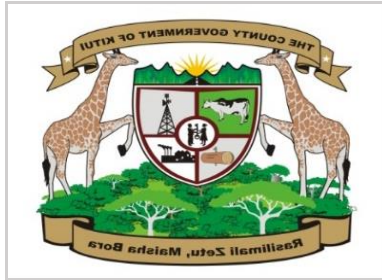


COUNTY GOVERNMENT OF KITUI



THE COUNTY ASSEMBLY OF KITUI

SECOND ASSEMBLY – SECOND SESSION

**THE COMMITTEE ON ENVIRONMENT, ENERGY AND MINERAL
INVESTMENT DEVELOPMENT**

**REPORT ON THE VETTING
OF
COUNTY CHIEF OFFICER, MINISTRY OF ENVIRONMENT AND
NATURAL RESOURCES**

**MR BENJAMIN KIOKO KIILU THE NOMINEE FOR APPOINTMENT AS
THE COUNTY CHIEF OFFICER DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES.**

CLERK OF ASSEMBLY CHAMBER'S

P. O BOX 694

KITUI

MARCH, 2018

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1.0 PREFACE

Mr. Speaker Sir,

On behalf of the Members of the Committee on Environment, Energy and Mineral Investments Development and pursuant to the provisions of the Standing Order No. 190 (5) (f), it is my pleasure and duty to present to the Assembly, the Committee's report on the vetting of the nominee for appointment as County Chief Officer for the Ministry of Environment and Natural Resources.

1.1 COMMITTEE ESTABLISHMENT AND MEMBERSHIP

Mr. Speaker Sir,

The Sectoral Committee on Environment, Energy and Mineral Investments Development was established pursuant to the provisions of Standing Order No. 190 and it comprises of the following Members:

- | | |
|---------------------------------------|------------------|
| 1. Hon. Jacob Mbaya Kavolonza Musyoka | Chairperson |
| 2. Hon. James Mbuvi Wangunze Kula | Vice Chairperson |
| 3. Hon. James Munuve | Member |
| 4. Hon. Alex Mutambu Nganga | ” |
| 5. Hon. Johnson Mutua Kanandu | ” |
| 6. Hon. Alex Ngau Musili | ” |
| 7. Hon. Beatrice Velesi Musyoka | ” |
| 8. Hon. Baridi Felix Daudi Mbevo | ” |
| 9. Hon. Waziri Bakari | ” |
| 10. Hon. Grace Mwikali Sammy | ” |

1.2 COMMITTEE'S MANDATE

Mr. Speaker Sir,

The mandate of the Committee as spelt out in Standing Order No. 190(5) which specifically provides that sectoral committees shall among others:

...vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 184 (Committee on Appointments)

1.3 ACKNOWLEDGEMENT

Mr. Speaker Sir,

I would like to thank the members of the Committee for their dedication, commitment and valuable contribution during the exercise.

The committee is also grateful to the Office of the Speaker and that of the Clerk of Assembly for the logistical support and facilitation received as it discharged its mandate.

Mr. Speaker Sir,

It is therefore my pleasant duty and privilege, on behalf of the Environment, Energy and Mineral Investment Development Committee to table this Report to the House.

Sign

Date.....

Hon. Jacob M. Kavolonza

Chairperson Environment, Energy and Mineral Investment Development Committee

2.0 BACKGROUND

2.1 ESTABLISHMENT OF THE SECTORAL COMMITTEE ON ENVIRONMENT, ENERGY AND MINERAL INVESTMENT

Committee on Environment, Energy and Mineral Investment Development is one of the sectoral committees established under Standing Orders No. 190 with the Mandate to vet and report to the House on all appointments within twenty one days as provided by in section 9 (1) of the Public Appointments(County Assemblies Approval) Act No. 5 of 2017 among others functions.

2.2 THE ESTABLISHMENT OF THE OFFICE OF THE CHIEF OFFICER

Section 45 of the County Governments Act, 2012 inter alia provides that:

The governor shall:

- 1) Nominate qualified and experienced county chief officers from among persons competitively sourced and recommended by the county public service board, and*
- 2) With the approval of the county assembly, appoint chief officers.*

2.3 FUNCTIONS OF THE CHIEF OFFICER

- 1) A county chief officer shall be responsible to respective county executive Member for the county department as provided under section 46 of the county government act, 2012*
- 2) The county chief officer shall be authorized officer in respect of exercise of delegated authority.*

2.4 MESSAGE FROM H.E THE GOVERNOR

Mr. Speaker Sir,

pursuant to Article 179 (2) (b) of the constitution and the provisions of section 45 of the County Government Act 2012, H.E. the Governor, through a message to the Speaker of Kitui County Assembly forwarded the list of nominees among them, Mr. Benjamin Kioko Kiilu, on 14th March 2018 who was referred to the Committee on Environment, Energy and Mineral Investments Development for vetting and tabling of report with 21days as provided in Section 8 of the Public Appointments (County Assemblies Approval) Act No.5 Of 2017.

2.5 NOTIFICATION TO THE CANDIDATE

Mr. Speaker Sir,

Section 7(4) of Public Appointments (County Assemblies Approval) Act No.5 of 2017, provides that the Clerk of the Assembly shall place an advertisement on behalf of the Committee through print media informing the candidate on the date, time and the venue for the approval hearings. This was adhered to.

2.6 NOTIFICATION TO THE PUBLIC

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

The public was expected to participate in the vetting through submission of memoranda on the suitability or otherwise of the nominee. On 15th March 2018 , the Clerk of County Assembly on behalf of the Committee placed an advert in the print media inviting the public to submit memoranda(affidavit) by 20th March, 2018 on the suitability or otherwise of the nominee.

However, no memoranda were received from the public at closure of business on Tuesday 20th, March, 2018.

2.7 COMMITTEE MEETING

Mr. Speaker Sir,

The committee held the vetting session on 23rd, March 2018 in Committee room 2 in the Assembly precincts where Mr. Benjamin Kioko Kiilu appeared before the committee in accordance to the provisions of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 and County Government Act 2012, for approval hearing.

3.0 VETTING PROCESS

The Committee conducted approval hearings for the nominees on Friday 23rd, March, 2018 in committee room 2 in the County Assembly precincts.

The Committee vetted the nominees using the guidelines provided in Section 8 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017, which provides for issues the County Assembly is supposed to consider in relation to any nomination. These are:

- a) The procedure used to arrive at 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 considered whether the nominee's abilities, experience and qualities meet the needs of the department to which nomination is being made.

The first schedule of the Public Appointment (County Assemblies Approval) Act No.5 of 2017 provides for the criteria used to guide the Committee.

Briefly, these are:

- a) Education, employment record;
- b) Public office, political activities and affiliations;
- c) Deferred income or future benefits;
- d) Sources of income, tax status, statement of net worth;
- e) Potential conflicts of interest;
- f) Pro bono or charity work;
- g) Whether the nominee has been charged in a court of law or convicted; and
- h) Whether the nominee has been adversely mentioned in an investigatory report of a parliamentary committee or commission.

4.0 COMMITTEE'S OBSERVATIONS AND FINDINGS

4.1 PERSONAL BACKGROUND

He was born on 12th December, 1974 in Makueni County.

4.2 EDUCATION QUALIFICATION

The nominee is pursuing a PhD at Kenyatta University School of public health.

He holds Master degree in public health from Hebrew University of Jerusalem, Israel.

He holds a Bachelors degree in Science Environmental Health from Moi University

4.3 EMPLOYMENT RECORD

- i) 2013-2017 - Disaster Preparedness and Response Manager (Kenya Red Cross)
- ii) 2012-2013 - County Programme Coordinator (The Mentor Initiative) North Eastern
- iii) 2009-2012 - Head of Unit; Monitoring and Evaluation (Kenya Red Cross)
- iv) 2008-2009- Watson Capacity Building Manager (Population Services International)
- v) 2004-2006 - National Training Coordinator (Population Service International)
- vi) 2002-2004 - Programme Officer (Ministry of Health)
- vii) 2000-2002 - Public Health Officer (District Public Health Office)

4.4 PROFESSIONAL ASSOCIATIONS

- i) Member and Founding Chairman (2013-2017) of Public Health Officer Council (PHOTC)
- ii) Member, Association Of PhDs Kenya (APHOK)

4.5 POTENTIAL CONFLICT OF INTEREST

The nominee has no potential conflict of interest.

4.6 TAX COMPLIANCE

He had fully complied with all his tax obligations as evidenced by Tax compliance certificate availed.

4.7 INTEGRITY

The nominee has no integrity issues as evidenced by a self-declaration form from the Ethics and Anti-Corruption Commission and certificate of good conduct. He was also cleared by other statutory bodies; the Higher Education Loans Board Scheme and Credit Reference Bureau.

4.6 OVERALL SUITABILITY FOR POSITION

The nominee had requisite academic qualifications and relevant work experience thus suitable for the docket nominated for.

5.0 COMMITTEE'S OBSERVATIONS

The committee made the following observations in regards to the general suitability of the nominee;

- 1) He scored 66% and met the set pass mark of 65%.
- 2) Mr. Benjamin Kioko Kiilu has never been implicated in any integrity related issue during his official capacity.
- 3) His educational background and work experience have prepared him for the task ahead since he has a wealth of experience and skills relevant to the position nominated to.
- 4) He is conversant with environmental related legislations

6.0 COMMITTEE'S RECOMMENDATION

Mr. Speaker Sir,

Having considered the suitability, capacity and integrity of the nominee and further pursuant the provisions of section 45 (1) (a) of the County Government Act of 2012 and section 9 (2) of the 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. Benjamin Kioko Kiilu to the position of County Chief Officer for department of Environment and natural resources.