



Hon. J. M. Mwakera  
for approval  
J. M. Mwakera  
8/3/25

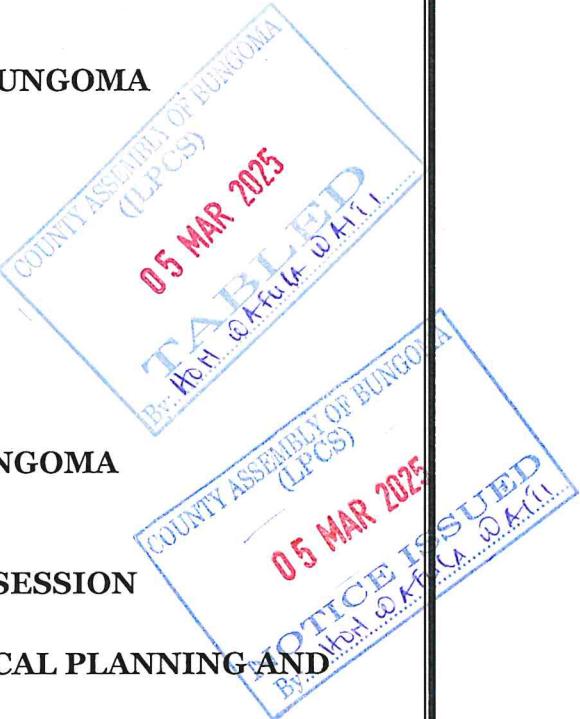
**COUNTY GOVERNMENT OF BUNGOMA**



**COUNTY ASSEMBLY OF BUNGOMA**

**THIRD ASSEMBLY-SECOND SESSION**

**COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND  
HOUSING**



**REPORT ON THE VETTING OF THE NOMINEE FOR APPOINTMENT  
FOR THE POSITION OF CHAIR OF THE COUNTY RURAL AND URBAN  
AFFORDABLE HOUSING COMMITTEE**

Clerk's Chambers  
County Assembly Buildings  
P.O BOX 1886 - 50200  
BUNGOMA, KENYA

**February, 2025**

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## CHAPTER ONE

### 1.0 PREFACE

Pursuant to Section 34(2)(a) and 34(3) of the Affordable Housing Act No.2 of 2024 and Section 4 of the Public Appointments (County Assemblies Approval) Act, 2017, His Excellency the Governor nominated **Mr. Titus Wafula Makokha** for appointment as the Chairperson of County Urban and Rural Affordable Housing committee vide letter ref. CG/BGM/GVN/CA/LUPPH&M/VOL.1(10)dated 17<sup>th</sup> January,2025 to the Clerk of the County Assembly of Bungoma for vetting.

The name of the said nominee was duly tabled on the floor of the House on the 4<sup>th</sup> February, 2025 and it was accordingly committed to the sectoral committee on Lands, Urban, Physical planning and Housing pursuant to the provisions of Standing Order No.217(5)(g) of the Bungoma County Assembly Standing Orders read together with section 4 of the Public Appointments (County Assemblies Approval) Act, 2017 for vetting and reporting to the House within twenty-one (21) sitting days.; pursuant to section 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 217(g).

Subsequently, the Clerk of the County Assembly while complying with Section 7 (5) of the Public Appointments (County Assemblies Approval) Act, 2017, Section 34(3) of the Affordable Housing Act No. 2 of 2024 and Standing Order 56(3) notified the general public and the nominee through the print media (Daily Nation) on Tuesday, 11<sup>th</sup> February 2025 on when the approval hearing shall be conducted and the place of the approval hearing. The nominee was scheduled for the approval hearing on Monday 17<sup>th</sup> February at 2:00pm within the County Assembly Precincts.

Further, pursuant to the provisions of section 7(10) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, the members of the public were invited through print media (Daily Nation) on 11<sup>th</sup> February, 2025 to submit to the Committee on Lands, Urban, Physical Planning and Housing any information or comments on the suitability or otherwise of the nominee by written statement on oath(affidavit) with supporting evidence on or before 14<sup>th</sup> February, 2025 to the Clerk of the County Assembly, P.O Box 1886-50200, Bungoma.

The nominee appeared before the Committee as scheduled on Monday 17<sup>th</sup> February, 2025 for approval hearing in accordance with the provisions of the Public Appointments (County Assemblies Approval) Act, 2017, Affordable Housing Act and the County Assembly Standing Orders.

### 1.1 Establishment and Mandate of the Committee

**Mr. Speaker Sir,**

The Sectoral Committee on Lands, Urban, Physical Planning and Housing was constituted pursuant to the provisions of Standing Order No. 217(1) of the County Assembly of Bungoma Standing Orders and executes its mandate in accordance with Standing order 217(5) which provides that, the functions of a sector committee shall be to-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c) Study the program and policy objectives of departments and the effectiveness of the implementation;
- d) Study and review all county legislation referred to it;
- e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f) 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;
- g) vet and report on all appointments where the constitution or any law requires the House to approve, except those under Standing Order 208 (Committee on Appointments); and
- h) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

### **Committee Membership**

1.	Hon. Francis Chemion	-Chairperson
2.	Hon. Johnston Ipara	-Vice Chairperson
3.	Hon. Wafula Waiti	-Member
4.	Hon. Benjamin Otsiula	-Member
5.	Hon. Cornelius Makhanu	-Member
6.	Hon. Ali Machani	-Member
7.	Hon. George Makari	-Member
8.	Hon. Hentry Nyongesa	-Member
9.	Hon. Polycarp Kimeta	-Member
10.	Hon. Jeremiah Kuloba	-Member
11.	Hon. Busolo Sudi	-Member
12.	Hon. Aggrey Mulongo	-Member
13.	Hon. James Mukhongo	-Member
14.	Hon. Joan Kirong'	-Member
15.	Hon. Edwin Opwora	-Member

### **METHDLOGY**

The committee applied the following methods to develop this report;

1. Committee meetings
2. Conducting vetting exercise publicly in the County Assembly plenary

3. Perusing and analyzing testimonials and other documents for the nominee
4. Receiving and considering oral views and written submission from the nominee

### **1.2 TERMS OF REFERERENCE**

1. To consider and vet the nominee for the position of the Chair of the County Rural and Urban Housing Committee.
2. To make relevant recommendations on the suitability of the nominee for consideration and adoption by the County Assembly.

### **1.3 TOOLS OF REFERENCE**

The committee heavily relied on the following tools to develop and make recommendations in the report;

1. The Constitution of Kenya, 2010
2. The Affordable Housing Act, 2024
3. County Assembly of Bungoma Standing Orders
4. The Public Appointments (County Assemblies) Approval Act, No. 5 of 2017

### **ACKNOWLEDGEMENT**

The Committee takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the technical support accorded to it during the exercise.

I take this opportunity to acknowledge all Members of the Committee for their immense input during the approval hearing and compilation of this report. I also wish to thank the members of the secretariat for their valuable support to the committee.

On behalf of the Committee on Lands, Urban, Physical Planning and Housing and pursuant to Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and the provisions of Standing Order 56 (4), it is now my singular duty and privilege to present to the House, the report of the Committee on Lands, Urban, Physical Planning and Housing on the approval hearing of the nominee for appointment to the position of Chair County Rural and Urban Affordable Housing Committee.

Signature.....  Date .....

Hon. Francis Chemion

**Chairperson, Committee on Lands, Urban, Physical Planning and Housing**

## CHAPTER TWO

### 2.0 BACKGROUND INFORMATION

#### 2.1 ESTABLISHMENT OF THE BUNGOMA COUNTY RURAL AND URBAN AFFORDABLE HOUSING COMMITTEE

Article 43(1) (b) of the Constitution of Kenya, 2010 provides that every person has the right to-

Accessible and adequate housing, and to reasonable standards of sanitation.

#### COMPOSITION OF THE COUNTY RURAL AND URBAN AFFORDABLE HOUSING COMMITTEE AND MANDATE OF THE COMMITTEE

Section 34 of the Affordable Housing Act No.2 of 2024 states as follows-

(1) There is established in every County, a county Rural and Urban Affordable Housing Committee.

(2) The county committee shall consist of the following-

(a) a non-executive chairperson who shall be nominated by the County Governor;

(b) the County Executive Committee Member responsible for matters relating to housing or their representative designated in writing;

(c) three other persons who shall be nominated by the county governor, of whom-

- i. one shall be a representative of a registered association of traders operating in the county;
- ii. one shall be a representative of a registered residential association in the county; and
- iii. one shall be a member of the public residing within the county; and

(d) the chief officer for the time being in charge of housing, who shall be an ex-officio member and the secretary to the county committee.

(3) A person nominated under sub-section (2)(a) and subsection (2)(d), shall be vetted and approved by the County Assembly.

(4) In nominating a person as a member under sub-section (2)(a) and sub-section (2)(d) the County Governor shall-

(a) ensure that not more than two thirds of the members are of the same gender;

(b) ensure that ethnic minorities within the county are adequately represented; and

(c) consider marginalized groups including youth and persons with disability.

Section 35 of the same Act states that-

(1) A person qualifies to be appointed as a chairperson of the County committee if that person-

- (a) holds a degree from a university recognized in Kenya;
- (b) has at least five years' experience in matters relating to housing, built environment, banking or finance.
- (c) has resided in the county for a period of not less than five years; and
- (d) meets there requirements of Chapter six of the Constitution.

(2) A person qualifies to be appointed as a member of the county committee, if that person-

- (a) meets the requirements of Chapter Six of the Constitution;
- (b) has not been convicted of a criminal offence which attracts imprisonment for a term not exceeding six months;
- (c) has not been adjudged bankrupt or entered into a composition or arrangement with the creditors of the person; and
- (d) is not disqualified under any other written law from appointment as such.

### **Mandate of the committee**

Section 39 of the Affordable Housing Act 2024 provides that;

The County committee shall-

- (a) in consultation with the Board, develop a framework for the attainment of affordable housing in the county;
- (b) advise the governor on affordable housing programmes within the county;
- (c) develop a five-year affordable housing investment programme for the county and annual housing investment programme for the county;
- (d) collaborate with the Boards of cities and municipalities in developing plans for social and physical infrastructure related to affordable housing pursuant to section 21 of the Urban Areas and Cities Act (cap 303);
- (e) make periodical written reports on the five-year affordable housing investment programme for the county and annual housing investment programme for the county to the board;
- (f) to make annual reports to the County Assembly on the implementation of affordable housing in the county; and
- (g) to perform such other duties as may be assigned the county governor in writing.

### **2.2 NOTIFICATION TO THE NOMINEE AND THE PUBLIC**

Article 196 of the Constitution provides that the County Assembly shall facilitate public participation and involvement in the legislative business and other business of the County Assembly and its Committees.

Section 7 of the Public Appointments (County Assemblies Approval) Act, 2017 further provides that the Clerk shall notify the public of the time and place for holding approval hearings at least seven days prior to the hearings.

Further, Section 7(10) of the same Act provides that;

*“any person may, prior to the approval hearing 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.”*

In fulfillment of the said provisions of law read together with Standing Order No.56(3), the Clerk of the County Assembly placed an advertisement in the print media (Daily Nation) on Tuesday, 11<sup>th</sup> February, 2025, inviting the public to submit memoranda by way of written statements on oath (affidavits) on the suitability or otherwise of the nominee in accordance with the Public Appointments (County Assemblies Approval) Act, 2017. It was indicated that the Committee on Lands, Urban, Physical Planning and Housing would conduct the approval hearings on Monday 17<sup>th</sup> February, 2025 at 2:00 P.M.

The advertisement further indicated that the submissions were to be received by Friday 14<sup>th</sup> February, 2025 at 5.00 pm.

By close of the submission deadline, the Committee had not received any memoranda contesting the suitability of the nominee for appointment.

### **2.3 Clearance and Compliance Requirements.**

On the notice of appearance for approval hearings, the Clerk of the County Assembly informed the Nominee to provide Clearance and Compliance requirements from Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB)

On matters ethics and integrity, the nominee availed to the Committee certified clearance copies issued by various agencies on diverse dates as follows;

EACC	KRA	HELB	DCI	CRB
02/05/2024	30/04/2024	30/04/2024	30/06/2024	13/02/2025

## CHAPTER THREE

### 3.0 APPROVAL HEARING

#### 3.1 Issues for Consideration during the Approval Hearings

##### a) Procedure for Nomination

Sections 4 and 6 (1) of the Public Appointments (County Assemblies Approval) Act, 2017 requires the appointing authority, upon nominating a person for appointment, to notify the relevant County Assembly.

In this regard, pursuant to section 4 and 6(1) of the Public Appointments (County Assemblies Approval) Act, 2017, the Governor duly notified the County Assembly of the nomination of the nominee for the position of the chairperson, Bungoma County Rural and Urban Affordable housing committee.

##### b) Constitutional and Statutory Requirements

The Constitution and the Public Appointments (County Assemblies Approval) Act, 2017, gives guidelines on how to appoint persons to public office which includes a focus on Leadership and Integrity.

The Committee in determining the suitability of the nominee was guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 73 (2) of the Constitution provides that the guiding principles of leadership and integrity include: -

73 (2)

- (a) *Selection on the basis of personal integrity, competence and suitability, or election 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 service based solely on the public interest, demonstrated by*
  - (i) *Honesty in the execution of public duties; and*
  - (ii) *The declaration of any person interest that may conflict with public duties*
- d) *Accountability to the public for decisions and actions and*
- e) *Discipline and commitment in service to the people.*

Article 75 of the Constitution requires a State Officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties.

This Article further prohibits a State Officer who has been removed from office under it from holding any other State Office.

Article 77(1) of the Constitution prohibits a full time State Officer from participating in any other gainful employment.

Article 78 of the Constitution disqualifies persons who are not Kenyan Citizens from appointment as State Officers.

In addition, the Committee considered Section 10 of the Leadership and Integrity Act, 2012 in particular which provides that

*A State Officer shall to the best of their ability*

- a) Carry out the duties of the Office efficiently and honestly.*
- b) carry out the duties in a transparent and accountable manner*
- c) keep accurate records and documents relating to the functions of the office; and*
- d) report truthfully on all matters of the organization which they represent.*

**c) Suitability of the nominee with regard to the nominee's abilities, experience and qualities.**

The suitability of the nominee was assessed after scrutiny of the academic credentials, professional training and experience, personal integrity, background and qualities as well as his performance during the approval hearing conducted on Monday, 17<sup>th</sup> February, 2025 .

**3.2 Pre- vetting Meeting**

The Committee held a pre-vetting meeting on Monday 17<sup>th</sup> February, 2025 at 9:00 am and noted the following: -

- (i) **THAT**, the nominee had not notified the Clerk of the County Assembly of his withdrawal from the approval process as outlined under section 7(12) of the Public Appointments (County Assemblies Approvals) Act, 2017.
- (ii) **THAT**, the Committee would examine the nominee in accordance with the criteria set out in section 8 of the Public Appointments (County Assemblies Approval) Act, 2017.

**3.3 VETTING OF THE NOMINEE**

Mr. Titus Wafula Makokha, the nominee for the position of Chairperson of the Bungoma County Rural and Urban Affordable Housing Committee, appeared before the committee for vetting on 17th February 2025 at 2:00 p.m. The Committee noted the following;

**Date and Place of Birth**

The nominee of ID NO. 10856046 is a Kenyan male born on 19<sup>th</sup> March 1970 in Kabula Ward, Bungoma County. Apart from being a Kenyan citizen, the nominee does not hold any dual citizenship.

## **Academic and Professional Qualification**

The nominee from the documents submitted has a Master of Business Administration (MBA) from Moi University (2007) and a Bachelor of Science from the University of Nairobi (1994)

## **Employment Record**

The nominee is a practicing engineer with extensive experience in power supply and infrastructure development. He worked for Kenya Power and Lighting Company (KPLC) from 1995 to 2008 then transitioned to Rural Electrification from 2008 to 2016. Since 2016, he has been working as a contractor in the power supply sector

## **Income and net worth**

The nominee submitted that his net worth is KShs.208,809,714 comprising of developed lots, land, vehicles and cash.

## **Professional association and membership**

The nominee from the documents submitted is a member of Institute of Engineers Kenya and Institute of Engineering technologies and technicians in Kenya

## **Potential Conflict of Interest**

The nominee affirmed that should a conflict of interest arise, he would declare it and recuse himself from any deliberations related to the matter

## **Pro-bono/Charity Work**

The nominee stated that he has maintained a power line in his vicinity in Malinda and Sibembe area for the last 10 years.

## **Integrity**

The nominee submitted documents that show compliance to the requirements of Chapter six of the constitution on leadership and integrity.

### **3.3.1 Questions specific to the position nominated for**

The committee asked questions specific to the affordable housing project to which the nominee responded as shown:

### **On the key responsibilities of the committee he was nominated to serve in;**

The nominee outlined the following as key responsibilities of the Committee:

1. Developing a framework for the attainment of affordable housing
2. Develop an affordable housing investment programme for the County
3. Collaborate with municipality boards in development plans for social and physical infrastructure

### **On what strength makes him qualify for the position**

The nominee stated that in his working, he has been heavily involved in uplifting rural areas through project implementation which makes him better placed to serve in the position he is nominated for.

#### **On whom he will be answerable to if given the opportunity**

The nominee responded that he will be responsible to the appointing authority who is the Governor.

#### **On the relationship between boma yetu and affordable Housing project**

The nominee clearly stated that boma yetu program allows individuals to save towards house ownership and allocation of homes.

#### **3.1.2 Committee's observations on the suitability of the nominee**

The Committee having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (County Assembly Approval) Act, 2017, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as the chairperson, Bungoma County Rural and Urban affordable housing committee;

1. **THAT**, the nominee meets the requirements of Chapter Six of the Constitution on leadership and integrity; he had a police clearance Certificate and a duly filled self-declaration form.
2. **THAT**, from his submissions during vetting demonstrated knowledge, skills and experience in leadership and institutional management. He was also conversant with role of the chair, county rural and urban affordable housing
3. **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen and does not hold dual citizenship.
4. **THAT** the nominee was awarded an average score of 83.625% by the committee.

#### **COMMITTEE'S OBSERVATION**

Pursuant to Section 7(8) & (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that the nominee **met** the integrity threshold; demonstrated knowledge of topical, administrative and technical issues touching on the portfolio to which he had been nominated; and had the requisite abilities, academic qualifications and professional experience to be **APPROVED** for appointment as the Chairperson, County Affordable Housing Committee.

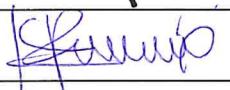
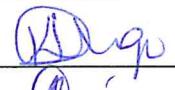
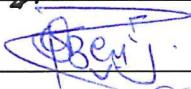
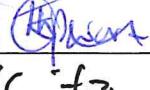
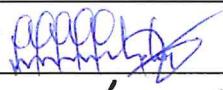
## CHAPTER FOUR

### 4.0 COMMITTEE GENERAL RECOMMENDATION

Pursuant to **Section (9) (2) of The Public Appointments (County Assembly Approval) Act N.O 5 of 2017**, the Committee recommends that the County Assembly **approves** the nomination and subsequent appointment of Mr. Titus Wafula Makokha as the chairperson, Bungoma County Rural and Urban affordable Housing committee.

## ADOPTION SCHEDULE

We the undersigned members of the Sectoral Committee on Lands, Urban, Physical Planning, Housing affix our signatures adopting this report with the recommendations therein.

	NAME	DESIGNATION	SIGNATURE
1.	Hon. Francis Chemion	Chairperson	
2.	Hon. Johnstone Ipara	Vice/Chairperson	
3.	Hon. Ali Machani	Member	
4.	Hon. James Barasa	Member	
5.	Hon. Aggey Mulongo	Member	
6.	Hon. Sudi Busolo	Member	
7.	Hon. Hentry Nyongesa	Member	
8.	Hon. Benjamin Otsiula	Member	
9.	Hon. Edwin Opwora	Member	
10.	Hon. Wafula Waiti	Member	
11.	Hon. Joan Kirono'	Member	
12.	Hon. George Makari	Member	
13.	Hon. Cornelius Makhanu	Member	
14.	Hon. Jeremiah Kuloba	Member	
15.	Hon. Polycap Kimeta	Member	