

COUNTY GOVERNMENT OF BUNGOMA



COUNTY ASSEMBLY OF BUNGOMA

SECOND ASSEMBLY –FOURTH SESSION

COMMITTEE ON PUBLIC ADMINISTRATION AND ICT

**REPORT ON THE VETTING OF THE NOMINEE FOR
APPOINTMENT TO THE POSITION OF CHIEF OFFICER,**

**PUBLIC SERVICE MANAGEMENT AND
ADMINISTRATION**

**Clerk's Chambers
County Assembly Buildings
PO BOX 1886,
BUNGOMA, KENYA**

August, 2020

Table of contents

ABBREVIATIONS.....	3
CHAPTER ONE.....	4
1.0 PREFACE	4
1.1 Committee Membership.....	4
1.2 Mandate of the Committee	5
1.3 Acknowledgement.....	6
CHAPTER TWO	7
2.0 COMMITTEE DELIBERATIONS	7
2.1 Criteria for Vetting	7
2.1.0 Appointment process of the nominee.....	7
2.2. Notification of the County Assembly.....	8
2.3 Notification to the public	9
2.3.1. Compliance.....	9
CHAPTER THREE	10
3.0 VETTING OF THE NOMINEE	10
3.1.0. Submission of relevant documents from the nominee.....	10
3.2 Vetting of Mr. Abidan Kimkerick Kapchanga.....	11
3.2.1. Nominee’s Submissions	11
CHAPTER FOUR.....	16
4.0. COMMITTEE FINDINGS, OBSERVATIONS AND RECOMMENDATIONS	16
4.1 RECOMMENDATION OF THE COMMITTEE.....	18
5.0 ADOPTION SCHEDULE.....	19

ABBREVIATIONS

C.A	- County Assembly
C.o.K	-Constitution of Kenya, 2010
C.G.A	-County Governments Act, No. 12 of 2012
H.E	-His Excellency
CPSB	- County Public Service Board
PFMA	-Public Finance Management Act/
FOSA	-Front Office Savings Account

CHAPTER ONE

1.0 PREFACE

Mr. Speaker Sir,

Honorable members, on behalf of the Committee on Public Administration and ICT 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, Public Service Management and Administration.

1.1 Committee Membership

Mr. Speaker Sir,

The following are the Members of the Committee on Public Administration and ICT:

- | | |
|----------------------------|------------------|
| 1. Hon Henry Majimbo Okumu | Chairperson |
| 2. Hon. Violet Makhanu | Vice Chairperson |
| 3. Hon. Stephen Wafula | Member |
| 4. Hon. Joseph Juma | Member |
| 5. Hon. Francis Chemion | Member |
| 6. Hon. Meshack Simiyu | Member |
| 7. Hon. Joseph Magudah | Member |
| 8. Hon. Elly Tindi | Member |
| 9. Hon. Joan Kirong | Member |
| 10. Hon. Jack Wambulwa | Member |
| 11. Hon. James Mukhongo | Member |
| 12. Hon. Hillary Kiptalam | Member |
| 13. Hon. Tony Barasa | Member |
| 14. Hon. Erick Wapang`ana | Member |
| 15. Hon. Luke Opwora | Member |

1.2 Mandate of the Committee

Mr. Speaker, Sir

The Sectoral Committee on Public Administration and ICT 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 Acknowledgement

Mr. Speaker,

The Committee is particularly grateful to the Offices of the Hon. Speaker and that of the Clerk of the County Assembly of Bungoma for the support received as it discharged its mandate.

Further, the Committee is greatly indebted to the committee members for their overwhelming participation in the entire process. It is as a result of their commitment and dedication to duty that the work of the Committee and production of this report came to fruition.

The significant role played by the Secretariat for their steadfastness in the compilation and completion of this report cannot be overlooked.

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.

I wish to confirm that the recommendations of the Committee in this report were unanimous. It is therefore my pleasant duty and privilege, on behalf of the committee of Public Administration and ICT, to table this report and recommend its adoption by the County Assembly.

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

**HON. HENRY MAJIMBO OKUMU-MCA KHALABA WARD
CHAIRPERSON
COMMITTEE ON PUBLIC ADMINISTRATION AND ICT**

CHAPTER TWO

2.0 COMMITTEE DELIBERATIONS

2.1 Criteria for Vetting

Issues for consideration in conducting the approval hearing-

Mr. Speaker, the issues for consideration by the relevant County Assembly in relation to any nomination as stipulated in the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 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.

2.1.0 Appointment process of the nominee

Section 45 of the County Governments Act 2012, establishes the office of the County Chief Officer. The section provides that the Governor nominates and with the approval of the County Assembly appoints County Chief Officers.

Section 45 (1) of the County Governments Act 2012 stipulates 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.

The County Public Service Board (CPSB) advertised for the positions of the County Chief Officers in the Daily Nation and Standard Newspapers of **Thursday 19th December, 2019**. Forty six (46) candidates applied for the positions for the Chief Officer Public Service Management and Administration; out of which twenty five (25) applicants were shortlisted and invited for interviews. The shortlisted candidates, date, time and venue for the interview were posted on the Bungoma County Government Website as per the notice on the Standard Newspaper for Saturday March 28, 2020. The interview was carried out from **3rd to 9th April, 2020**.

2.2. Notification of the County Assembly

In accordance with the provisions of Section 45(1) of the CGA 2012, H.E. the Governor forwarded to the Speaker of the County Assembly, the notification of nomination of Chief Officers, among them, Mr. Abidan Kimkerick Kapchanga, vide a letter dated **29th July, 2020** for vetting by the Committee on Public Administration and ICT and for consideration and approval by the County Assembly for appointment as Chief Officer Public Service Management and Administration.

On **Tuesday 4th August 2020**, the Honorable Speaker in a communication to the House pursuant to Standing Order 42(1) informed the House that; he had received the notification of the nomination of Chief Officer Public Service Management and Administration and committed the name to the Public Administration and ICT committee for vetting and reporting to the House pursuant to the Public Appointments (Approval) Act, No.5 of 2017.

2.3 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 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 advert in the Standard Newspaper and the County Assembly Website inviting the public to attend the vetting sessions and submit memoranda by way of written statement on the suitability or otherwise of the nominee in conformity with Section 7(10) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017. 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 hearing.

2.3.1. Compliance

The committee noted that H.E. the Governor complied with provisions of Article 232 of the CoK as read together with Section 45 of the CGA,2012 and Public Appointments (County Assemblies Approval) Act, No.5 of 2017 on the notification to the nominee and the public.

CHAPTER THREE

3.0 VETTING OF THE NOMINEE

In conducting the vetting process, 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

3.1.0. Submission of relevant documents from the nominee

The public notice circulated by the Clerk through the Standard Newspaper of 11th August, 2020 informed the nominee of the required documents on the vetting day as follows:

- i. National Identity Card or passport
- ii. Curriculum Vitae and personal credentials
- iii. Compliance certificate from Kenya Revenue Authority (KRA)
- iv. Clearance or compliance certificate from Higher Education Loans Board (HELB)
- v. Clearance certificate from Ethics and Ant-corruption commission (EACC)
- vi. Certificate of good conduct from National Police Service (DCI)
- vii. Clearance from the respective professional bodies

viii. Clearance certificate from Credit Reference Bureau(CRB)

3.2 Vetting of Mr. Abidan Kimkerick Kapchanga

Mr. Abidan Kimkerick Kapchanga appeared before the Committee on Thursday 20th August 2020, and was orally interviewed under Oath. He was informed by the Chairperson that, pursuant to Section 7(10) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017, that the Committee invited submissions from the public on his suitability or otherwise for appointment to the position of Chief Officer. However, by the time of vetting, the Committee had not received any submission or memorandum from the public.

3.2.1. Nominee's Submissions

The nominee in regard to his suitability for appointment as the Chief Officer, Public Service Management and Administration presented to the Committee as follows;

Date and Place of Birth

The nominee is a Kenyan citizen born on 1st January 1981 in Mt. Elgon.

Professional Training

The nominee has training in the following areas

- a) He is currently pursuing a Master's Degree in Business Administration from Kenyatta University.
- b) The nominee is a holder of a Bachelor's Degree of Commerce (Accounting option) from Egerton University.
- c) He has undertaken a Diploma in Banking from Kenya school of monetary studies.

- d) He attended Cheptais Secondary school for his KCSE.
- e) He attended Chemondi primary school for his KCPE.

Employment Record

- f) He worked at the Cooperative Bank of Kenya where he served in various capacities between January 2005 to November 2017; rising to the position of Operations Manager.
- g) He also worked at Elgon Teachers' Sacco Society limited as FOSA supervisor between January 2003 to December 2004.

Potential Conflict of Interest

He did not indicate in the vetting questionnaire if there were any **areas that** would create potential conflict of interest.

Asked during vetting, he informed the committee that there were none.

Tax Compliance

He fully complied with all his tax obligations.

Criminal record

He provided a valid police clearance certificate number PCC-AAAMOCT8 indicating he had no criminal record.

Integrity

He submitted a self-declaration form submitted to the EACC on 30th December 2019.

In the declaration form he stated that:

- a) He has never been dismissed from employment on lack of integrity.
- b) He has never abused a public office

- c) He has never misrepresented information to the public
- d) He has never been engaged in wrongful conduct whilst in the furtherance of personal benefit.

On the circumstances under which he left his employment at the Cooperative bank, he provided a certificate of service from the bank which indicated that he joined on 10th January 2005 and left on 16th November 2017.

He informed the committee that his contract was mutually terminated by the bank.

Clearance from HELB

He was not a beneficiary of the Higher Education Loans Board Scheme and he submitted a certificate, serial number, 208050 proving that he had been cleared in by the board on 29th October, 2019.

Clearance from CRB

The nominee presented a valid clearance certificate from Credit Reference Bureau.

Overall Suitability for the Position

- a) He had vast knowledge, exposure and experience of over 13 years in the banking sector where he left at a Managerial level.
- b) The nominee submitted academic credentials to the Committee which proved that he had a Bachelor's Degree from Egerton University which is recognized in Kenya.
- c) He had excellent communication, organizational and interpersonal skills.
- d) He demonstrated the ability to work in a multi-ethnic environment with sensitivity and respect for diversity.

Knowledge of the Relevant Field

- a) The nominee demonstrated understanding of the specific duties and responsibilities of a County Chief Officer. The committee posed several questions to the nominee on his past work experience and knowledge of the Public Service sector and he responded effectively.
- b) On the relevance of his academic qualifications to the position, the nominee stated that while working at the bank, he was in charge of preparing budgets and supervising officers, functions he linked to those of a Chief Officer. He added that his roles included both accounting and administrative including controls, staff management, conflict resolution and responding to statements.
- c) He committed to ensure prudent use of public resources under his docket.
- d) The nominee had general knowledge on the budgetary cycle, documents used in fiscal planning and budget allocation. He singled out the PFM Act and the Constitution as some of the primary reference documents in his work.

General Questions to the nominee

- a) On how he would deal with Imprests within his department should he be confirmed, he pointed out that he will act within the law but he is also flexible and not rigid as perceived.
- b) On his role in a case filed in the Employment and Labour relations court in Kisumu, he indicated that the case was filed in public interest to deter banks from arbitrary dismissal of their employees. The case is still pending before court.
- c) On his net worth he indicated that he owned assets worth Kshs 50 Million.
- d) On the relationship between the County Assembly and the County Executive, he averred that there is need to harmonize the working relationship between the two arms of County Government. He stated that he was a professional and is conversant with both National and County government structures and will

therefore instill professionalism in the public service and work hand in hand with other stakeholders.

CHAPTER FOUR

4.0. COMMITTEE'S FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

Mr. Speaker, the committee made the following observations:

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

Mandatory Documents

No	Criteria	Remarks
1.	Questionnaire to be filed in full	Satisfactory
2.	Proof of Kenyan Citizenship(I.D card/Passport)	Proofed.
3.	Curriculum Vitae, personal credentials and academic certificates	Submitted and Valid
4.	Compliance certificate from Kenya Revenue Authority(KRA)	Submitted and Valid
5.	Clearance certificate from Higher Education Loans Board(HELB)	Submitted and Valid
6.	Clearance certificate from Ethics and Anti-Corruption Commission(EACC)	Submitted and Valid
7.	Certificate of good conduct from National Police Service Directorate of Criminal Investigation(DCI)	Submitted and Valid
8.	Clearance from respective Professional bodies	Not applicable
9.	Clearance Certificate from Credit Reference	Submitted and Valid

Bureau(CRB)	
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2. Assessment Based On Suitability

No.	Criteria	Marks available	Marks awarded	Remarks
1.	Work experience(as it relates to the position)	25	18.30	Good
2.	Education/ training (relevant to the position)	25	16.46	Good
3.	Interest in and knowledge relating to specific position	15	10.62	Good
4.	Communication skills (written/oral)	10	8.08	Very Good
5.	Presentation(Promptness, neatness of resume/application, appearance)	10	8.31	Very Good
6.	Decision making/ problem solving skills	15	9.77	Good
	Total marks	100	71.54	Good

3. **THAT**, His Excellency the Governor and the County Public Service Board complied with provisions of Article 232 of the CoK 2010, as read together with Sections 45 and 66 of the CGA, 2012 and Section 6 of the Public Appointments (County Assemblies Approval) Act, No.5 of 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.

5. **THAT**, Mr. Abidan Kimkerick Kapchanga has no adverse report as per the National Intelligence Service report dated 20th August 2020; reference number BGM/NIS/POL F.50/4/VOL. 1(5).
6. The Committee found Mr. Abidan Kimkerick Kapchanga suitable for appointment as the County Chief Officer, Public Service Management and Administration.

4.1 RECOMMENDATION OF THE COMMITTEE

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. Abidan Kimkerick Kapchanga; as Bungoma County Chief Officer, Public Service Management and Administration.

5.0 ADOPTION SCHEDULE

We the undersigned members of the Public Administration and ICT Committee append our signatures adopting this report with the contents therein.

No.	NAME	DESIGNATION	SIGNATURE
1.	Hon. Majimbo Okumu	Chairperson	
2.	Hon. Violet Makhanu	Vice chairperson	
3.	Hon. Stephen Wafula	Member	
4.	Hon. Joseph Juma	Member	
5.	Hon. Francis Chemion	Member	
6.	Hon. Meshack Simiyu	Member	
7.	Hon. Joseph Magudah	Member	
8.	Hon. Elly Tindi	Member	
9.	Hon. Joan Kirong	Member	
10.	Hon. Jack Wambulwa	Member	
11.	Hon. James Mukhongo	Member	
12.	Hon. Hillary Kiptalam	Member	
13.	Hon. Tony Barasa	Member	
14.	Hon. Erick Wapang'ana	Member	
15.	Hon. Luke Opwora	Member	

Annexures

1. Curriculum vitae
2. Chapter 6 compliance documents