

**REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS**



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**THIRD ASSEMBLY
(SECOND SESSION)**

AGRICULTURE COMMITTEE

**REPORT
OF
AGRICULTURE COMMITTEE
ON
VETTING OF NOMINEES FOR APPOINTMENT TO THE POSITION OF
CHIEF OFFICER, LIVESTOCK AND FISHERIES DEVELOPMENT**

APRIL, 2023

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LIST OF ABBREVIATIONS AND ACRONYMS

CO	Chief Officer
CRB	Credit Reference Bureau
CUE	Commission for University Education
CV	Curriculum Vitae
DCI	Directorate of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
HELB	Higher Education Loans Board
NGO	Non-governmental Organization
CBO	Community-Based Organizations
AGPO	Access to Government Procurement Opportunities

FOREWORD

Pursuant to Section 45 of the County Governments Act, 2012 as amended in 2020, Her Excellency, the Governor of Machakos County nominated Albert katumo Mulwa, for the position of Chief Officer, Department of Livestock and Fisheries Development.

Notice of the nominations was conveyed to the Clerk of the County Assembly through letter Ref No. GMC/2/CS/CA/VOL.X/34 dated 17th April, 2023 for eight (8) positions of Chief Officers amongst them the Chief Officer for Livestock and Fisheries Development pursuant to Section 6 of the Public Appointments (County Assemblies Approval) Act. Pursuant to Standing Order 39(1), the Speaker of the County Assembly read the message from Her Excellency the Governor Machakos County communicating the names of the nominees on Tuesday, 18th April, 2023.

Further, pursuant to Section 7(1) and Standing Order 190(5), the name of the nominee was committed to the Agriculture, Food Security and Cooperative Development Committee for approval hearings and reporting to the House within twenty one days.

Consequently and in accordance with Article 196(1) of the Constitution, Sections 7(5) and (10) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 42(5) and (6), the Clerk of the County Assembly placed an advertisement in the print media on Wednesday, 19th April, 2023 inviting the public to attend the approval hearing and/or submit any information or comments on suitability or otherwise by way of sworn affidavits for appointment of the nominees. By close of the submission deadline, the County Assembly had not received any memorandum. In the same advertisement, the Clerk of the County Assembly notified the public that the Agriculture and Food Security Committee would conduct the approval hearings on Thursday, 27th April, 2023.

The nominees appeared before the Committee as scheduled on Thursday, 27th April, 2023 for approval hearings in accordance with the provisions of the Constitution, Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly of Machakos Standing Order on their suitability or otherwise for appointment to the position of Chief Officer.

Pursuant to Section 7(8) and (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that the nominee met the requirements of Chapter Six of the Constitution; demonstrated knowledge and experience on the portfolios to which they had been nominated; had the requisite academic qualifications, training and professional

experience; and scored above the pass mark of 60 percent set by the Committee to be approved for appointment as Chief Officer in accordance with Section 45 of the County Governments Act 2012:

- (1) Mr. Albert Katumo Mulwa for appointment as Chief Officer for Livestock and Fisheries Development (average mark of 87.29 percent);

Having conducted the approval hearings for the nominee pursuant to Section 45 of the County Governments Act, 2012, Sections 4 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 190(5), **the Committee recommends that the House:**

- (1) **Approves the nomination of Mr. Albert Katumo Mulwa for appointment as Chief Officer for Livestock and Fisheries Development by Her Excellency the Governor of Machakos County.**

The Committee appreciates the Office of the Speaker and that of the Clerk of the County Assembly for the support accorded during the execution of this assignment. I wish to express my appreciation to the Honorable Members of the Committee who sacrificed their time to participate in this vetting exercise.

On behalf of the Agriculture, Food Security and Cooperative Development Committee and pursuant to Section 14(3)(b) of the County Governments Act, 2012, Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 179(6), it is now my duty and privilege to present to the House, Report of the Agriculture, Food Security and Cooperative Development Committee on the Approval hearings of the nominee for appointment to the position of Chief Officer, Livestock and Fisheries Development.

SIGN..... *DATE*

HON. CHARLES MBUVA
CHAIRPERSON, AGRICULTURE, FOOD SECURITY AND COOPERATIVE DEVELOPMENT COMMITTEE

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. Section 14(3)(a) of the County Governments Act, 2012 provides that when the Assembly is considering any appointment for which its approval is required under the Constitution, an Act of Parliament or county legislation, the appointment shall be considered first by a committee of the county assembly.
2. The committee on Agriculture is established pursuant to the Second Schedule of the Standing Orders with specific mandate to deal with all matters related to agriculture, including crop and animal husbandry, cooperatives, livestock sale yards, county abattoirs, plant and animal disease control, fisheries, cooperative societies and veterinary services (excluding regulation of the profession).

1.2 Committee Membership

3. Madam Speaker, the committee on Agriculture comprises of the following Honorable members;
 1. Hon. Charles Mbuva - Chairperson
 2. Hon. Catherine Muia - Vice Chairperson
 3. Hon. Julius Munywoki
 4. Hon. Dickson Maundu
 5. Hon. Gideon Kavuu
 6. Hon. Constance Mbula
 7. Hon. Loyd Mutua
 8. Hon. Rosina Kanini
 9. Hon. Benjamin Kyule
 10. Hon. Paul Muoki Musila
 11. Hon. Boniface Maeke
 12. Hon. Ruth Wanjiru
 13. Hon. Eric Musembi

1.3 Committee Secretariat

4. The Committee was facilitated by the following secretariat:
 1. Ms. Mary Nzemi - Clerk Assistant
 2. Ms. Stella Kanini - Clerk Assistant

3. Mr. Lewis Muoki - Researcher
4. Ms. Dorcas Njoki - Hansard Reporter
5. Mr. Jonathan Muli - Commissionaire

2.0 BACKGROUND

2.1 Notification of Nominations

5. Hon. Speaker, Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017, provides that notification of appointment shall be from an Appointing Authority and shall be lodged with the Clerk of the County Assembly.
6. Hon. Speaker, on 17th April, 2023, a letter referenced GMC/2/CS/CA/VOL.X/34 (**Annexure 1**) from H.E the Governor, through a Message communicated by the Speaker in the House forwarded names of 8 nominees for vetting to serve in different Departments pursuant to Section 45 of the County Governments Act, 2012 that states that *the Governor shall nominate qualified and experienced County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board.*

2.2 Notification to the House and committal to the Agriculture, Food Security and Cooperative Development

7. Pursuant to the provisions of Standing Order 39(1), the Honorable Speaker, vide a communication dated Tuesday, 18th April, 2023, informed the House of the Governor's message on nomination of Chief Officer to the Department of Livestock and Fisheries Development, for approval by the County Assembly.
8. Pursuant to Section 7(1) of the Public Appointments (County Assemblies Approval) Act, 2017, the following name of nominee was committed to the Agriculture ,Food Security and Cooperative Development Committee for approval hearings and reporting to the House within twenty one days
 - i. Albert Katumo Mulwa, nominee, Chief Officer, Department of Livestock and Fisheries Development

2.3 Notification to the Public

9. Article 196(1) of the Constitution provides that a county assembly shall:
 - (a) *Conduct its business in an open manner, and hold its sittings and those of its committees, in public; and*
 - (b) *Facilitate public participation and involvement in the legislative and other business of the assembly and its committees.*

10. Section 7(5) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that the committee shall, by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing. 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 of the County Assembly with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.
11. Pursuant to Article 196(1) of the Constitution as read with Section 7(5) and (10) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 42(5) and (6) the Clerk of the County Assembly placed an advertisement in the print media on Wednesday, 19th April, 2023 (Annexure 2) inviting the public to attend the approval hearing and/or submit any information or comments on suitability or otherwise (by way of sworn affidavits) for appointment of the nominees.
12. The advertisement indicated that submissions were to be received in the Office of the Clerk of the County Assembly on or before 25th April, 2023. In addition, the advertisement notified the public that the approval hearings of the nominees would be conducted on Thursday, 27th April, 2023 at the Assembly Boardroom 1A at the Machakos County Assembly along Mwatu wa Ngoma road.

2.4 Notification to the Nominees

13. On Wednesday, 19th April, 2023, the Clerk of the County Assembly invited the nominees in writing and through print media, for the approval hearings in accordance with Section 6(4) of the Public Appointments (County Assemblies Approval) Act, 2017.

2.5 Clearance and Compliance Requirements

14. Pursuant to Section 4(2) and (4) and 44(2) of the Leadership and Integrity Act 2012, the Clerk forwarded the names of the nominees to the Ethics and Anti-Corruption Commission (EACC) via letter Ref. No. MKSCA/ADM/VETT/VOL.1/86 dated 24th April, 2023 for verification on compliance with Chapter Six of the Constitution.

2.6 Issues for Consideration during the Approval Hearings

15. Sections 7(8) and (9) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that:

(8) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

- (9) *The criteria specified in the First Schedule and the assessment form specified in the Second Schedule shall be used by a committee during an approval hearing for the purposes of vetting a candidate.*
16. Further, Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017 provides that the issues for consideration by the relevant County Assembly in relation to any nomination 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.*
17. During the approval hearings, the Committee was guided by the provisions of Section 7(8) and (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017.

2.6.1 Procedure for Nomination

18. Section 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 accordingly.
19. In this regard, pursuant to section 45 of the County Governments Act, 2012 and Section 6(1) of the Public Appointments (County Assemblies Approval) Act, 2017, the Governor of Machakos County, notified the Assembly of the nomination of eight (8) persons for appointment to the offices amongst them, Chief Officer Department of livestock and fisheries department.
- (i) *Leadership and Integrity***
20. The Committee, in determining the suitability of the nominees, was also 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:
- (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 personal 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.

2.6.2 Suitability of the nominee to the body to which the nomination is being made

21. The suitability of the nominee was assessed after scrutiny of the nominees' academic credentials, professional training and experience, personal integrity, background and qualities as well as their performance during the approval hearings conducted on Thursday, 27th April, 2023.

2.7 Consideration of memoranda from Members of the Public

22. Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017 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.” The Clerk of the County Assembly placed an advertisement in the print media on 19th April, 2023 (Annexure 3) inviting the public to submit any information or comments on suitability or otherwise of the nominees in conformity with Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017.

By close of the submission deadline 25th April 2023, the County Assembly had not received any memorandum opposing his suitability for the position of Chief Officer Livestock and Fisheries Development.

3.0 APPROVAL HEARINGS

23. The Committee held sittings on 24th April, 2023 to deliberate on the approval hearings and noted the following:

- (i) **THAT**, the Committee would examine the nominees against the criteria set out in Section 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017.
- (ii) **THAT**, the Committee would use the assessment form provided in the Second Schedule of the Public Appointments (County Assemblies Approval) Act, 2017 and that the pass mark for each would be sixty (60) per cent.

- (iii) **THAT**, none of the nominees had notified the Clerk of the County Assembly of their withdrawal from the approval process as outlined under Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017 and the Committee would therefore proceed with the approval hearings on Thursday, 27th April, 2023.

24. The approval hearings proceeded as scheduled.

3.1 MR. ALBERT KATUMO MULWA - NOMINEE FOR THE POSITION OF CHIEF OFFICER, DEPARTMENT OF LIVESTOCK AND FISHERIES DEVELOPMENT

25. The nominee appeared before the Committee on Thursday, 27th April, 2023 at 2.00 pm at the Assembly boardroom 1A. Pursuant to Section 19 (a) of the County Assembly Powers and Privileges Act, 2017, the Nominee was interviewed under oath. The Nominee was questioned by members as required under Schedule 1 of the Act and also using the suitability questions prepared by the Committee and the following were the observations;

Date, Place of Birth and Residence

26. The Nominee is a Kenyan citizen, born in 1965, from Mwala Subcounty, Muthetheni Ward.

Document of Identification

27. The nominee possesses a national ID No.7273294

Academic and Professional Qualification

28. Possesses a Masters in Agriculture and Rural Development (Animal Science Option), from Kenya Methodist University, Bachelor Degree in animal production from Egerton University, trained at the National Youth Service and former Alumini of Gaichanjiru high school and Pumwani Secondary School respectively.

Work Experience

29. The nominee is currently serving at the Ministry of Agriculture and Livestock Development as Principal Livestock Production Officer. He also worked with the Teachers Service Commission where he served as an untrained teacher from 1991-1996.

Income and Net worth

30. The nominee stated that his net worth is Kshs. 13 Million with his source of income being salary and Rental Income.

Professional Associations and Membership

31. The Nominee is a member of the Animal Production Society of Kenya.

Published Works

32. The nominee did not indicate having done any publication.

Honors and Awards

33. The nominee did not declare any honors and awards.

Potential Conflict of Interest

34. The nominee did not indicate any potential conflict of interest.

Pro Bono/ Charity Work

35. The nominee stated that he has not done any pro bono /charity work.

Integrity

36. Certificate of good conduct receipt from the DCI dated 19th April, 2023. The nominee was requested to forward the certificate once its ready. The nominee has neither been charged in a court of law nor adversely mentioned in any investigatory reports. He also submitted the following valid clearance certificates: Self-declaration form from Ethics and Anti-corruption Commission (EACC), Credit Reference Bureau Certificate (CRB), Tax Compliance Certificate (KRA) and Higher Education Loans Board Certificate (HELB)

3.1.1 General and sector specific questions to the nominee

37. Experience and its relevancy to the Department

- i. Demonstrated understanding on the roles of the position of Chief Officer, Department of Livestock and Fisheries Development as per the requirements of the advertisement
- ii. Demonstrated firmness in decision making and competence in handling challenging work related issues concerning livestock and fisheries development.
- iii. The nominee exhibited good problem solving skills having worked for over 26 years in public service in the Agricultural sector and currently as the Principle Livestock production officer.
- iv. The Officer worked in Machakos County during the Defunct Municipal Council and understands the geographical area, agricultural sector needs and how to implement practical solutions to the Department.

38. Awarding of marks on the assessment form by seven Assessors

- i. The Nominee scored an average of 87.29% marks. This is above the average mark of 60% that had been set by the Committee. The table below shows the summary of mean marks from the marks

	Work experience (as it relates to the position)	Education/training (relevant to the position)	Interest in and knowledge relating to specific position	Communication skills (written/oral)	Presentation (promptness, neatness of resume/application, appearance)	Decision making/problem solving skills	TOTAL
Marks available	25	25	15	10	10	15	100
Mean mark	21.57	22.28	12.71	9	8.71	13	87.29

The nominee attained average mark of 87.29 percent.

4.0. COMMITTEE RECOMMENDATIONS

39. Hon. Speaker, the Committee having considered the academic qualification, experience and knowledge in the relevant fields, competence in unbundling unique issues relating to office responsibilities, the average score from the assessment sheets and in line with the requirements of the First and Second Schedule of the Public Appointments (County Assemblies Approval) Act, 2017 and having been **satisfied** by the Nominees submissions recommends to the House;

1. THAT **Mr. Albert Katumo Mulwa**, be approved for appointment in the position of Chief Officer, Department of Livestock and Fisheries Development.

SIGNATURE.....

HON. CHARLES MBUVA

DATE..8th May 2023

CHAIRPERSON - AGRICULTURE, FOOD SECURITY AND COOPERATIVE DEVELOPMENT