'S FINDINGS**

The Committee made the following findings:

1. The nominee satisfied all the requirements of Section 35 of the County Governments Act, 2012.
2. The nominee satisfied Chapter six of the Constitution of Kenya 2010 on Leadership and Integrity and the Leadership and Integrity Act.
3. At the end of the vetting and approval hearing process, the Committee recommended the approval of the nomination of the nominee due to the mentioned Committee observations and findings.

## 9 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 **Ngeno Chepkorir Agnes** for the position of County Executive Committee Member in charge of **Education, Youth, Sports and Vocational Training**.