

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



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**THIRD ASSEMBLY
(SECOND SESSION)**

COMMITTEE ON APPOINTMENTS

**THE THIRD REPORT OF THE COMMITTEE ON APPOINTMENTS OF
THE THIRD ASSEMBLY ON THE VETTING OF NOMINEES FOR
APPOINTMENT TO THE POSITION OF CHAIRPERSON AND MEMBER
OF THE COUNTY PUBLIC SERVICE BOARD OF MACHAKOS**

MAY, 2023

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LIST OF ABBREVIATIONS AND ACRONYMS

CPSB	County Public Service Board
CRB	Credit Reference Bureau
CUE	Commission on University Education
CV	Curriculum Vitae
DCI	Directorate of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
ECDE	Early Childhood Development Education
GOK	Government of Kenya
HELB	Higher Education Loans Board
ICT	Information Communication Technology
IHRM	Institute of Human Resource Management
KCGWU	Kenya County Government Workers Union
KRA	Kenya Revenue Authority
MCA	Member of County Assembly
MP	Member of Parliament

FOREWORD

Pursuant to Section 58(1)(a) and (b) and Section 58A(7) of the County Governments Act, Her Excellency, the Governor of Machakos County nominated Albanus Paul Mutisya and Marleen Misco Mwanika as Chairperson and Member of the County Public Service Board of Machakos respectively. Notification of the nominations was conveyed to the Speaker of the County Assembly through letter Ref. GMC/OOG/068/23 dated 27th February, 2023 for the two (2) positions of the Chairperson and Member of the County Public Service Board.

On Tuesday, 18th April, 2023, the Speaker of the County Assembly, pursuant to Standing Order 39(1), read the message from Her Excellency the Governor, Machakos County communicating the names of the nominees. Further, pursuant to Section 7(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 184(4), the names of the nominees were committed to the Committee on Appointments for approval hearings and reporting to the House within twenty one days.

Consequently, and in accordance with Article 196(1) of the Constitution, 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 inviting the public to attend the approval hearings and/or submit any information or comments on suitability or otherwise for appointment of the nominees. The submissions were to be by way of sworn affidavits and delivered to the Office of the Clerk of the Assembly. By close of the submission deadline, the committee had received two memoranda concerning the suitability of the nominee for appointment as Chairperson, County Public Service Board. In the same advertisement, the Clerk of the County Assembly notified members of the public that the Committee on Appointments would conduct the approval hearings on Thursday, 27th April, 2023.

The nominees appeared before the Committee as scheduled for approval hearing in accordance with the Constitution, County Governments Act, Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly of Machakos Standing Orders.

Pursuant to Sections 7(8), (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that the nominees met the requirements of Chapter Six of the Constitution, demonstrated knowledge on their roles, understood composition

and functions of the CPSB and had the requisite qualifications.

The nominees scored above the pass mark of 60 per cent set by the Committee to be approved for appointment as Chairperson and Member of the County Public Service Board. The nominees are:

- (1) Albanus Paul Mutisya as Chairperson of the County Public Service Board (average mark of 88.3 per cent).
- (2) Marleen Misco Mwanika, Member County Public Service Board (average mark of 90.0 per cent).

Having conducted the approval hearing for the nominees pursuant to Section 58(1)(a) and (b) and Section 58A(7) of the County Governments Act, Sections 4 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 184(4), the Committee recommends that the House –

- (1) Approves the nomination of Albanus Paul Mutisya for appointment as Chairperson of the County Public Service Board of Machakos by Her Excellency, the Governor of Machakos County.
- (2) Approves the nomination of Marleen Misco Mwanika for appointment as a Member of the County Public Service Board of Machakos by Her Excellency, the Governor of Machakos County.

The Committee is grateful to the Offices of the Speaker and the Clerk of the County Assembly for the support accorded to it during the accomplishment of this duty. The Committee further appreciates the civil society and members of the public for their comments on the nominees. Gratitude also goes to the Fourth Estate for being available to cover the proceedings of the Committee thus enhancing accountability and transparency of the process. I wish to express my appreciation to the Honorable Members of the Committee for their dedication and participation in this exercise.

On behalf of the Committee on Appointments and pursuant to Section 58(1)(a) and (b) and Section 58A(7) of the County Governments Act, 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, the Third report of the Committee on Appointments on the Approval hearings of the nominees to the positions of Chairperson and Member of the County Public Service Board of Machakos.

SIGN.....

DATE

HON. ANNE KIUSYA
SPEAKER OF THE COUNTY ASSEMBLY / CHAIRPERSON, COMMITTEE ON
APPOINTMENTS

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 establishment and mandate of the Committee on Appointments is provided for under Standing Order 184.

1.2 Committee Membership

3. The Committee on Appointments as constituted by the House comprises of the following Honorable Members:

1. Hon. Anne Kiusya - Speaker of County Assembly/Chairperson
2. Hon. Stephen Mwanthi - Deputy Speaker
3. Hon. Nicholas Nzioka - Leader of Majority Party
4. Hon. Judas Mbili Ndawa - Leader of Minority Party
5. Hon. Jackson Ndaka - Deputy Leader of Majority Party
6. Hon. Francis Kavyu - Deputy Leader of Minority Party
7. Hon. John Brian Kisila - MCA, Mwala Ward
8. Hon. Winfred Mutua - Special Elect
9. Hon. Francis Kitaka - MCA, Ndalani Ward
10. Hon. Peter Kilonzo - MCA, Mbiuni Ward

1.3 Committee Secretariat

4. The Committee was facilitated by the following secretariat:
 1. Mr. J.L. Mutisya - Clerk of County Assembly
 2. Mr. Denis Mutui - Deputy Clerk, Legislative Services
 3. Mr. Hilary Muthui - HOD, Legal and Library
 4. Mr. Dominic Musyoka - HOD, Procedure and Committee Services
 5. Mr. Dalmas Masila - Senior Research Officer
 6. Ms. Susan Kiluva - Clerk Assistant II
 7. Mr. Patrick Muange - Clerk Assistant II
 8. Mr. Brian Muthusi - Legal Counsel

9. Mr. Jonathan Muli - Commissionaire III
10. Mr. Joseph Mutiso - Hansard Recorder III

2.0 BACKGROUND

2.1 Notification of Nominations

5. Section 58(1)(a) and (b) of the County Governments Act provides that the County Public Service Board shall comprise of a Chairperson and at least three but not more than five members appointed in accordance with Section 58A of the same Act.
6. In this regard and pursuant to Section 58(1)(a) and (b) and section 58A(7) of the County Governments Act and Sections 4 and 6 of the Public Appointments (County Assemblies Approval) Act, 2017, Her Excellency, the Governor of Machakos County forwarded to the Speaker of the County Assembly a letter, dated 27th February, 2023, Ref. GMC/OOG/068/23 (**Annexure 1**) forwarding the names of the following two (2) persons nominated for appointment to the respective offices as follows: -
 - (a) Albanus Paul Mutisya as Chairperson, County Public Service Board; and
 - (b) Marleen Misco Mwanika, Member, County Public Service Board.

2.2 Notification to the House and committal to the Committee on Appointments

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 the two persons as Chairperson and Member of the CPSB. Accordingly and in accordance with to Section 7(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 184, the names of the nominees were committed to the Committee on Appointments.

2.3 Notification to the Public

8. 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.*
9. 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.

10. 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 (**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 affidavit(s).
11. 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 hearing of the nominees would be conducted on Thursday, 27th April, 2023 at the County Assembly chambers along Mwatu wa Ngoma road.

2.4 Notification to the Nominees

12. On 19th and 20th April, 2023, the Clerk of the County Assembly invited the nominees through print media and in writing respectively, 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

13. Pursuant to Section 8(b) of Public Appointments (County Assemblies Approval) Act, 2017 as read with Section 58(3) of the County Governments Act and Sections 4(2) and (4) and Section 44(2) of the Leadership and Integrity Act, 2012, the Committee requested various institutions to undertake verification of the information provided by the nominees as follows (**Annexure 3**):

- i) Ethics and Anti-Corruption Commission (EACC) via letter Ref. MKSCA/ADM/VETT/VOL1/86 dated 24th April, 2023.
- ii) Maseno University via letter Ref. MKSCA/ADM/VETT/VOL1/87 dated 24th April, 2023.

- iii) Commission for University Education (CUE) via letter Ref. MKSCA/ADM/VETT/VOL1/88 dated 24th April, 2023.
- iv) Office of the Registrar of Political Parties (ORPP) via letter Ref. MKSCA/ADM/VETT/VOL1/89 dated 24th April, 2023.
- v) Independent Electoral and Boundaries Commission (IEBC) via letter Ref. MKSCA/ADM/VETT/VOL1/90 dated 24th April, 2023.

2.6 Issues for Consideration during the Approval Hearings

14. 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.

15. 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 shortlisting 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.

16. 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 used to arrive at the Nominees

17. Pursuant to Section 8 (a) of the Public Appointments (County Assemblies Approval) Act,

2017, the Committee was provided with the advertisement for positions, shortlisting of the candidates, list of attendance for interviews and score sheets for those interviewed. The Committee observed that:

- (a) The Selection Panel for Recruitment of Chairperson and Members of the CPSB of Machakos placed an advert in the print media (**Annexure 4**) inviting applications from suitable and qualified Kenyan citizens to fill one position for Chairperson and three posts for Member of CPSB, County Public Service Board. The advert contained adequate information for applicants in terms of qualifications, time and place of submission of applications and documents accompanying the applications.
 - (b) The Selection Panel provided a list of all the applicants who applied for the position of Chairperson and Member, County Public Service Board who were 76. Out of these, 24 applicants were shortlisted while 52 were disqualified. The score sheets provided also indicated three candidates who were proposed for each of the two positions. These are:
 - (i) Albanus Paul Mutisya, Joseph Mutunga Nzioki and Christopher Mutua Mutie for the Chairperson, CPSB; and
 - (ii) Juliana Ndunge Mutisya, Onesmas M. Mutua and Marleen Misco Mwanika for Member, CPSB.
18. Further, 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 and pursuant to Section 58(1) (a) and (b) and section 58A(7) of the County Governments Act 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 two (2) persons for appointment as Chairperson and Member of CPSB.
20. Pursuant to Section 6(2) of the Public Appointments (County Assemblies Approval) Act, 2017, the appointing authority notified members of the public on the proposed nomination of Chairperson and Member of CPSB through platforms established under Section 91 of County Governments Act, 2012.

2.6.2 Constitutional and Statutory Requirements

21. The Constitution and the County Governments Act provides for guidelines on how to appoint persons to public office. The Committee, in determining the suitability of the

nominees, was guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution and Section 58(3) of the County Governments Act.

22. 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

23. Section 58(3) of the County Governments Act provides that a person shall be qualified to be appointed as a member of County Public Service Board, if that person—

- (a) Satisfies the provisions of Chapter Six of the Constitution;
- (b) Is not a state or public officer;
- (ba) Has not, at any time within the preceding five years, held office, or stood for election as—
 - (i) A member of Parliament or of a county assembly; or
 - (ii) A member of the governing body of a political party;
- (bb) Is, or as at any time been, a candidate for election as a Member of Parliament or of a county assembly;
- (bc) Is, or has at any time been, the holder of an office in any political organization that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of Parliament or of a county assembly;
- (c) In the case of chairperson or vice-chairperson, possesses a minimum qualification of a bachelor's degree from a recognized university and working

experience of not less than ten years; and

- (d) In the case of any other members—
 - (i) Possesses a minimum of a bachelor’s degree from a recognized university and working experience of not less than five years; and
 - (ii) Is a professional, demonstrates absence of breach of the relevant professional code of conduct.

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

24. The suitability of the nominees was assessed after scrutiny of their 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

25. 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 2**) 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.

26. Pursuant to Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee received two written statements (**Annexure 5**) from:

- i) Tim Salim of Machakos on 21st April, 2023 contesting the suitability of Mr. Albanus Paul Mutisya, nominee, Chairperson, CPSB on basis that he is not qualified as per Section 58(3) of the County Governments Act. The committee observed that the written statement did not contain an oath as required by Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017 and had not been signed.
- ii) Kenya County Government Workers Union on 25th April, 2023 at 10.30 a.m. contesting the suitability of Mr. Albanus Paul Mutisya, nominee, Chairperson, CPSB on basis that he is not qualified as per Section 58(3) of the County Governments Act. The committee observed that the written statement did not contain an oath as

required by Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017, had not been signed and had no names of the author/s.

27. In view of the above, the committee deemed the said written statements inadmissible.

3.0 APPROVAL HEARINGS

28. The Committee held sittings on 24th, 26th and 27th 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) percent.
- (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.

29. The approval hearings proceeded as scheduled.

3.1 MR. ALBANUS PAUL MUTISYA, NOMINEE FOR THE POSITION OF CHAIRPERSON, COUNTY PUBLIC SERVICE BOARD OF MACHAKOS

30. The nominee, Mr. Albanus Paul Mutisya appeared before the Committee on Thursday, 27th April, 2023 at 10.00 am and was vetted under oath pursuant to Chapter Six and Articles 124(4), 195, 196 and 232 of the Constitution, Sections 58 and 58A of the County Governments Act, Public Appointments (County Assemblies Approval) Act No. 5 of 2017; and the Standing Orders of the County Assembly. The Committee noted the following:

Date and Place of Birth

31. The nominee was born on 1st January, 1955 in Mutituni, Machakos town Sub-county of Machakos County.

Document of Identification

32. The nominee possesses a National ID. No. 1804316

Academic and Professional Qualification

33. The nominee holds a Degree of Education in Education Management from San Juan University, 2014 and a P1 certificate from Kericho Teacher College, 1986.

Work Experience

34. The nominee has served in the following positions as stated in his Curriculum vitae;

- i) National Treasurer at Kenya National Union of Teachers (2010-2015).
- ii) National Trustee at Kenya National union of Teachers (2008-2010).
- iii) Branch Executive Secretary at Kenya National Union of Teachers, Machakos Branch (2003-2010).
- iv) Head teacher at St. Mary's Boys Primary School and KNUT Branch Chairman, Machakos branch (2001-2003).
- v) Head teacher Metuma Primary School (Jan – Dec 2000)
- vi) Elected Official at Kenya National Union of Teachers, Machakos branch(1996-2000)
- vii) Head teacher at Yakamete Primary School (1994-1999)
- viii) Deputy head teacher at Kyaani Primary School(1992-1993)
- ix) Senior teacher at Kasaini Primary School (1991-1992)
- x) Senior Teacher at Metuma Primary school (1983-1990)
- xi) Untrained teacher at Kitie Primary School (1980-1982)

Income and Net worth

35. The nominee stated that his net worth is Kenya Shillings one hundred and thirty million (130,000,000.00) with his listed sources of income being Consolata academy and Kanaani driving school.

Professional Associations and Membership

36. The nominee is the Secretary General of Kenya driving schools associations and Treasurer, Kenya private schools association, Matungulu sub-county.

Potential Conflict of Interest

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

Pro Bono/ Charity Work

38. The nominee stated that he was involved in church activities as charity work.

Integrity

39. The nominee has neither been charged in a court of law nor adversely mentioned in any investigatory reports of Parliament or any Commission of Inquiry in the last three (3) years.

The nominee submitted the following clearance certificates:

- i) Self-declaration form from EACC dated 28th December, 2022.
- ii) Certificate of clearance from Metropol Credit Reference Bureau (CRB) dated 28th December, 2022 indicating he had an adverse listing and has paid up.
- iii) HELB clearance certificate dated 15th February, 2015 indicating that he was not a beneficiary.
- iv) Tax Compliance Certificate from KRA valid up to 27th December, 2023.
- v) Certificate of good conduct from the DCI dated 30th December, 2022 indicating NIL offences and NIL trial.

3.1.1 General and Sector Specific Questions to the Nominee

Nominees brief introduction and experience

40. Asked to introduce himself, he stated that he comes from Machakos Central Division, Mua ward, Katelembu sub-location. He added that he is an experienced teacher having taught for some time and also does some business in Machakos town. He also talked about his education background and his vast work experience both as a teacher and the various positions he held in Kenya National Union of Teachers.

Chapter six of the Constitution

41. Asked to mention whether there is any matter that touches on his integrity, he responded that he had no integrity issue and has never been charged in court on any matter.

Nominees vision for the County Public Service Board

42. Asked to outline his vision for the CPSB, the nominee stated that his vision is to have a board that promotes honesty, is committed, forthright, united and one that can be relied on. He also stated that given the opportunity he will ensure that the right people are employed and promoted without discrimination.

Unity of the board

43. Asked on how he will ensure a unified board, the nominee stated that he will involve all members on the matters of the board and do things openly guided by the law.

Obligation to the County Assembly

44. Asked on his obligation to the County Assembly as the Chairperson to the CPSB, the nominee informed the Committee that the execution of the Board's activities will be reported to the Assembly as required by the County Governments Act and any resolutions of the Assembly will be looked into. The reporting of the Board's progress to the Assembly will be on quarterly and yearly basis as required by the County Governments Act.

Health Commission establishment in Kenya

45. Asked on views take on the proposal by health workers to have a Health Commission in Kenya and what would change if such commission is established, the nominee responded that his wish was that the health staffs remain in the County Governments since structures had already been established and were already working. He further stated that establishment of the Health commission means transfer of the responsibility of employment of health workers to the commission including budget allocation for the same. This will lead to reduced County revenue allocation.

Qualifications for appointment as member of board as stipulated by Section 58 (3) of the County Government Act, 2012.

46. Asked on his suitability based on the provisions of section 58 (3) of the County Governments Act, the nominee responded that:
- i) He had not at any time within the preceding five years held office or stood for any office as a Member of Parliament (MP) or of a Member of County Assembly (MCA).
 - ii) In 2013 and 2017, he contested for MP of Machakos Town Constituency seat under wiper ticket but does not hold any office in wiper or any political party nor is he a member of any governing body of a political party.
 - iii) He was a member of Wiper party in 2013 and 2017 when he contested for election to be elected as a MP for Machakos Town constituency but has since ceased to be one.

Challenges facing the County Public Service in Machakos and possible solutions.

47. Asked on the challenges facing CPSB of Machakos and how he will fix them, the nominee informed the Committee:

- i) That ballooning wage bill, delayed promotions, lack of unity and sexual harassment were some of the major challenges facing CPSB.
- ii) That he will be organizing board meetings to discuss issues in an open manner and ensure Board unity.
- iii) That hiring and promotions of employees will be conducted without discrimination.
- iv) That ballooning / high wage bill was as a result of the board not following the right procedure to employ individuals and that the employed persons were awarded high job groups.
- v) That with the help of the Assembly, he will be able to handle the challenges to restore the lost glory of the Board.

Measures to put in place to control high wage bill

48. Asked on what mechanisms he will put in place to bring down the County wage bill, the nominee stated that:
- i) He will be guided by labour laws that govern employment matters and that illegally employed persons can be relieved their duties.
 - ii) He will endeavour to place workers to the right departments.
 - iii) He will propose deployment of staff from the overstaffed departments to the understaffed departments.
 - iv) He will ensure individuals are placed in the right job groups guided by their qualifications.

3.1.2 Committee Observations on the Suitability of the Nominee

49. The Committee having considered the nominee's filled questionnaire pursuant to Section 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017, his curriculum vitae and having heard oral submissions during the approval hearing, observed that the nominee is a Kenyan citizen, has the requisite education and training, possesses relevant knowledge and experience and satisfies requirements of Chapter Six of the Constitution and the nominee attained average mark of 88.3 percent.
50. The Committee further considered the provisions of Section 58(3)(ba), (bb) and (bc) of the County Governments Act on qualifications for appointment as Member of a CPSB and observed that:
- i) Section 58(3)(ba) seeks to bar the nomination to the position of a member of the

CPSB of a person who held office or stood for election as a MP or a MCA whereas Section 58(3)(bb) seeks to bar the nomination to the position of a member of the CPSB of a person who is or at any time been, a candidate for election as a MP or of a MCA. This is rather irregular and creates an ambiguity as to the reason for the separate provisions.

- ii) The effect of section 58(3)(bb) of the Act is that anybody who has vied for office as an MP or an MCA cannot be considered for appointment as the Chairperson or member of CPSB. It is not apparent from the text why only these two offices. The mischief sought to be cured by this provision is also not clear. If the intention is to prevent political interference in the CPSB, it is unclear why only these two offices will be the only source of political interference. Why not a person who vied for presidency, governorship or deputy governorship? Also, the statute seems to put undue emphasis on political interference into the CPSB.
- iii) It is not clear from the said law, why a person who merely offers themselves for election to office and does not hold such office is condemned from holding office as a member of CPSB. It is a known fact that, many Commissioners in the Independent Constitutional Commissions whose legal nature compares well with that of the CPSB, are former politicians. Therefore, Section 58(3)(bb) and (bc) are highly discriminative and even unconstitutional and contrary to employment laws. However, the said law remains in our statute books until they are repealed or annulled.
- iv) A logical interpretation of Section 58(3)(bb) of the Act results in an absurd conclusion where one is barred from being considered for office by merely exercising their constitutional right to offer themselves to be elected to office. Certainly, Parliament could not have intended that the legal provision leads to the unreasonable consequences that one is barred from being considered for office by dint of merely standing for election.
- v) Section 58 (3)(ba) of the Act articulates a more reasonable and logical position where a person who had a recent involvement in political activity is prevented from holding an office that requires political neutrality.

51. The Committee also observed that the IEBC had responded to its request for verification of information on the nominee via letter Ref. IEBC/VREO/2/6/2022/68 dated 28th April, 2023

Annexure 6). The Commission confirmed that Mr. Albanus Paul Mutisya of ID No.

1804316 did not participate within the preceding five years in any of the five elective positions, held an office or stood for an elective position as MP or MCA or a member of the governing body of a political party.

52. The Committee further observed that EACC, CUE and ORPP were yet to respond. The Committee agreed to proceed with the approval exercise. However, upon provision of reports by the said institutions, the committee will consider them including rescinding decision on approval in the event of a negative report.

Based on the above the nominee was assessed and awarded marks as per the table below:

Awarding of Marks on the Assessment Form by Six Assessors:

Particulars	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	23.17	22.33	12.17	9.50	9.33	11.83	88.3

The nominee exceeded the minimum pass mark.

3.2 MS. MARLEEN MISCO MWANIKA, NOMINEE FOR THE POSITION OF MEMBER COUNTY PUBLIC SERVICE BOARD OF MACHAKOS

53. The nominee appeared before the Committee at 10. 47 a.m. on 27th April, 2023 and testified on oath. On the basis of her oral and written submissions, the following emerged:

Date and Place of Birth

54. The nominee was born on 18th September, 1980 in Kakamega County.

Document of Identification

55. The nominee possesses a National ID. No. 21944428

Academic and Professional Qualification

56. The nominee possesses the following academic and professional qualifications:
- i) Bachelor of Education (Arts) degree from Maseno University acquired in 2004.
 - ii) Certified Public Accountants (CPA) certificate from Kenya Accountants and Secretaries National Examinations Board (KASNEB) acquired in 2014.

- iii) Kenya Certificate of Secondary Education from Kenya National Examination Council (KNEC) acquired in 1997.
- iv) Kenya Certificate of Primary Education from Kenya National Examination Council (KNEC) acquired in 1993.

Work Experience

57. The nominee stated in her CV that she had worked as a graduate secondary school teacher from 2008-2018. She has also worked as Finance Accountant, Kenya Water Security and Climate Resilient Project which was a world bank fund project from 2018-2019.

Honors and Awards

58. The nominee does not possess any honors or awards,

Potential Conflict of Interest

59. The nominee stated that he had no potential conflict of interest.

Pro Bono/ Charity Work

60. The nominees stated that she visited children homes during holidays and donated food stuff and clothing.

Integrity

61. The nominee submitted the following clearance certificates;
- i) A dully filled Self-declaration form dated 14th September 2022 and received by the Ethics and Anti-Corruption Commission (EACC) on 15th September, 2022.
 - ii) Certificate of clearance from Metropol Credit Reference Bureau (CRB) *with no default* status as at 19th September, 2022.
 - iii) Clearance Certificate from Higher Education Loans Board (HELB) dated 6th October, 2015 indicating that the nominee has fully repaid her undergraduate principal loan and interest thereon.
 - iv) A Tax Compliance Certificate from Kenya Revenue Authority valid up to 13th September, 2023.
 - v) A Police Clearance Certificate from the Directorate of Criminal Investigations dated 28th September 2022 indicating *nil* offences and *nil* trial.

3.2.1 General and Sector Specific Questions to the Nominee

Nominee's experience

62. Asked what experience she had gained over the years, the nominee responded that she was a teacher for 10 years from 2008 to 2018; then opted to search for greener pastures, whereby she got employed and worked with a project by the name Kenya Water Security and Climate Resilient Projects; which is a donor funded project from 2018 to 2019.

Chapter six of the constitution

63. Asked if she was conversant with Chapter six of the Constitution and whether there was any matter that touched on her integrity, the nominee stated that Chapter six was on matters of leadership and integrity and that she had no issues on integrity.

Nominee's ability to solve conflicts

64. Asked how she would solve conflicts within the Board, the nominee stated that she would work closely with the chair to the Board and ensure that communication within the Board was clear. She would also advise that the Board to have meetings to air out issues together.

Obligation of the County Public Service Board to the County Assembly

65. The nominee responded that the CPSB's obligation will be to prepare regular reports concerning the service and submitting them to the County Assembly. The CPSB should also adhere to values and principles stipulated in the Constitution.

Promotion of national values and principles of governance and Article 10 of the Constitution

66. Asked how she would promote national values and principles of governance if appointed, the nominee responded that she would ensure that the CPSB sensitizes the public service about those values through brochures whether in hard or soft copy; organize workshops for the different departments; liaise with the head of departments to inculcate the same values to the staff they are heading.

Nominee's qualifications as provided by Section 58(3) of the County Governments Act, 2012

67. Asked on her suitability based on the provisions of section 58 (3) of the County Government Act, 2012, the nominee responded that she had not at any time within the preceding five years held office or stood for any office as a MP or MCA. She also stated that she is not a member of any governing body of a political party and that she has never contested as a MP or MCA.

Challenges facing the County Public Service Board

68. Asked to state the challenges facing the CPSB and how she would solve them, the nominee stated funding from the National Government is one of challenges hence affecting prompt payment of salaries for the workers. She also stated housing as a challenge to the public service. She then informed the Committee that together with the chairperson and other members of the Board, they will liaise with finance department to make arrangements with banks to pay their staff on time as they await for disbursements form the National Government. On the challenge on affordable housing, the Board would advise the County Government to liaise with the National Government to put up affordable housing.

Adherence of two-thirds gender rule in recruitments

69. Asked how she will ensure that the county achieves the two- thirds gender rule in public appointments, the nominee responded that she will ensure that two-thirds gender rule is observed in public appointments in Machakos County.

Measures to institute to control high wage bill

70. Asked what measures she would bring to the board once appointed to lower the wage bill of the county, the nominee stated that she will advise the Board to look into units that had duplication of functions and duties merge them. In addition, she will advise the board to liaise with the finance department regarding the budget allocated for staff recruitment to avoid recruiting more than the County Government can pay.

3.2.2 Committee Observations on the Suitability of the Nominee

71. The Committee, having considered the nominee’s filled questionnaire pursuant to Section 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017, her curriculum vitae and having heard oral submissions during the approval hearing, observed that the nominee is a Kenyan citizen, has the requisite education and training, possesses relevant knowledge and experience and satisfies requirements of Chapter Six of the Constitution. The nominee attained average mark of 90.0 percent.
72. The Committee also observed that two institutions had responded to its request for verification of information on the nominee as follows (**Annexure 6**):
- i) The Independent Electoral and Boundaries Commission (IEBC) via letter Ref. IEBC/VREO/2/6/2022/68 dated 28th April, 2023. The Commission confirmed that Ms. Marleen Misco Mwanika of ID No. 21944428 did not participate within the preceding five years in any of the five elective positions, held an office or stood for

an elective position as MP or MCA or a member of the governing body of a political party.

- ii) Maseno University via letter Ref. MSU/ACA/TC/T4(38) dated 27th April, 2023. The University confirmed that Ms. Mwanika Marleen Misco graduated from the institution after successful completion of a Bachelor of Education (Arts) degree programme.

73. The Committee further observed that EACC and ORPP were yet to respond. The Committee agreed to proceed with the approval exercise. However, upon provision of reports by the said institutions, the committee will consider them including rescinding decision on approval in the event of a negative report.

Based on the above the nominee was assessed and awarded marks as per the table below:

Awarding of Marks on the Assessment Form by Six Assessors:

Particulars	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	23.17	24.0	13.0	9.33	9.50	11.00	90.00

The nominee exceeded the minimum pass mark.

4.0 COMMITTEE RECOMMENDATIONS

74. Having conducted the approval hearings for the nominees pursuant to Sections 58 and 58A of the County Governments Act, the Committee recommends that the House:

- (1) Approves the nomination of Albanus Paul Mutisya for appointment as Chairperson of the County Public Service Board of Machakos by Her Excellency, the Governor of Machakos County.
- (2) Approves the nomination of Marleen Misco Mwanika for appointment as a Member of the County Public Service Board of Machakos by Her Excellency, the Governor of Machakos County.

Signed.....

Hon. Anne Kiusya - Speaker / Chairperson of the Committee on Appointments

Date.....9.5.2023.....



REPUBLIC OF KENYA
GOVERNMENT OF MACHAKOS
OFFICE OF THE GOVERNOR

Telephone: +254 202004086
Email: info@machakosgovernment.co.ke
When replying please quote

White House Machakos,
Along People's Park Road,
P.O BOX 1996-90100,
Machakos, Kenya.

Ref. GMC/OOG/068/23

27th February 2023,

The Hon. Anne Kiusya,
Speaker County Assembly of Machakos,
County Hall
Along Mwatu Wa Ngoma Road,
P.O Box 1168-90100,
MACHAKOS - KENYA

*II DP Procedure
Note of presence
has tabled in
the House.
13/3/23*

HON. SPEAKER
27 FEB 2023
MACHAKOS COUNTY ASSEMBLY
P. O. Box 1168-90100, MACHAKOS

*1 clerk
approved
13.3.2023*

Dear Madam,

**RE: SUBMISSION FOR APPROVAL OF THE NAMES OF
CHAIRPERSON AND THREE MEMBERS OF THE MACHAKOS
COUNTY PUBLIC SERVICE BOARD**

*II DP Procedure
Note & get
approved by
13/4/23*

The above subject matter refers,

Pursuant to the provisions of section 58A(1) of the County Governments Act as Amended in 2020, a selection Panel for the purposes of Selecting suitable candidates for appointment as chairperson and members of the County Public Service Board was appointed after an approval by the County Assembly.

Upon receiving the names of the successful applicants from the selection panel and in exercise of the powers conferred by section 58A(7) of the County Governments Act as amended in 2020, I Hon. Wavinya Ndeti, Governor Machakos County forward the following names for approval by the County Assembly for the positions as indicated.

No.	NAME	
1.	ALBANUS PAUL MUTISYA	CHAIRPERSON

2.	MARLEEN MISCO MWANIKA	MEMBER
----	-----------------------	--------

Kindly expedite the exercise of the County Assembly legislative mandate as enshrined under section 58A (8)(9) of the County Governments Act, as amended in 2020.

Thank you for your immediate action on the same.

Sincerely,



H.E. HON. WAVINYA NDETI

GOVERNOR, MACHAKOS COUNTY.



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall Along Mwatu wa Ngoma Rd
 Email: info@machakosassembly.com/assemblymks@gmail.com
 P.O BOX 1168-90100, MACHAKOS

ANNEXURE - 2

VETTING OF NOMINEES FOR THE POSITIONS OF CHAIRPERSON AND MEMBER OF THE COUNTY PUBLIC SERVICE BOARD OF MACHAKOS AND 8 NO CHIEF OFFICERS

Pursuant to Section 58(1)(a) and (b) of the County Governments Act as read together with Section 4 and Section 6(1) of the Public Appointments (County Assemblies Approval) Act, 2017, the Speaker of the County Assembly of Machakos received from H.E the Governor, two nominees for the position of Chairperson and member of the County Public Service Board of Machakos Assembly; and further a list of 8 nominees for the position of Chief Officer to various dockets for approval by the County Assembly; pursuant to Section 8(1) and 45(1)(b) of the County Governments Act, 2012.

Pursuant to the provisions of Article 10(1)(a),(b) and (c) and (2)(a) and Article 196(1)(a) and (b) of the Constitution, as read together with section 5(1) and 7(3),(4),(5) and (6) of the Public Appointments (County Assemblies Approval) Act, 2017; notice is hereby given to the nominees and members of the public that the vetting of the nominees for the positions of Chairperson, member of the County Public Service Board, and Chief Officers; will take place at the County Assembly of Machakos County Hall along Mwatu wa Ngoma Road, Machakos Town, at the date, time and venue indicated against their names as listed below.

S/ NO	NOMINEES	POSITION	COMMITTEE	VENUE	DATE	TIME
1.	Albanus Paul Mutisya	Chairperson, Machakos County Public Service Board	Appointments	Chamber	27 th April, 2023	9 00am to 10 00am
2	Marleen Misco Mwanika	Member, Machakos County Public Service Board	Appointments	Chamber	27 th April, 2023	10 00 am to 11.00 am
3	Bernadette Wavinya Mutiso	Chief Officer, Citizen Management and Customer Care	Labour Public Service and ICT	Boardroom 4A	27 th April, 2023	9.00am to 10 00am
4.	Kasanga Julius Muindi	Chief Officer, Health Facilities and Infrastructure Development	Health and Emergency Services	Boardroom 2A	27 th April, 2023	9.00 am to 10 00am
5	Winnie Ndunge Musyoki	Chief Officer, Sewerage, Sanitation and Waste Management	Water and Irrigation	Boardroom 1A	27 th April, 2023	10 00am to 11 00 am
6	Mutungu Zipporah Kavata	Chief Officer, Trade, Economic Planning and Industrialization	Trade, Economic Planning and Industrialization	Boardroom 1A	27 th April, 2023	10 00am to 11am
7.	Machogu Ian Obare	Chief Officer, Information, Communication and Technology Infrastructure	Labour, ICT and Public Service	Boardroom 4A	27 th April, 2023	11.00am to 12.00noon
8	Mule Daniel Lemba	Chief Officer, Public Communication and E- Government	Labour, Public Service and ICT	Boardroom 4A	27 th April, 2023	12.00noon to 1.00pm
9	Sheikh Ifrah Abdi	Chief Officer, Digital Technology	Labour Public Service and ICT	Boardroom 4A	27 th April, 2023	2.00noon to 3.00pm
10	Mulwa Albert Katumo	Chief Officer, Livestock and Fisheries Development	Agriculture	Boardroom 1A	27 th April, 2023	2.00pm to 3 00pm

The Nominees are required to collect and submit the vetting forms to the Office of the Clerk between 8.00 am and 5.00pm on or before 25th April, 2023 together with copies of the following documents to the address provided below.

- (1) ID/passport;
- (2) Curriculum Vitae, personal credentials and academic certificates;
- (3) Current Tax Compliance Certificate from the Kenya Revenue Authority (KRA);
- (4) Current Compliance Certificate from the Higher Education Loans Board (HELB);
- (5) Current Clearance Certificate from the Credit Reference Bureau (CRB);
- (6) Current Valid Certificate of Good conduct from the Department of Criminal Investigation;
- (7) Current Clearance from Ethics and anti-Corruption Commission (EACC);
- (8) Current Clearance certificate from respective professional bodies
- (9) Accreditation from Commission of University Education for foreign degrees(where applicable)

The nominees are required to bring with them the original of the above-mentioned documents on the vetting day.

Members of the public are invited to submit in writing and under oath, any relevant information concerning the above nominees opposing their suitability to hold public office between **8.00am and 5.00pm** on or before **25th April, 2023** and be addressed to;

THE STANDARD PAGE 27. WEDNESDAY APRIL 19TH, 2023

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ANNEXURE - 3

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mvatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA

Email: assemblymks@gmail.com



OFFICE OF THE CLERK

OUR REF: MKSCA/ADM/VET/Vol. 1/86

The Chief Executive Officer
Ethics and Anti-Corruption Commission
P.O Box 61130-00200
Nairobi



25 April, 2023

RE: VETTING OF NOMINEES BY THE COUNTY ASSEMBLY

Pursuant to Article 235(1) of the Constitution and Sections 45 and 58(1) (a) and (b) of the County Government Act, 2012, the Speaker of the County Assembly of Machakos received from the her Excellency the Governor, the following nominees for vetting by the County Assembly;

	NAME	ID NO	POSITION
1	Albanus Paul Mutisya	1804316	Chairperson, County Public Service Board
2	Marleen Misco Mwanika	21344428	Member, County Public Service Board
3	Kasanga Julius Muindi	21037728	Chief Officer, Health Facilities and Infrastructure Development
4	Winnie Ndunge Musyoki	31587114	Chief Officer, Sewerage, Sanitation and Waste Management
5	Machogu Ian Obare	26140264	Chief Officer, Information, Communication and Technology Infrastructure
6	Sheikh Ifrah Obare	34226328	Chief Officer, Digital Economy
7	Bernadette Wavinya Mutiso	6051699	Chief Officer, Public Participation, Citizen Engagement and Customer Service
8	Mutunga Zipporah Kavata	24470626	Chief Officer, Small and Medium Enterprise Development
9	Mule Daniel Lemba	25081628	Chief Officer, Public Communication and E-Government
10	Mulwa Albert Katumo	7273294	Chief Officer, Livestock and Fisheries Development

Article 79 of the Constitution mandates the Ethics and Anti-Corruption Commission to oversee the implementation of the provisions of Chapter Six of the Constitution and the Leadership and Integrity Act, 2012, which lays out the principals of leadership, the moral and ethical requirements of public/state officials seeking to hold any public offices.

In view of the above and pursuant to section 4(2) & (4) and 44 (2) of the Leadership and Integrity Act 2012, the County Assembly forwards the names of the above nominees to the Commission for verification so as to ensure compliance with Chapter Six of the Constitution.


J.L MUTISYA
CLERK OF COUNTY ASSEMBLY

(91)

REPUBLIC OF KENYA ANNEXURE - 3
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA

Email: assemblymks@gmail.com

OFFICE OF THE CLERK

OUR REF: MKSCA/ADM/VET/Vol. 1/90

DATE: 24th April, 2023

The Chief Executive Officer
The Independent Electoral and Boundaries Commission
University Way, Anniversary Towers, 6th Floor,
P.O Box 45371 - 00100, Nairobi.
Tel No: (254) 020 - 2877000
Email Address: info@iebc.or.ke
Kenya



RE: REQUEST FOR INFORMATION ON MR. ALBANUS PAUL MUTISYA OF ID NO. 1804316 AND MARLEEN MISCO MWANIKA OF ID NO. 21944428

Article 176 of the Constitution establishes County Governments which comprise of County Assembly and the County Executive.

Section 8 (1)(a) of the County Governments Act No.17 of 2012 provides that the County Assembly shall vet and approve nominees for appointment to County public offices as may be provided for in the Act or any other law. Further, Section 4 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 provides that an appointment under the Constitution or any other law for which the approval of a County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly in accordance with the same Act.

In accordance with Section 58 of the County Governments Act, No 17 of 2012 as read together with Section 58A of the same Act. H.E Wavinya Ndeti, Governor of Machakos County nominated **MR. ALBANUS PAUL MUTISYA** as **CHAIRPERSON, COUNTY PUBLIC SERVICE BOARD** and **MARLEEN MISCO MWANIKA** as **MEMBER, COUNTY PUBLIC SERVICE BOARD** to be vetted by the County Assembly of Machakos for eventual appointment to serve in those positions.

Pursuant to sections 4, 7, 8 and 9 of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, the Assembly Committee on Appointments is in the process of vetting the said nominee to establish their suitability for the proposed positions.

Further in exercise of the powers conferred by Section 12(2) (b) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, the County Assembly of Machakos requests your office to furnish the Office of Clerk of County Assembly of Machakos with information whether **MR. ALBANUS PAUL MUTISYA** of ID No. 1804316 and **MARLEEN MISCO MWANIKA** of ID No. 21944428;

1. Have at any time within the preceding five years, held office, or stood for election as—
 - (i) a member of Parliament or of a County Assembly;
 - (ii) or as a member of the Governing Body of a Political Party;
2. Are, or have at any time been, candidates for election as a member of Parliament or of a County Assembly;

You are hereby requested to furnish us with the above information and the same should reach the office of the undersigned not later than Friday, 28th April, 2023



J.L. MUTISYA
CLERK OF COUNTY ASSEMBLY

(10)

ANNEXURE - 3

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd
P O Box 1168 – 90100
MACHAKOS – KENYA

Email: assemblymks@gmail.com

OFFICE OF THE CLERK

OUR REF: MKSCA/ADM/VET/Vol. 1/89

DATE: 24th April, 2023

The Chief Executive Officer
Office of the Registrar of Political Parties
Lions Place, 1st Floor
Karuna Close, Waiyaki Way, Westlands
P.O. Box 1131-00606, Nairobi Kenya
Tel: +254 (0) 204022000
Email: info@orpp.or.ke
Kenya



RE: REQUEST FOR INFORMATION ON MR. ALBANUS PAUL MUTISYA OF ID NO. 1804316 AND MARLEEN MISCO MWANIKI OF ID NO. 21944428

Article 176 of the Constitution establishes County Governments which comprise of County Assembly and the County Executive.

Section 8 (1)(a) of the County Governments Act No.17 of 2012 provides that the County Assembly shall vet and approve nominees for appointment to County public offices as may be provided for in the Act or any other law. Further, Section 4 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 provides that an appointment under the Constitution or any other law for which the approval of a County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly in accordance with the same Act.

In accordance with Section 58 of the County Governments Act, No 17 of 2012 as read together with Section 58A of the same Act, H.E Wavinya Ndeti, Governor of Machakos County nominated **MR. ALBANUS PAUL MUTISYA**, as **CHAIRPERSON, COUNTY PUBLIC SERVICE BOARD** and **MARLEEN MISCO MWANIKI** as **MEMBER, COUNTY PUBLIC SERVICE BOARD** to be vetted by the County Assembly of Machakos for eventual appointment to serve in those positions.

Pursuant to sections 4, 7, 8 and 9 of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, the Assembly Committee on Appointments is in the process of vetting the said nominees to establish their suitability for the proposed positions.

Further in exercise of the powers conferred by Section 12(2) (b) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, the County Assembly of Machakos requests your office to furnish the office of Clerk to the County Assembly of Machakos with information whether **MR. ALBANUS PAUL MUTISYA of ID No. 1804316** and **MARLEEN MISCO MWANIKA of ID No. 21944428** are, or have at any time been, the holders of an office in any political organisation, coalition or party.

You are hereby requested to furnish us with the above information and the same should reach the office of the undersigned not later than Friday, 28th April, 2023



J.L MUTISYA
CLERK OF COUNTY ASSEMBLY

REPUBLIC OF KENYA ANNEXURE -3
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatwa wa Ngoma Rd
P O Box 1168 – 90100
MACHAKOS – KENYA

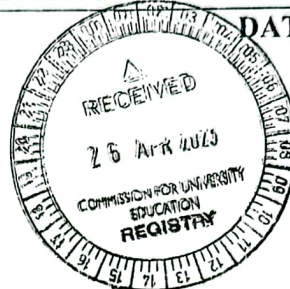
Email: assemblymks@gmail.com

OFFICE OF THE CLERK

OUR REF: MKSCA/ADM/VET/Vol. 1/88

DATE: 24th April, 2023

The Chief Executive Officer
Commission for University Education
Red Hill Road, off Limuru Road, Gigiri
P.O. Box 54999 – 00200
Nairobi, Kenya



RE: VERIFICATION OF LETTER BEARING THE NAME ALBANUS PAUL MUTISYA

Article 176 of the Constitution establishes County Governments which comprise of County Assembly and the County Executive.

Section 8 (1)(a) of the County Governments Act No:17 of 2012 provides that the County Assembly shall vet and approve nominees for appointment to County public offices as may be provided for in the Act or any other law. Further, Section 4 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 provides that an appointment under the Constitution or any other law for which the approval of a County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly in accordance with the same Act.

In accordance with Section 58 of the County Governments Act, No 17 of 2012 as read together with Section 58A of the same Act, H.E Hon. Wavinya Ndeti, Governor of Machakos County nominated **MR. ALBANUS PAUL MUTISYA** as **CHAIRPERSON, COUNTY PUBLIC SERVICE BOARD** to be vetted by the County Assembly of Machakos for eventual appointment to serve in that position.

Pursuant to Sections 4, 7, 8 and 9 of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, the Assembly Committee on Appointments is in the process of vetting the said nominee to establish his suitability for the proposed position.

Further in exercise of the powers conferred by Section 12(2) (b) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, the County Assembly of Machakos requests your office to furnish the Office of Clerk of the County Assembly of Machakos with information to ascertain the authenticity of Commission for University Education letter dated 18th of January, 2016 Ref No: CUE/10/9/1/Vol.326 not later than Friday, 28th April, 2023.

Enclosed herewith find a copy of the said letter.



J.L MUTISYA

CLERK OF COUNTY ASSEMBLY

Encls

REPUBLIC OF KENYA ANNEXURE - 3
COUNTY GOVERNMENT OF MACHAKOS
COUNTY ASSEMBLY OF MACHAKOS



County Hall
Along Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA



Email: assemblymks@gmail.com

OFFICE OF THE CLERK

OUR REF: MKSCA/ADM/VET/Vol. 1/87

DATE: 24th April, 2023

The Academic Registrar,
Maseno University,
Kenya.

RE: VERIFICATION OF ACADEMIC DOCUMENTS FOR MARLEEN MISCO MWANIKI

Article 176 of the Constitution establishes County Governments which comprise of County Assembly and the County Executive.

Section 8 (1)(a) of the County Governments Act No.17 of 2012 provides that the County Assembly shall vet and approve nominees for appointment to County public offices as may be provided for in the Act or any other law. Further, Section 4 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017 provides that an appointment under the Constitution or any other law for which the approval of a County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly in accordance with the same Act.

In accordance with Section 58 of the County Governments Act, No 17 of 2012 as read together with Section 58A of the same Act, H.E Hon. Wavinya Ndeti, Governor of Machakos County nominated **MARLEEN MISCO MWANIKI** as **MEMBER, COUNTY PUBLIC SERVICE BOARD** to be vetted by the County Assembly of Machakos for eventual appointment to serve in that position.

Pursuant to sections 4, 7, 8 and 9 of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, the Assembly Committee on Appointments is in the process of vetting the said nominee to establish his suitability for the proposed position.

Further in exercise of the powers conferred by Section 12(2) (b) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, the County Assembly of Machakos requests your office to furnish the office of Clerk to the County Assembly of Machakos with information

ANNEXURE - 3

to ascertain the authenticity of the Bachelor of Education Arts, (mathematics and Economics) bearing the name **MARLEEN MISCO MWANIKA** not later than Friday, 28th April, 2023.

Enclosed herewith find a copy of the Degree Certificate in question.



J.L. MUTISYA
CLERK OF COUNTY ASSEMBLY

Encls

CC:
Deputy Vice Chancellor (Academic Affairs)
Maseno University

MENT

the tenders below:

Eligibility	Bid Bond	Close date
Brokers Only	150,000	4 th January, 2023
Brokers Only	80,000	4 th January, 2023
Brokers Only	120,000	4 th January, 2023
Brokers Only	110,000	4 th January, 2023
Brokers Only	112,000	4 th January, 2023
Brokers Only	150,000	4 th January, 2023

lkipia county website, www.lalikipia.go.ke

parate envelopes should be deposited in the Nanyuki or posted to:

Management
Lalikipia
400

n. and opened thereafter in the presence of accepted.

t shall be considered for further evaluation.

UNIVERSITY

edge...

GRADUATION CEREMONY (PHYSICALLY)

ferment of various Degrees and award of diplomas
tion Ceremony will take place on Wednesday 18th

f inclusion of their names in the graduation list by

23 at 10.00 am.

m the Admissions Office on Monday 16th January
n or before Wednesday 1st February, 2023. Failure
s. 500/= (Kenya Shillings Five Hundred) per day,
2023 failure to which a penalty of Kshs 2,000/=

paid on or before Friday 6th January 2023.

16 th Feb	1st Feb	6 th Jan	1st Jan	16 th Dec	1st Dec
1,500/=	7,000/=				
1,000/=	5,000/=				

Account Number
1201874084

ly after the rehearsal on Tuesday 17th January,

or visit the University website.

COUNTY GOVERNMENT OF MACHAKOS

ANNEXURE - 4

SELECTION PANEL FOR RECRUITMENT OF CHAIRPERSON AND MEMBER OF MACHAKOS COUNTY PUBLIC SERVICE BOARD

VACANCY ANNOUNCEMENT

Article 235 of the Constitution of Kenya 2010 provides for the staffing of the County Government. Further Section 57 of the County Government Act No. 17 Of 2012 provides for the establishment of the County Public Service Board. The selection panel invites Applications from suitable and qualified Kenyan Citizens to fill a vacancy pursuant to Article 235 of the Constitution of Kenya, 2010 and Section 58 and 58A of the County Government Act, 2012.

CHAIRPERSON, COUNTY PUBLIC SERVICE BOARD (1) POST TERMS

SIX (6) YEAR NON-RENEWABLE CONTRACT

REMUNERATION: As Prescribed by the Salaries and Remuneration Commission.

DUTIES AND RESPONSIBILITIES

- Chair meetings of the Board;
- Establishing and abolishing offices in the County Public Service;
- Appointing persons to hold or act in the County Public offices;
- Guide the Board in Exercising disciplinary control over and removal of persons holding or acting in those offices as provided for, under this part;
- Prepare regular reports for submissions to the county assembly on the execution of the functions of the board;
- Promote the County Public Service values and principles referred to in articles 10 and 232 of the Constitution of Kenya 2010;
- Advise the County Government on human resource management and development;
- Advise the County Government on implementation and monitoring of the national performance management system in the county;
- Make recommendation to the salaries and remuneration commission on behalf of the county government on the remuneration, pension and gratuities for county public service employees.

REQUIREMENTS AND COMPETENCIES

For appointment to this position, the person should:

- Be a Kenyan Citizen;
- Be a holder of a first degree from a University recognized in Kenya;
- Have knowledge and working experience of not less than ten (10) years in Administration and management;
- Be a professional who demonstrates absence of breach of the relevant professional code of conduct;
- Not a public or state officer;
- Satisfy the requirement of Chapter 6 of the Constitution of Kenya on leadership and integrity;
- Understand the diversity within the County;
- Be capable of working under pressure to meet strict deadlines;
- Be a visionary and strategic thinker;
- Have thorough knowledge of the structural, legislative and regulatory framework of the public service; and
- Meet other requirements as per Section 58 of the County Government Act and other relevant laws.

TERMS OF SERVICE

Contract Six (6) years (Non-renewable)

2. MEMBER, COUNTY PUBLIC SERVICE BOARD (3) POST TERMS

SIX (6) YEAR NON-RENEWABLE CONTRACT

REMUNERATIONS: As Prescribed by the Salaries and Remuneration Commission

DUTIES AND RESPONSIBILITIES

- Delivering quality service to the citizens;
- Observing good corporate governance principles in the performance of your function;
- Regularly attend and participate in board meetings and committees where applicable;
- Reading, reviewing and making decisions on requests, board minutes, annual reports and other reports, plans and policies presented before the Board;
- Performing any other duties assigned by the chairperson from time to time.

REQUIREMENTS AND COMPETENCIES

For appointment to this position, the person should:

- Be a Kenyan citizen.
- Be in possession of first degree from a University recognized in Kenya.
- Have a working experience of not less than seven years in the relevant field.
- Demonstrate experience in human resource management and administration.
- Satisfy the requirements of Chapter Six of the Constitution on leadership and integrity.
- Be a professional who demonstrate absence of breach of the relevant professional code of conduct.
- Not hold a Public or State Office.
- Understand the diversity within the County.
- Be visionary and a strategic thinker.
- Capacity to work under pressure to meet strict deadlines.
- Meet other requirements as per Section 58 of the County Government Act and other relevant laws

NOTE:- Canvassing in any form will lead to automatic disqualification -Women and People living with disability are encouraged to apply, clearly indicating the type of disability. -Only shortlisted candidates will be contacted.

APPLICATIONS GUIDELINES

- Each application should include a detailed curriculum vitae, certified copies of relevant academic and professional certificates and testimonials. Copies of National Identity card or valid passport, current telephone number(s) and other relevant supporting documents.
- Shortlisted candidates are required to submit clearances documentations from:
 - Directorate of Criminal Investigation
 - The Ethics and Anti-Corruption Commission
 - The Higher Education Loans Board
 - Credit Reference Bureau

HOW TO APPLY

All applications should be submitted in a sealed envelope clearly indicating the position applied for; whilst enclosed together with a copy of National ID Card, a detailed CV and copies of all relevant certificates and testimonials, so as to reach on or before **22nd December, 2022 at 5.00p.m.** and addressed to:-

The Chair
Selection Panel
County Government of Machakos
P.O Box 1996 - 90100, MACHAKOS

ANNEXURE - 5
KENYA COUNTY GOVERNMENT WORKERS UNION

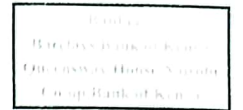
ALL COMMUNICATIONS TO BE ADDRESSED TO THE GENERAL SECRETARY

General Secretary: Hon. Roba Duba
National Chairperson: Mary N. Murongoro
National Treasurer: Tom Eddy Kang'ethe

AFFILIATED TO:
CENTRAL ORGANISATION OF TRADE UNIONS (COTU - K)
PUBLIC SERVICES INTERNATIONAL (PSI)

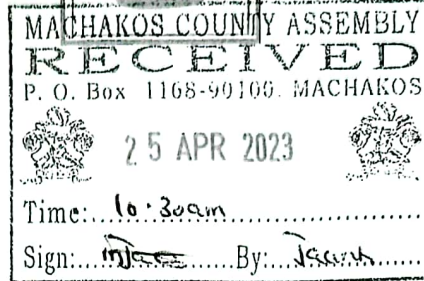


..... Branch



NATIONAL HEADQUARTERS
DUNDEE HOUSE
COUNTY ROAD
P.O. Box 55827-00200
NAIROBI - KENYA

The Speaker
County Assembly of Machakos
Po 1168-90100
Machakos



25th APRIL 2023

REF: VETTING OF CHAIRPERSON MACHAKOS COUNTY PUBLIC SERVICE BOARD MR. ALBANUS PAUL MUTISYA

I refer to your advert dated 19th April 2023 on the daily nation pursuant to section 58 (1) a and b of the county government act 2012 as amended in 2020 on the scheduled vetting of Mr. Albanus Paul Mutisya on the 29th April 2023 at the county assembly chamber. I write to petition the appointments committee and the county assembly against the vetting and approval of Mr. Albanus Paul Mutisya because is vetting, approval and appointment will be in violation of the constitution of Kenya article 10 and 232 and the county government act (Amendment) 2020. On the following grounds:

1. Section 58 A Subsection 6 (a) of the county government act (Amendment) 2020 mandates the selection panel to (a) consider the applications to determine their compliance with the provisions of the Constitution and this Act; Section 58 requires that a chairperson of the county public service board to be appointed in accordance with section 58 A. The act in paragraph (ba) stipulates that the chairperson and member of the county public service board should be a person who (ba) has not, at any time within the preceding five years, held office, or stood for election as—(i) a member of Parliament or of a county assembly; or (ii) a member of the governing body of a political party;

Paragraph (bb) stipulates that a member or chairperson of the county public service board should be a person who (bb) is, or as at any time been, a candidate for election as a member of Parliament or of a county assembly; section (bc) is, or has at any time been, the holder of an office in any political organisation that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of Parliament or of a county assembly.

Deputy Gen. Secretary: John M. Ndinda
National Vice Chairperson: Bonz O. Opiyo
Asst. Nat. Treasurer: Dendine N. Musyoki

In Pursuit of the Welfare of Workers

Telephone: 2217213,
Fax: 020-342143
Email: klgwuhq@yahoo.com

ANNEXURE - 5

Mr. Albanus Paul Mutisya has (bb) as at any time been, a candidate for election as a member of Parliament in the 2017 general election where he was a candidate for the Machakos Town constituency where he vied and garnered 29, 713 votes (Source; IEBC 2017 data report, Page 55 <https://www.iebc.or.ke/uploads/resources/siEABKREDq.pdf>) (bc) is, or has at any time been, the holder of an office in any political organisation that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of Parliament or of a county assembly. Mr. Paul Albanus Mutisya is and has been a political party official of the Machos town branch of the Wiper Democratic Party-Kenya that supports candidates for election as a Member of Parliament or of a county assembly which against the county government act (Amendment) 2020.

2. Section 58 (3) stipulates that A person shall be qualified to be appointed as a member under subsection (1) if that person— (a) satisfies the provisions of Chapter Six of the Constitution; (b) Is not a state or public officer; paragraph (c) requires that that in the case of chairperson or vice-chairperson, possesses a minimum qualification of a bachelor's degree from a recognized university.
The appointments committee should verify with the commission for University education if Mr. Paul Albanus Mutisya possess a degree from a recognized university in Kenya. The appointments committee should also ensure that Mr. Albanus Paul Mutisya has all the requirement clearances from the (DCI, EACC, CRB, HELB and Commission for University Education)
3. The appointments committee should have access to the report by the selection panel to ascertain themselves on the competence and qualifications of the candidate that were interviewed and recommended.

Section 10 subsection 1 of the public ethics officers act 2012 requires that a (1) A public/State officer shall carry out his duties in accordance with the law. Therefore, Vetting and recommending Mr. Paul Albanus Mutisya without carrying out due diligence on the above issues will be a contravention of the law and violation of Article 10 and 232 of the Kenya constitution 2010 and the county government act (Amendment) 2020 on your part as the speaker and the county assembly.

Sincerely,

Assistant Branch Treasurer-County Government workers Union Machakos Branch
CC
Ethics and Anticorruption Commission
Directorate of Criminal Investigation-Kenya
Attorney General
The Senate
General Secretary-County Government workers Union
County Secretary- County Government

ANNEXURE - 5

→ The Speaker

County Assembly of Machakos
County Hall along Mwatu Wa Ngoma Road
21st /April/2023

Dear Madam Speaker and members of the appointments committee,

SUBJECT: VETTING OF CHAIRPERSON COUNTY PUBLIC SERVICE BOARD MR. ALBANUS PAUL MUTISYA ID No: 1804316

Reference is made to your advert on the daily nation dated 19th April 2023 on the vetting of the chairperson and member of the county public service board pursuant to section 58(1)a and (b) of the county government act. I write to petition the members of the Machakos county assembly Appointments committee and the county assembly of Machakos against vetting and approving Mr. Albanus Paul Mutisya to be the Chairperson of the Machakos County Public Service board on the following grounds.

1. Vetting and approving Mr. Albanus Paul Mutisya will be a violation of the constitution article 10 and 232 and the county government act (Amendment) 2020 because Mr. Albanus Paul Mutisya has at anytime been a candidate for election as a member of parliament for Machakos town constituency in the 2017 general elections where he contested under the Wiper Democratic Movement-Kenya and garnered 29, 713 votes (Source IEBC 2017 data report, Page 55 of 687). This violates The county government act (Amendment) 2020 **section 58 A 2 paragraph (bb)** which bars any person from becoming a member or Chairperson of the County public service board if the person; **(bb) is, or as at any time been, a candidate for election as a member of Parliament or of a county assembly; (bc) is, or has at any time been, the holder of an office in any political organisation that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of Parliament or of a county assembly.** Mr. Albanus Paul Mutisya has been an **official of the wiper democratic party-Kenya in Machakos Town branch which has sponsored and supported candidates for election as Member of Parliament and county assembly.**

2. Section 58 3 (c) stipulates that; "in the case of chairperson or vice-chairperson, possesses a minimum qualification of a bachelor's degree from a recognised university and working experience of not less than ten years;" the committee should therefore, verify through the commission for University Education and the Kenya National Qualification Authority if Mr. Albanus Paul Mutisya holds a degree from a recognised university in Kenya to qualify for nomination for appointment to be the chairperson of the County Public Service Board. The same should apply to Marleen Misco Mwanika the nominee for member of County Public Service Board.

3. The committee should verify if Mr. Albanus Paul Mutisya has all the clearance documents

which includes (Good Conduct, EACC, CRB, Commission for University Education and HELB). This is to ensure that the nominee is meets Section 58 A 3 (a) satisfies the provisions of Chapter Six of the Constitution;

4. At the time of the interview Mr. Albanus Paul Mutisya had been appointed as an Education advisor to the governor thus making him a public officer an appointment that was withdrawn when the nominee had already been interviewed for the position. This also violates section 58A 3 (b) of the county government act. B section (1) if that person—(b) is not a state or public officer;

The Selection panel erred in considering and recommending Mr. Albanus Paul Mutisya for nomination as the chairperson of County Public service board because his application was not in compliance with the County Government act and the constitution as stipulated in section 58 A Subsection 6.

Approving Mr. Albanus Paul Mutisya without considering and ascertaining the above information will be a total violation of the constitution article 10 and 232 and county government act as amended in 2020 on the part of the committee. I have hereby attached the IEBC 2017 data report, the county government act 2012 and amendment 2020 as my supporting documents and copied all relevant oversight bodies.

Sincerely,

Tim Salim

Machakos

Cc:

CEO-Ethics and Anticorruption Commission

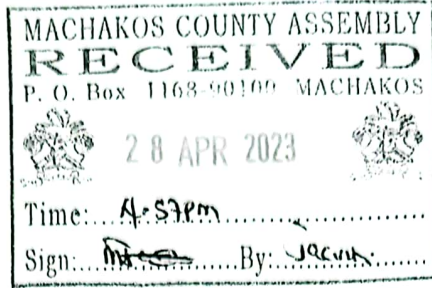
Director-Directorate of Criminal Investigation

The Speaker of the Senate

The Kenya County Government workers Union

The Attorney General

ANNEXURE - 6



Ref. IEBC/VREO/2/6/2022/68

28th April, 2023

Hon J. L Mutisya
Clerk of Machakos County Assembly
County Hall
Along Mwatu Wa Ngoma RD
P.O. Box 11684-90100
MACHAKOS

Dear *Hon Mutisya*

RE: REQUEST FOR INFORMATION ON MR ALBANUS PAUL MUTISYA ID NO 1804316 AND MARLEEN MISCO MWANIKA OF ID NO. 21944428

We acknowledge receipt of your letter dated 24th April, 2023, reference No: MNKSA/ADM/VET/VOL.1/90.

The Commission confirms that Mr. Albanus Paul Mutisya of ID No. 1804316 and Ms. Marleen Misco Mwanika of ID No. 21944428 did not participate within the preceding five years in any of the five elective positions (Governor, Senate, County Woman Member to the National Assembly, Member of the National Assembly and County Assembly Ward), held an office or stood for an elective position as Member of Parliament or County Assembly or a Member of the Governing Body of a Political Party.

Thank you for your continued collaboration on Election matters.

Yours *Sincerely*

Marjan Hussein Marjan, MBS
Commission Secretary/CEO

*to clerk Asst - Appointments
Deal
8/5/23*

*18/Proceedure
Note & lay to the
Appointments
Committee
2/5/23*

address: Anniversary Towers, 6th Floor, off University Way, P.O Box 45371-00100 Nairobi, Kenya
phone: +254 (0) 2769000, fax: +254 (0) 20 2219185, email: info@iebc.or.ke, website: www.iebc.or.ke



MASENO UNIVERSITY

OFFICE OF THE REGISTRAR, ACADEMIC AND STUDENT AFFAIRS

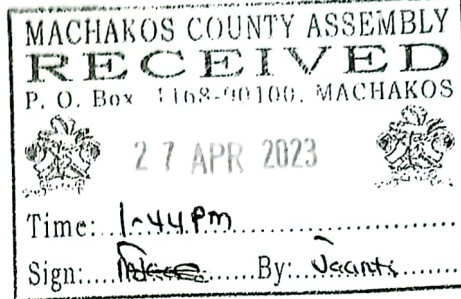
Tel: 254-057-351622, 351620, 351008, 351011
Fax: 254-057-351221, 351153
Email: reg.asa@maseno.ac.ke

Private Bag
MASENO, Kenya

Our Ref: MSU/ACA/TC/T4(38)
Your Ref: MKSCA/ADM/VET/Vol. 1/87

Date: 27th March, 2023

The Clerk of County Assembly
County Government of Machakos
P.O Box 1168-90100
MACHAKOS



Dear M/s Mutisya,

RE: VERIFICATION OF ACADEMIC CERTIFICATES

This is to confirm, after verification, that Mwanika Marleen Misco graduated from Maseno University after successful completion of a Bachelor of Education (Arts) degree programme. She graduated on 26th March, 2004 with a Second Class Honours, Upper Division and was issued with a certificate serial number 04 0190.

Kindly accord her the necessary assistance.

Thank you.

(Signature)

Rose Omoga- Chiaji
REGISTRAR, ACADEMIC AND STUDENT AFFAIRS

*I D/Procedures
note & lay to
the Committee*

*Declare Asst - Appointment
Jed
8/5/23*

*(Signature)
27/4/23*