



**COUNTY ASSEMBLY OF BUNGOMA
SECOND ASSEMBLY- FOURTH SESSION**

**COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING, TRADE,
ENERGY AND INDUSTRIALIZATION**

**REPORT ON THE VETTING OF THE NOMINEE FOR
APPOINTMENT TO THE POSITION OF CHIEF OFFICER, TRADE
ENERGY AND INDUSTRIALIZATION**

**Clerks Chambers
County Assembly Buildings
PO BOX 1886,
BUNGOMA, KENYA**

August, 2020

ABBREVIATIONS

CoK	-Constitution of Kenya, 2010
CGA	-County Government Act, No. 12 of 2012
H.E	-His Excellency
CPSB	- County Public Service Board
PFM	-Public Finance Management
CECM	County Executive Committee Member
KACE	Kenya Advanced Certificate of Education
KCE	Kenya Certificate of Education
CPE	Certificate of Primary Education

1.0 PREFACE

Mr. Speaker Sir, Honorable members, on behalf of the Committee on Lands, Urban, Physical Planning, Trade Energy and Industrialization and pursuant to the provisions of Standing Order No. 196 (5) (f) of the Bungoma County Assembly, it is my pleasure and duty to present to the House, the Committee's report on the Vetting of the nominee for Appointment to the position of Chief Officer, in the County Department of Trade, Energy and Industrialization.

1.1 Committee Membership

Mr. Speaker Sir,

The following are the Members of the Committee on Lands, Urban, Physical Planning, Trade, Energy and Industrialization:

Name	Designation
1. Hon. Hamphrey Sifuna	Chairperson
2. Hon. Metrine Nangalama	Vice Chairperson
3. Hon. Henry Majimbo	Member
4. Hon. Joseph Magudah	Member
5. Hon. BethwellMwambu	Member
6. Hon. Ben Kipkut	Member
7. Hon. Vitalis Wangila	Member
8. Hon. Sospeter Nyongesa	Member
9. Hon. George Makari	Member
10. Hon. Sitati Makhandia	Member
11. Hon. Peter Sindani	Member
12. Hon. Charles Nangulu	Member
13. Hon. Joan Lutukai	Member
14. Hon. Eunice Kirui	Member
15. Hon. Sophia Marumbu	Member

1.2 Mandate of the Committee

Mr. Speaker, Sir the Sectoral Committee on is constituted pursuant to the provisions of Standing Order No.196 of the County Assembly of Bungoma and has executed its mandate in accordance with the aforementioned provisions of the said Standing Order; in particular Standing Order 196 (5) provides that the Committee shall:

- (a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned*

- departments;*
- (b) study the programme and policy objectives of departments and the effectiveness of the implementation;*
 - (c) study and review all county legislation referred to it;*
 - (d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;*
 - (e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them 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 185 (Committee on Appointments); and*
 - (g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

1.3 METHODOLOGY

The committee applied the following methods to come up with this report;

- I. Committee meetings
- II. Conducting vetting exercise at the County Assembly Chambers
- III. Perusing and analyzing testimonials and other documents for the nominee
- IV. Receiving and considering oral views and written submission from the nominee

1.4 TERMS OF REFERENCE

1. To consider and vet the nominee for the position of Chief Officer, Trade Energy and Industrialization **Mr. Stephen Wamalwa Makhanu.**
2. To make relevant recommendations on the respective nominee for consideration and adoption by the County Assembly.

1.5 TOOLS OF REFERENCE

The committee made reference to the following documents to inform its observations, findings and recommendations;

1. The Constitution of Kenya, 2010
2. The County Governments Act, 2012
3. County Assembly of Bungoma Standing Orders
4. The Public Appointments (County Assemblies Approval) Act, 2017
5. Public Finance Management Act, 2012
6. Leadership and Integrity Act, 2012
7. Submissions from the Bungoma County Public Service Board (CPSB)
8. Submissions from the nominee during approval vetting exercise.

1.6 ACKNOWLEDGEMENT

The committee expresses its gratitude to the Office of the Honorable Speaker for the permission to sit outside the Assembly precincts and the guidance offered to the committee throughout the exercise.

The committee also thanks the Office of the Clerk and the secretariat for the facilitation provided throughout the process of coming up with this report.

Finally the committee acknowledges the nominee for his presentation and cooperation throughout the exercise and members of the public during the vetting and approval exercise.

It is therefore my pleasant duty and privilege, on behalf of the Committee on Lands, Urban, Physical Planning, Trade, Energy and Industrialization to table this report and recommend its adoption by the County Assembly.

Signed.....Date.....

HON. HUMPHREY SIFUNA

**CHAIRPERSON, COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING,
TRADE, ENERGY AND INDUSTRIALIZATION**

2.0 COMMITTEE DELIBERATIONS

2.1.0 Functions of County Chief Officers

Mr. Speaker Sir,The committee noted that in order to carry out an effective vetting exercise, it was necessary for the members to acquaint themselves with the functions of the County Chief Officers to enable them vet the nominee against the functions to be performed and the requirements of the position. Members observed that pursuant to section 45 of the County Governments Act, 2012 the -

1. The office of a County Chief Officer shall be an office in the County Public Service.
2. A County Chief Officer shall be responsible to the respective County Executive Committee Member (CECM) for the administration of a County Department as provided under section 46 of the same Act.
3. The County Chief Officer shall be the authorized officer in respect of exercise of delegated power.

The committee also noted the provisions of the PFM Act 2012, Section 149 (1) (2) (a-r) which further outlines the responsibilities of an accounting officer designated by County Government entities.

2.1.1 Appointment process of nominee (s) to the position of Chief Officer, Trade Energy & Industrialization

Mr. Speaker Sir,The County Public Service Board (CSPB) advertised for the positions of the County Chief Officers in the **Daily Nation** and **Standard Newspaper** on **Thursday 19th December, 2019** (See annexure 1) of which eleven (11) applicants were shortlisted and invited for interviews for the position of County Chief Officer, Trade, Energy & Industrialization. (See annexure 2)

The shortlisted candidates were put in the print media and interview was carried out from **3rd to 9th April, 2020**.

In accordance with the provisions of Section 45 (1) of the County Governments Act, 2012, H.E. the Governor forwarded to the Speaker of the County Assembly, the nomination of **Mr. Stephen Wamalwa Makhanu** to the position of Chief Officer, Trade, Energy & Industrialization vide a letter REF CG/BGM/GVN/CA/VOL. 1 (30) dated **29th July 2020** for vetting and consideration for approval by the County Assembly. (See annexure 3)

On Tuesday **4th August 2020**, the Honorable Speaker in a communication to the House pursuant to Standing Order 42 (1) informed the House that; his office was in receipt of a notification of the nomination of Chief Officers and committed the nominees to the respective County Assembly Sectoral Committees for vetting and reporting to the House pursuant to the provisions of the Public Appointments (County Assemblies) Approval Act, 2017.

2.1.2 Notification to the public

Mr. Speaker Sir, Section 7 (10) of the Public Appointments (County Assemblies) Approval Act, No.5 of 2017 provides that “any person may, prior to the approval hearing and by a written statement on oath, provide the Clerk of the County Assembly with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”.

Subsequently, **on 11th August 2020**, the Clerk of the County Assembly placed an advertisement in the print media and the County Assembly website inviting the public to attend the vetting sessions and submit memoranda by way of written statement on oath (sworn affidavit) on the suitability or otherwise of the nominee in conformity with the aforementioned provisions of the law. (See annexure 4)

In the same advert, 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 hearings.

This Committee was satisfied that the County Assembly had complied with provisions of Article 179 (2) of the Constitution of Kenya 2010, section 45 of the County Governments Act, **2012 and section 7 (5)** of the Public Appointments (County Assemblies Approval) Act, 2017 on the notification to the nominee and the public.

2.1.3 VETTING OF THE NOMINEE

The nominee appeared before the Committee on **Tuesday 18th, August 2020 at 9.30 a.m** and was vetted in accordance with the provisions of the Constitution of Kenya, 2010, Public Appointments (County Assemblies) Approval Act, 2017 and the Bungoma County Assembly Standing Orders on his suitability for appointment to the position of Chief Officer, Trade, and Energy & Industrialization. The Committee held a total of four meetings in consideration of this matter.

The committee examined the nominee against the following criteria, amongst others, as set out in the Public Appointments (County Assemblies Approval) Act No. 5 of 2017:

- i. Academic qualifications
- ii. Employment record and work experience
- iii. Professional affiliations
- iv. Potential conflict of interest
- v. Knowledge of the relevant subject
- vi. Overall suitability for the position
- vii. Integrity
- viii. Vision and leadership

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. 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 Directorate of Criminal Investigation (DCI)
- vi. Clearance Certificate from Credit Reference Bureau (CRB)

VETTING OF MR. STEPHEN WAMALWA MAKHANU ID NO: 10858826

Mr. Speaker Sir, Mr. Stephen Wamalwa Makhanu appeared before the Committee on **Tuesday 18th August, 2020** and was informed by the Chairperson that, pursuant to Section 7(10) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017, the Committee invited submissions from the public on his suitability or otherwise for appointment to the position of Chief Officer.

However, by the time the Committee was about to start the vetting, the Committee had not received any submission or memorandum from the public.

Further, in compliance with the dictates of Conflict of interest as envisaged in Section 16 (3) of the Leadership and Integrity Act, 2012, The Honourable chair stepped down from the vetting of

this nominee citing that the nominee was well known to him and is a voter in his ward thereby allowing the Vice Chairperson to assume the seat of the Chair

Nominee`s Submissions

The nominee in regard to his suitability for appointment as the Chief Officer, Trade, Energy & Industrialization submitted as follows:

(a) Identity

The names as indicated in the identity card was Stephen WamalwaMakhanu, KCE- Kenya Certificate of Education, Bachelor of Arts Certificate and Letter of Appointment read the names (Stephen W.L Makhanu) and KACE- Kenya Advanced Certificate of Education read the name (Makhanu W.L Stephen) whereas the Higher Education Loans Board Certificate read (Makhanu S.W Lutaso)hence the differing of the names. The nominee submitted that the names appearing in the certificates were his. The nominee requested the Committee to grant him time within which to furnish the committee with a sworn affidavit to officiate the names. The committee acceded to the request and resolved that the same document be availed before the compilation of the vetting report. The sworn affidavit was later tabled before the Committee on Wednesday 19th August, 2020. (See annexure 5).

The Committee noted that the nominee is a resident of Syekumulo Village, Bumula Sub location, Bumula location, Bumula Ward, Bumula Constituency in Bungoma County.

The Nominee described himself to be dynamic, resourceful, result oriented person with strong sense of motivation driven to achieve goals. He possessed good managerial and inter-personal skills.

(b) Academic Qualifications

- a) He is currently studying for a Master`s of Arts Degree in Project Planning and Management in the University of Nairobi.
- b) He is a graduate of Moi University with a Bachelor of Arts Degree in Anthropology and Geography attained in 1994.
- c) He holds a Kenya Advanced Certificate of Education from Kibabii High School attained in 1989.

d) He holds a Kenya Certificate of Education from Mwihila Boys attained in 1987 and Certificate of Primary Education from Syekumulo Primary attained in 1983.

(c) Professional Training

He attended various professional trainings ranging from Early Childhood Development at the Aga Khan Foundation, Civic Education Programme on the Constitution of Kenya, Government Human Resource Information System organized by the Ministry of State for National Heritage and Culture to Management Skills Development at the Kenya School of Government among other trainings.

(d) Employment Record

The nominee has a cumulative working experience of twenty two (22) years, having worked as a teacher, District Cultural Officer in the then Ministry of National Heritage and Culture and Social Services in Busia County and later deployed as a Principal Alcoholic Drinks and Drug Abuse Control Officer in line with the new Constitutional dispensation and rose through the ranks to Acting Director of Culture in Busia County Government a position he holds currently.

(e) Potential Conflict of Interest

The questionnaire filled by the nominee indicated that there were no areas that would create potential conflict of interest. In his oral submission, he indicated that should such a case arise, then he would declare his interest and disqualify himself from participating in that process.

(f) Knowledge of the Relevant Field

During the vetting exercise, the nominee demonstrated knowledge, skills, experience and expertise in leadership and institutional management. He was conversant with the roles, duties and responsibilities of a Chief Officer as well as the requisite laws related to the position.

(g) Overall Suitability for the Position

In his presentation, he appeared knowledgeable, exposed and with twenty two years' experience in public service where he served in leadership and management levels.

The nominee submitted academic credentials to the Committee that he was qualified to be appointed to the position because he had the necessary academic qualifications.

The committee observed that the nominee met all the stipulated Constitutional and Statutory requirements for nomination and approval to the position.

(h) Tax Compliance

The nominee fully complied with all his tax obligations and issued with a valid tax Compliant Certificate issued on 26th February, 2020.

(i) Integrity

At the time of the approval hearing, the nominee furnished the Committee the clearance documents in regard to Chapter Six on Leadership and Integrity Act as substantiation that he had no integrity issues.

He had a valid Police Clearance Certificate Vide Ref PCC.-QPT6WRE dated 17th August 2020

He was beneficiary of the Higher Education Loans Board Scheme and submitted certificate of clearance Vide No. 64533 issued on 11th December, 2013.

The nominee had a valid Clearance Certificate No. MCRB/C868669 from the Credit Reference Bureau issued on 21st January 2020.

In addition, the nominee did attach a copy of a Certificate from the Ethics and Anti-Corruption Commission. Therefore, he had fully complied with the laid down requirements of being appointed to the said position.

3.0.COMMITTEE`S OBSERVATIONS

The committee makes the following observations regarding the nomination of Mr. Stephen WamalwaMakhanu:

1. That, the interrogation of the nominee yielded the results as outlined in the table below:

No	Criteria	Remarks
1.	Questionnaire to be filed in full	Satisfactory
2.	A minimum of a degree from a recognized university	Satisfactory

3.	Education/training (Relevant to the Position)	Satisfactory
4.	Understanding of the position to which the candidate is proposed for appointment	Satisfactory
5.	Experience relevant to the position -10 years' experience, 5 years in Administration and management	Satisfactory
6.	Clearance from Ethics and Anti-Corruption Commission(EACC)	Submitted
7.	Clearance from Higher Education Loans Board(HELB)	Submitted
8.	Clearance from Kenya Police Service (Certificate of Good Conduct)	Submitted
9.	Clearance from Credit Reference Bureau(CRB)	Submitted
10.	Clearance from Kenya Revenue Authority(KRA)	Submitted
11.	Knowledge of government management systems related to being a County Chief Officer	Satisfactory
12.	Understanding of relationship with County Executive Committee	Satisfactory
13.	Presentation(Promptness, neatness of resume/application, appearance)	Satisfactory
13.	Decision making/ problem solving skills	Satisfactory
14.	I.D Card/Passport	Submitted
15.	Curriculum Vitae, personal credentials and academic certificates	Submitted

2. That the nominee applied for the position that he was vetted for and followed due recruitment process as required by Section 45 (1) of the County Governments Act, 2012.
3. That H. E the Governor complied with provisions of Article 232 of the Constitution of Kenya 2010, Sections 45 and 66 of the County Governments Act, 2012 and Section 7 of the Public Appointment (County Assemblies Approval) Act, 2017 on the nomination of the nominee.

4. That no memorandum was received from the members of the public on the suitability of the nominee for the stated position.

4.0 COMMITTEE'S RECOMMENDATION

1. THAT pursuant to section 45 (1) of the County Governments Act, 2012, section 8 of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 and Standing Order 196 (5) (f) of the Bungoma County Assembly, the Committee recommends that this House **approves** the nomination of **Mr. Stephen WamalwaMakhanu** for appointment by His Excellency, the Governor for the position of Chief Officer, Trade, Energy & Industrialization, in the Department of Trade, Energy & Industrialization in the County Government of Bungoma.

ANNEXES

- Annexure 1 Bungoma County Public Service Board (CSPB) advertisement for the positions of the County Chief Officers
- Annexure 2 Bungoma County Public Service Board (CSPB) advertisement for the shortlist of the County Chief Officers shortlisted candidates
- Annexure 3 Forwarding of the nominees to the County Assembly by H.E. the Governor
- Annexure 4 Notification to the Public by the Bungoma County Assembly
- Annexure 5 Affidavit for the nominee
- Annexure 6 Compliance certificate from the Kenya Revenue Authority
- Annexure 7 Compliance Certificate from the Higher Education Loans Board (HELB)
- Annexure 8 Compliance Certificate (Good Conduct) from the Kenya Police.
- Annexure 9 Compliance with the Ethics and Anti-Corruption Commission (EACC)
- Annexure 10 Compliance from the Credit Reference Bureau (CRB)
- Annexure 11 Curriculum Vitae

ADOPTION SCHEDULE

We the undersigned members of the Lands, Urban, Physical Planning, Trade, Energy and Industrialization Committee today, 24th August 2020, append our signatures adopting this report with the contents therein.

No.	NAME	DESIGNATION	SIGNATURE
1.	Hon. Humphrey Sifuna	Chairperson	
2.	Hon. Metrine Nangalama	Vice chairperson	
3.	Hon. Henry Majimbo	Member	
4.	Hon. Joseph Magudah	Member	
5.	Hon. Bethwell Mwambu	Member	
6.	Hon. Ben Kipkut	Member	
7.	Hon. Hon. Joan Lutukai	Member	
8.	Hon. Sospeter Nyongesa	Member	
9.	Hon. George Makari	Member	
10.	Hon. Sitati Makhandia	Member	
11.	Hon. Peter Sindani	Member	
12.	Hon. Charles Nangulu	Member	
13.	Hon. Vitalis Wangila	Member	
14.	Hon. Eunice Kirui	Member	
15.	Hon. Sophia Marumbu	Member	