

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 14th August, 2018

The House met at 10.30 a.m.

[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]

PRAYERS

Hon. Speaker: Good morning Hon. Members. I am allowed to look to confirm whether we have quorum at the beginning; Hon. Ndawa confirms it is there. Thank you.

COMMUNICATIONS FROM THE CHAIR

SUPPLEMENTARY BUDGET ESTIMATES FOR THE FINANCIAL YEAR 2018/2019

Hon. Speaker: There is some communication from the Chair and it is about four issues. The first one is on the supplementary budget estimates for the financial year 2018/2019. I want to tell you that it is a practice to get a supplementary budget in July. It is not a wonder because there are some funds which were not used in the just ended financial year and they cannot be used unless you budget and you pass an Appropriation Act that you have to do in July.

In most of the institutions we have a supplementary budget in July and so Hon. Members, under section 135(2), (4) and (6) of the PFM Act, a County Government shall submit a supplementary budget in support of additional expenditure for authority for spending to the County Assembly.

Pursuant to this provision, the Executive committee member for finance submitted the first supplementary budget estimates for the county for the financial year 2018/2019 to the Assembly on 8th August, 2018, for consideration and approval by the Assembly. The supplementary budget estimates are hereby committed to the Budget and Appropriation committee pursuant to Standing Order 186(3) for consideration.

SECOND GENERATION OF THE CIDP 2018-2022

There are trainings you have attended and you have heard, particularly the former Speaker Nuh, you remember in 67Hotel, he talked passionately about the CIDP and we have been acting on the one passed by the First Assembly and the life of the CIDP is only five years, so as it were, we have not had a CIDP and it is everything. So now we have the second generation; why it is called that is because the first one was the first and this is the second one.

Under Article 185(5) of the Constitution, it provides that a County Assembly may receive and approve plans and policies for; (a) the management and exploitation of the county resources and the development and management of its infrastructure and institutions.

Again under Section 107 of the County Governments Act 2012, the following plans are required to be submitted to the Assembly and approved for the purposes of guiding, harmonizing and facilitating development within the county and they are:

- 1) The County Integrated Development Plan (CIDP).
- 2) The Sectoral Plans.
- 3) The County Spatial plan.
- 4) Cities and urban areas as provided under the Urban Areas and Cities Act of 2011.

Hon. Members, pursuant to these provisions of the law, read together with section 108 of the County Governments Act and Section 125 of the PFM Act 2012, the County Executive, whose duty is to prepare and present those plans to the Assembly for approval through the department of Trade, Economic Planning, Investment and Industrialization submitted the second CIDP for 2018-2022 to the Assembly on 10th August, 2018 and it hereby now committed to the Trade, Economic Planning and Industrialization Committee for consideration and tabling of the report to the House for approval pursuant to Standing orders 190 (5) and Second Schedule of the Assembly Standing Orders.

Hon. Members, there is some urgency particularly on this report of the CIDP. The reason is because you must know everything of what is placed before you in that. The Controller of Budget has communicated to all CECs Finance, Speakers, and Governors; going forward she is not going to approve any requisitions for expenditure of public money unless all those plans have been prepared and approved by the Assemblies, and if the plans that are required, the CIDP had not been approved by this Assembly and so it is for the good of the Assembly and also the good of the Executive and foremost the good of the people of Machakos County that we expedite the processing of this CIDP because for as long it is outstanding, there may be difficulties in getting exchequer money from the County Revenue Fund because the Controller of Budget will not approve.

Hon. Members, for that reason, the committee to whom this work has been committed is requested to expedite the processing and tabling of the report to this House within the shortest time.

POSTPONEMENT OF COUNTY COMMISSIONER MEETING WITH ASSEMBLY

On 7th August, 2018, I communicated to you that the new County Commissioner intended to have a meeting with the Members of this Assembly because he appreciates the important role that all the Members play on matters of common interest and for the good of the people that you represent, foremost matters of security in the county.

He had requested that we meet him on 15th of August at 2:30 pm. However, a few days ago, he called me and told me unfortunately he lost a close relative and had to travel to North Eastern for the burial. He says the minute he comes back, he is going to request indulgence and you give him another date when he can come to the Assembly and talk with us. So the meeting that was to be with the County Commissioner tomorrow will not be there.

SPEAKERS' KAMUKUNJI

Today is the day when you have a long list of work to do, business to execute but I also ask we spare time after the business of the afternoon we have a Speaker's Kamukunji. There are several matters we need to agree on going forward which can only be addressed in a Kamukunji,

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so in the afternoon we will try to expedite the business for the afternoon and hope that we will still be strong enough to do a Kamukunji, particularly from 4:00 p.m. Hon. Members, kindly be notified accordingly.

PAPERS LAID

Hon. Speaker: Hon. Members, we have one business by Hon. Caleb Mule.

REPORT ON APPOINTMENT OF FOURTH AND FIFTH MEMBERS TO CASB

Hon. Mule: Madam Speaker, I wish to lay the following Paper on the Table of the Assembly today, 14th April, 2018; the report of appointment of positions of fourth and fifth members of the County Assembly Service Board. Thank you.

Hon. Speaker: Thank you Hon. Caleb. Hon. Members just a moment....Hon. Members, the Clerks are sorting out something that appears to have mixed them up. Thank you. Hon. Maitha, you had a point of order but we are proceeding. You are pointing out that there is another paper to be laid.

Hon. Maitha: Madam Speaker, it is as if the Member said he is laying a paper today, 14th April. Is today 14th April, Madam Speaker?

(Laughter)

Hon. Speaker: Hon. Maitha, thank you for being so awake. I didn't even notice that but it is good we are many and you know when the years are many and the eyes are many, we see better and we hear well. Hon. Caleb, I am going to ask you to come again and start from the beginning.

Hon. Mule: Thank you, Madam Speaker. I beg to lay the following Paper on the Table of the Assembly today, 14th August, 2018; the report of appointment of positions of fourth and fifth members of Machakos County Assembly Service Board. Thank you, Madam Speaker

Hon. Speaker: Thank you, Hon. Caleb; so it is 14th August, 2018 not 14th April. It must have been a slip of the tongue. Hon. Members, we also have another business by Hon. Grace Mutwiwa and somebody is.....we don't have a sign interpreter so you don't do like this.

(Hon. Speaker gestured to Hon. Mutwiwa)

Hon. (Ms.) Mutwiwa: Sorry, Madam Speaker. I am not feeling well so Hon. Pauline will do it on my behalf.

Hon. Speaker: Okay, our sympathies for not being well.

STATUS OF SELECTED HEALTH FACILITIES IN MACHAKOS COUNTY

Hon. (Ms.) Mene: Thank you, Madam Speaker. Madam Speaker, I beg to lay the following paper on the table of the Assembly today, Tuesday, 14th August, 2018; the Health and

Emergency Services Committee report on status of selected health facilities in Machakos County. Thank you.

Hon. Speaker: Thank you, Hon. Pauline.

NOTICES OF MOTION

Hon. Speaker: Hon. Members we have two businesses by Hon. Mule and Hon. Grace Mutwiwa. The order on you papers has reversed because of the information I had been given from the Clerk's office but it doesn't make a difference so Hon. Caleb can you proceed.

REPORT ON APPOINTMENT OF FOURTH AND FIFTH MEMBERS TO CASB

Hon. Mule:

Madam Speaker, aware THAT section 12 of the County Governments Act No. 17 of 2012 read together with sections 4(1), 8, 9 and 46 of County Assembly Services Act 24 of 2017, provides for establishment of the board consisting of:

- The Speaker of the County Assembly, as the Chairperson,
- A Vice-Chairperson elected by the Board from the members appointed under paragraph (c),
- Two members of the County Assembly nominated by the political parties represented in the County Assembly according to their proportion of members in the County Assembly; and
- One man and one woman appointed by the County Assembly from amongst persons who are experienced in public affairs, but are not members of the County Assembly;

That aware THAT according to the requirement of part (d) above, two positions of the County Assembly Service Board fell vacant hence a consortium was contracted by the Board to shortlist, interview and recommend the best candidates for the positions;

Acknowledging THAT pursuant to the first schedule of the County Assemblies Services Act 2017, the CASB placed an advertisement in the Standard News Paper of 12th September, 2017, notifying the public of the vacancies for the 4th and 5th Member in the CASB and then re-advertised the position in the same paper on 3rd April, 2018;

Aware THAT section 2 of the First Schedule of the County Assemblies Services Act 2017 stipulates that any person qualified in accordance with this Act may make an application to the secretary within 14 days of the publication of the notice;

Section 3 of the same schedule provides that the Board shall within 14 days after the last day of submission of the application under paragraph 2 consider the applications, shortlist, conduct interviews and recommend a name of one applicant qualified for the position;

Madam Speaker, I wish to give notice of motion that this House discusses and approves the report on apportionment of fourth and fifth member to the CASB.

Thank you Madam Speaker.

Hon. Speaker: Thank you, Hon. Caleb. I am assuming that Hon. Pauline is continuing to hold brief for Hon. Grace Mutwiwa.

REPORT OF STATUS OF SELECTED HEALTH FACILITIES IN MACHAKOS COUNTY

Hon. (Ms.) Mene: Thank you, Madam Speaker.

That aware THAT Article 43(1)(a) of the Constitution of Kenya, 2010 states that every person has a right to the highest attainable standards of health which includes the right to healthcare services including reproductive healthcare;

Aware THAT under the Fourth Schedule of the Constitution of Kenya county health facilities, pharmacies and promotion of primary healthcare is a function of the county governments;

Further aware THAT the mission for the Department of Health and Emergency Services in Machakos County is to provide the highest attainable standards of quality health care which is efficient and effective to all, while promoting provision of an integrated quality curative and rehabilitative services;

Aware that the Health and Emergency Committee is established as per the Standing Order 190;

Aware THAT the Second Schedule of the County Assembly Standing Order underlines the functions of the Committee to include 'all matters related to County Health Services including, in particular, County health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, cemeteries, funeral parlors and crematoria and refuse dumps and solid waste disposal; firefighting services and disaster management;

Madam Speaker, I wish to give a notice of motion that this Hon. House discuss and approves the Report of the Health and Emergency Services Committee on the Status of Selected Health Facilities in Machakos County.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Pauline Mene.

STATEMENT

BUSINESS FOR THE HOUSE FOR 14TH AUGUST, 2018

Hon. Speaker: We have one business by Hon. Tariq Mulatya.

Hon. Mulatya: Thank you, Madam Speaker. Hon. Speaker, I stand under Standing Order 41(2)(a) where during the Statement Hour, a Member of the House Business Committee designated by the Committee for that purpose, shall, for not more than ten minutes, present and lay on the table, a statement informing the House of the business coming before the House.

Hon. Speaker, the House Business Committee met on 13th August, 2018 and balloted business for this week pursuant to the provisions of the Standing Order 151 as follows:

Tuesday, Morning 14th August, 2018 at 10.00 a.m.

- Report of Health and Emergency Services Committee on Status of Selected Health Facilities within Machakos County by Hon. Grace Mutwiwa, Chairperson.
- The Report on Appointment for positions of Member of Machakos County Assembly Service Board by Hon. Caleb Mutiso, Vice Chairperson, CASB.

Hon. Speaker: Point of order by Hon. Mitaa.

Hon. Mitaa: Yes, I think our colleague is wrong to state that Hon. Caleb Mutiso is the Chairperson; he is the Vice-Chairperson.

Hon. Speaker: So it is a correction?

Hon. Mitaa: Yes.

Hon. Speaker: Hon. Tariq, do you accept that correction?

Hon. Mulatya: No Madam Speaker, I said the Vice Chair... Okay, I am sorry; the vice chair; I go by the majority and I stand guided, Madam Speaker.

Hon. Speaker: Point of order by Hon. Minority Leader.

Hon. Kamitu: Madam Speaker, with due respect, we are Members of the committee but in our Order Paper, today's Statement should be read by Hon. Ndawa as it appears and he is around. It is not wrong but it is a question of concern, Madam Speaker. Thank you.

Hon. Speaker: Somehow then there is a mistake. Hon. Mulatya, where did your name come in?

Hon. Mulatya: I don't know Madam Speaker and I had to obey when you called my name.

Hon. Speaker: Then it must be by error; Mr. Muange the Clerk told me it is Hon. Mulatya, unless it is different. So it is Hon. Ndawa. But Hon. Ndawa if you have farming to do and somebody comes to farm for you, do you complain? Please come over and do the farming. Forget Hon. Members that Hon. Mulatya ever stood here this morning.

(Laughter)

Hon. Mulatya: Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Minority Leader.

Hon. Ndawa: Thank you, Madam Speaker. I was even asking myself questions.

Hon. Speaker: What happened; ask no more, please read.

Hon. Ndawa: Madam Speaker, I would request the clerks to make sure they give the correct information, because Dominic was in the committee and we agreed whoever will read this Statement.

Hon. Speaker: Alright. Let me, for record purposes, Hon. Members, the Business under Order number seven is one and by Hon. Ndawa, please proceed.

Hon. Ndawa: Thank you, Madam Speaker.
Madam Speaker, I stand under Standing Order 41 (2)(a) where during the Statement Hour, a Member of the House Business committee designated by the Committee for that purpose, shall, for not more than ten minutes, present and lay on the table, a statement informing the House of the business coming before the House.

Hon. Speaker, the House Business Committee met on 13th August, 2018 and balloted business for this week pursuant to the provisions of the Standing Order No. 151 as follows:

Tuesday, 14th August, 2018

Morning at 10.00 a.m.

- Report of Health and Emergency Services Committee on Status of Selected Health Facilities within Machakos County (Hon. Grace Mutwiwa – Chairperson).
- The Report on Appointment for positions of Member of Machakos County Assembly Service Board (Hon. Caleb Mutiso – Vice Chairperson, CASB).

Afternoon at 2.30 p.m.

- Report of General Oversight Committee on Recruitment of Senior Ward Administrators and Village Administrators in Machakos County.
- Motion by Hon. Mwanthi that the Assembly resolves as follows:
 - i. That the fines contained in the directives issued by the Governor of Machakos are illegal in as far as they contradict the Constitution of Kenya and other legislations by County and National Governments.
 - ii. That the fine of Ksh. 150,000 to be paid by owners of vehicles emitting smoke is illegal as per the Machakos County Finance Act, 2017 and that the penalty for such an offence is Ksh. 20,000 as provided in that Act.
 - iii. That the fine of Ksh. 50,000 to be paid by a vehicle causing obstruction is illegal as per the sections 53(10) and 67 of Traffic Act and that the penalty for such an offence is Ksh. 3,000 and Ksh. 10,000 for obstruction by picking/ dropping passengers at un-designated areas and for failure to remove vehicle at the scene of accident respectively as provided in the Act.
 - iv. That, enforcement officers at County and National level to co-operate and enforce the Constitution of Kenya and any other legislation at County or National level.
- Motion on adjournment to allow Sectoral Committees meet to plan interrogation of Chief Officers and Members attend Ahadi training, CASA and for recess from 14th August, 2018 to 17th September, 2018.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ndawa.

MOTION

Hon. Speaker: The first business, remember there has been a change even on laying of papers. It wasn't intentional but the name of Caleb featured first, maybe because he is representing the Board that I chair but that is with a light touch. So, Hon. Caleb you are going to come and present the first motion.

REPORT ON APPOINTMENT OF FOURTH AND FIFTH MEMBERS TO CASB

Hon. Mule: Madam Speaker, aware that section 12 of the County Governments Act 17 of 2012 read together with section 4(1), 8, 9 and 46---

Hon Speaker: Point of order by Hon. Cosmus

Hon. Masesi: Madam Speaker, we still don't have the report with us.

Hon. Speaker: You do not have the reports? But now, just what is happening? Clerks.

(The Reports were circulated)

Hon. Speaker: Point of order.

Hon. (Ms.) Mwikali: Madam Speaker---

Hon. Speaker: Hon. Mwikali, when you address the Speaker and the House, you stand up unless you are not able to.

Hon. (Ms.) Mwikali: I am sorry, Madam Speaker. I am very strong enough to stand but I was observing you talking to someone. Thank you. We seem not to have enough reports for CASB, therefore I am requesting if it will be possible to go along with the program because we already have enough reports for the health committee. That was my request.

Hon. Speaker: Point of information, Hon. Musau.

Hon. Musau: Thank you Madam Speaker. The reports have come we can proceed with the business.

(Applause)

Hon. Speaker: Hon. Members, there is something we need; to read from one page. When we are preparing in the office, the clerks prepare me as we come to the Assembly. I had been prepared on one paper; by Hon. Caleb, and that is the ticking I did on my notes which I always tick. But when I came here, I am seeing there is also a paper by Hon. Grace Mutwiwa and because Hon. Caleb had laid his paper first, it had to follow sequentially that he gives notice of motion first, and then his motion also comes first.

That is why you are seeing the interchange but no harm intended. That explains why the report by Hon. Grace Mutwiwa was ready because on the order paper it was supposed to be

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number one. But now we are told you have the report by Hon Caleb. Are you able to proceed? We proceed, alright. Hon. Caleb, please proceed.

Hon. Mule: Thank you, Madam Speaker.

Madam Speaker, aware that section 12 of the County Governments Act 17 of 2012 read together with section 4(1) 8, 9 and 46---

Hon. Speaker: Just on a point of order; Hon. Caleb, just a moment.....It is on the first motion, Hon. Caleb, just proceed.

Hon. Mule: Thank you, I proceed.

Madam Speaker, aware that section 12 of the County Governments Act 17 of 2012 read together with section 4(1) 8, 9 and 46 of County Assembly Services Act 24 of 2017, provides for establishment of the board consisting of:

The Speaker of the County Assembly as the Chairperson,

- a) A Vice-Chairperson elected by the Board from the members appointed under paragraph (c),
- b) Two members of the County Assembly nominated by the political parties represented in the County Assembly according to their proportion of members in the County Assembly; and
- c) One man and one woman appointed by the County Assembly from amongst persons who are experienced in public affairs, but are not members of the County Assembly.

That aware THAT the requirement of part (d) above, two positions of the County Assembly Service Board fell vacant hence a consortium was contracted by the Board to shortlist, interview and recommend the best candidates for the positions; Acknowledging THAT pursuant to the First Schedule of the County Assemblies Services Act 2017, the CASB placed an advertisement in the Standard Newspaper of 12th September, 2017, notifying the public of the vacancies for the 4th and 5th Member in the CASB and then re-advertised the position in the same paper on 3rd April, 2018;

Aware THAT section 2 of the First Schedule of the County Assemblies Services Act, 2017 stipulates that any person qualified in accordance with this Act may make an application to the secretary within 14 days of the publication of the notice. Section 3 of the same Schedule provides that the Board shall within 14 days after the last day of submission of the application under paragraph 2 consider the applications, shortlist, conduct interviews and recommend a name of one applicant qualified for the position; Madam Speaker, I wish to move the motion that this House discusses and approves the report on apportionment of fourth and fifth member to the CASB.

Thank you, Madam Speaker. I call upon Hon. Ngunga to second.

Hon. Speaker: Hon. Ngunga.

Hon. Ngunga: Thank you, Madam Speaker. I second the motion that has been presented by Hon. Caleb on the grounds that I sit in that Board and therefore for the sake of collective responsibility, I am for the motion to go through. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ngunga.

Hon. Mule: The report with you is on the recruitment of the fourth and fifth member of Machakos CASB. We can begin with page five of the report, it is the background.

Establishment of the Machakos County Assembly Service Board

Madam Speaker, the County Assembly is established under Section 176 (1) of the Constitution of Kenya. In order for the County Assembly to adequately execute its mandate, there is need of having the County Assembly Service Board pursuant to Section 12 of the County Government Act No. 17 of 2012, read together with Sections 4, 8, 9 and 46 of the County Assembly Services Act No. 24 of 2017 which provides for its establishment.

Madam Speaker, the constitution of the Board as provided by Section 46 of the County Assemblies Services Act, 2017 is as follows:

- i. The Speaker of the County Assembly, as the Chairperson,
- ii. A Vice-Chairperson elected by the Board from the members appointed under paragraph (c),
- iii. Two members of the County Assembly nominated by the political parties represented in the County Assembly according to their proportion of members in the County Assembly; and
- iv. One man and one woman appointed by the County Assembly from amongst persons who are experienced in public affairs, but are not members of the County Assembly.

Further to the requirement of part (d) above, two positions of the County Assembly Service Board fell vacant hence a consortium was contracted by the Board to shortlist, interview and recommend the best candidates for the positions.

Mandate of the Board

Madam Speaker, the mandate of the Board is provided for under Section 12 (7) of the County Governments Act No. 17 of 2012, that the Board shall;

- (a) Provide services and facilities to ensure the efficient and effective functioning of the County Assembly;
- (b) Constitute offices in the County Assembly Service and appointing and supervising office holders;
- (c) Prepare annual estimates of expenditure of the County Assembly Service and submitting them to the County Assembly for approval, and exercising budgetary control over the service;
- (d) Undertake, singly or jointly with other relevant organizations, programmes to promote the ideals of parliamentary democracy; and
- (e) Perform other functions—
 - i. Necessary for the well-being of the members and staff of the County Assembly; or
 - ii. Prescribed by national legislation

Current Membership of the Machakos County Assembly Service Board

Madam Speaker, the current membership of the Board is;

- a) Hon. Florence Muoti Mwangangi - Speaker (Chairperson)

- b) Hon. Caleb Mule -Representing minority party (Vice Chairperson)
- c) Hon. Francis Mwaniki Ngunga - Representing Majority Party
- d) Mr. Felix Mbiuki - Secretary to the County Assembly Service Board

Procedure for Appointment

Madam Speaker, pursuant to the first schedule of the County Assembly Services Act, 2017, the County Assembly Service Board placed an advertisement in the Standard News Paper of 12th September, 2017, notifying the public of the vacancies for the 4th and 5th Member in the CASB. The vacancies attracted 19 applicants and 12 applicants were shortlisted for interviews.

The interviews were conducted on 21st and 22nd November, 2017 by Rovans Ltd recruiting agency recruited by the Board after which a report was tabled before the House on 28rd March, 2018. Subsequently, the report was withdrawn by the mover and was referred back to the Board. Following the withdrawal of the report, the Board re-advertised the positions via the Standard Newspaper of 3rd April, 2018 as annexed in Annexure 1.

Section 2 and the first schedule of the County Assembly Services Act, stipulates that any person qualified in accordance with this Act may make an application to the Secretary within fourteen (14) days of the publication of the notice. Section 3 of the same Act provides that the Board shall, within fourteen days after the last date of submission of applications under paragraph 2, consider the applications, shortlist, conduct interviews and recommend name of one applicant qualified for the position.

Committal to Consultant Service

Madam Speaker, the County Assembly Service Board contracted the services of Platinum Blue Limited to undertake the selection process. The firm was contracted after competitive bidding which had attracted the following other firms;

- a) Mwendwa Consulting Group Limited.
- b) Reeds Consulting Limited.

Objective of the Assignment

Madam Speaker, the objective of the engagement was to provide consultancy services to the County Assembly of Machakos to recruit 4th and 5th members of the County Assembly Service Board. Specifically, the assignment was to shortlist and interview the qualified candidates in compliance to Section 8 and 9 of the County Assemblies Services Act, 2017 and recommend to the County Assembly Service Board for selection.

Scope of Assignment

Madam Speaker, the specific activities carried out by Platinum Blue Limited were as follows:

- i. Short listing of candidates from the analyzed report (long list).
- ii. Verification of the original educational and professional qualifications of the candidates.
- iii. Conducting face to face interviews.
- iv. Providing a recommendations report to the County Assembly Service Board.

Notification to the Public

Madam Speaker, Pursuant to Section 9(2) of the County Assembly Services Act, 2017, the County Assembly Service Board placed an advertisement in the Standard Newspaper on 12th September, 2017 and re-advertised on the same newspaper on 3rd April, 2018, inviting the qualified members of public to submit their applications for the vacancy of Member of County Assembly Service Board.

The advertisement inclusive of the applicants in the first advertisement attracted the under listed 34 applicants. (Annexure 2)

Name	National ID. No.	Ward	Gender
Paul Mutua Wambua	22131709	Machakos Central	Female
Dee Mutisya Kivuva	Not Indicated	Machakos central	Male
Isaac Mutuku Muinde	11624520	Ekalakala	Male
Alex Nyamai Kitili	21649294	Kibauni	Male
Paul Mumo Mwangangi	23525027	Mutitu	Male
Onesmus M. Mutua	4828282	Machakos central	Male
Nathaniel Nganga Reuben	25108181	Ikombe	Male
Erick Mukeku Mutiso	20027121	Mumbuni	Male
Gedion Mutuku Ndeti	24193247	Machakos central	Male
Alexander Nzambu Kathinzi	21003253	Masinga	Male
Dr. Abdullah Ibrahim Ali	20032275	Kisauni	Male
Daniel Kibet Jepkijo	Not indicated	Nandi	Male
Dr. Samuel Mwachiro Mwawasi	11655730	Kilifi	Male
Wilbert Kipsang Choge	8727798	Nandi central	Male
Shadrack Kitolo Kioki	7794954	Machakos Central	Male
Samuel Mwangi	9811439		Male
Mohamed Abdullahi Abdi	14680054		Male
Christopher Mathoka	Not indicated	Machakos Central	Male
Dr. Edward Katue Nzinga	10968268	Machakos Central	Male
Dr. Hassan Kinyua Omari	21229124	Embu	Male
Patrick Kilonzo Nzioka	10890042	Machakos Central	Male
Stephen Nzioka	2255291	Ndalani	Male
David Kitavi Musau	10891090	Matuu	Male
Caroline Kalekye Mutuku	Not indicated		
Maureen Mwendu Maingi	22349188	Kathiani	Female
Doris Ndinda Masila	13639750	Kitui-Kauwi	Female
Margaret Mueni Kavilo	137113415	Mumbuni	Female

Mary Ndinda Paul	4934243	Kathiani	Female
Janet Mwikali Kimeu	12534948	Machakos Central	Female
Faith Muendi Katunga	21591545	Makueni	Female
Rita Ndunge Ndunda	11767355	Kola	Female
Rosemary Mutheu	8557331	Kangundo	Female
Nancy Oundo Dalla	Not Indicated	Kisumu	Female
Janet Mutua	12534948	Machakos Central	Female

Requirements for Appointment

Madam Speaker, pursuant to Section 9(1) of the County Assembly Services Act, 2017, as indicated in the advertisement, the requirements for application were as follows:

- a) Be a Kenyan Citizen.
- b) Holds a degree from a recognized University.
- c) Has at least ten years' experience in public affairs.
- d) Meet the requirements of Leadership and Integrity in chapter Six of the Constitution.

Selection Process

Madam Speaker, the consultant held a consultative meeting with the Service Board to agree on the terms of reference (TORs) and were both guided by Section 8 and 9 of the County Assembly Services Act, 2017 which provides that in nominating or appointing any person as a Member of the Board, the County Assembly shall have regard to-

- a) The National Values and Principles set out in Article 10 of the Constitution; and
- b) Community and cultural diversity of the county.

Further Section 9 (1) of the County Assembly Services Act provides that a person shall not be qualified for appointment as a member of the Board under section 12(3)(d) of the County Governments Act unless such person;

- a) Is a citizen of Kenya;
- b) Holds a degree from a university recognized in Kenya;
- c) Has at least ten years' experience in public affairs; and
- d) Meets the requirements of leadership and integrity in Chapter Six of the Constitution.

Madam Speaker, based on the above requirements, the following eleven (11) candidates were shortlisted for the interviews: (As Indicated in Annexure 2)

NAME	WARD	ID	GENDER
Onesmus M. Mutua	Machakos Central	4828282	Male
Dr. Abdulla Ibrahim Ali	Kisauni	20032275	Male
Dr. Samuel Mwachiro Mwawasi	Kilifi	11655730	Male
Wilbert Kipsang Choge	Nandi Central	8727798	Male
Christopher Muthoka	Machakos Central	Not indicated	Male
Mary Ndinda Paul	Kathiani	4934243	Female

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Rita Ndunge Ndunda	Kola	11767355	Female
Rosemary Mutheu Mulee	Kangundo	8557331	Female
Isaac Mutuku Muinde	Ekalakala	11624520	Male
Alex Nyamai Kitili	Kibauni	21649294	Male
Janet Mwikali Kimeu	Machakos Central	12534948	Female

Madam Speaker, the County Assembly Service Board via an advertisement in the Standard Newspaper dated 18th June, 2018 placed a list of all the long listed and shortlisted applicants. In addition, the shortlisted candidates were informed to attend the interviews scheduled for 26th and 27th June, 2018.

Interviews

Madam Speaker, the face to face interviews for the eleven shortlisted candidates took two (2) days, 26th and 27th June, 2018. The candidates were required to provide their original academic and professional certificates and the original clearance certificates from HELB, EACC, CID, CRB, KRA, which were verified against the copies provided at the application stage.

The candidates were interviewed using a uniform interview guide (see appendix I) to ensure objectivity. The four panelists were instructed to stick on the provided rubric. Each panelist scored the candidate out of 100 per cent against the answers he or she provided to the set questions. The total for the entire panelist were obtained and an average taken. This average score formed the basis of ranking the candidates for the 4th and 5th member of the County Assembly Service Board.

Madam Speaker, the following shortlisted candidates did not appear for the interviews and did not provide any reason for the same:-

1. Dr. Abdallah Ibrahim Ali.
2. Christopher Mathoka.

Candidates Presentations

Madam Speaker, we have all the candidates who were shortlisted and they presented themselves as short listed; and with your permission we can go to page 21.

Hon. Speaker: Hon. Caleb, maybe they can give you a glass of water and you read through because Members want to appreciate the report in its entirety, I see you are trying to skip some pages but we can give you two glasses of water so that you are strong. So, carry on; read page by page. Point of order Hon. Mulatya.

Hon. Mulatya: It is my sincere request, if the Hon. Member is tired, Hon. Ngunga can help him read. We want a thorough report.

Hon. Speaker: The Hon Member is very energetic; he looks it so he will be able to manage through. Hon. Caleb, please carry on.

Hon. Mule: Thank you, Madam Speaker

Candidates Presentations

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MR. ONESMUS MUTUA

Madam Speaker, the candidate appeared before the panel on 26th June, 2018

Age

The candidate is 63 years of age.

Document of Identification

He possesses a National ID card No. 4828282

Ward/County

Madam Speaker: the nominee comes from, Machakos County

Academic Qualifications

Madam Speaker, the candidate holds:

- a) An Executive Masters of Public Policy and Administration, Kenyatta University, 2013
- b) Bachelor of arts, University of Nairobi, 1980
- c) Advanced Public Administration , Kenya Institute Of Administration, 1983

Experience in Public Affairs

He has 35 years of experience in public affairs

Integrity

Madam Speaker, in compliance with Chapter Six of the Constitution, the candidate has attached the following:-

- a) Self-declaration form (Leadership & Integrity) -EACC
- b) Tax compliance certificate
- c) Certificate of Clearance from Credit Reference Bureau
- d) HELB Clearance Certificate

The candidate has not attached a certificate of good conduct but has applied for one (invoice attached)

CV

The candidate has attached his CV

Observation

Madam Speaker, the following observations were made:

- a) There was no current certificate of good conduct but there was evidence of an invoice of renewal attached.
- b) The candidate was very elaborate with wealth of experience in the public Sector
- c) The candidate was not very clear on the meetings availability.

Candidate's Overall Score

Madam Speaker, the candidate was awarded 52 per cent.

DR. SAMUEL MWACHIRO MWAWASI

Madam Speaker, the candidate appeared before the panel on 26th June, 2018

Age

The candidate is 45 years old.

Ward/County

Madam Speaker: the nominee comes from Kilifi County

Academic Qualifications

Madam Speaker, the candidate holds:

- a) PhD Economics Mohanial Sukhadia University –India, 2002
- b) MA Economics- Mohanial Sukhadia University –India, 1998
- c) BA Sociology , Economics and Public Administration - Mohanial Sukhadia University – India, 1995
- d) Diploma in Basic Beliefs (religious studies)- Mohanial Sukhadia University, India, 1994

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Experience in Public Affairs

Madam Speaker, the candidate has 14 years

Integrity

Madam Speaker, in compliance with Chapter Six of the Constitution, the candidate has attached the following;

- a) Self-declaration form (Leadership & Integrity)
- b) Police Clearance Certificate
- c) Tax Compliance Certificate
- d) Certificate of Clearance from Credit Reference Bureau
- e) HELB Clearance Certificate

CV

Madam Speaker, the candidate has attached his CV

Observations

Madam Speaker, it was observed that:

- a) The Candidate has a PHD in economics which was a good advantage
- b) He did not appear to understand the workings of the County Government
- c) He was not committal on availability for meetings because of the distance from the County of Residence

Candidates' Overall Score

Madam speaker, the candidate was awarded 50.75 per cent.

WILBERT KIPSANG CHOGE

Madam Speaker, the candidate appeared before the panel on 26th

Age

The candidate is 61 years of age

Document of Identification

The candidate possesses a National ID card No. 8727798

Ward/County

The candidate comes from Nandi County

Qualifications

Madam Speaker the candidate holds:

- a) M.Sc Telecommunications Manchester United (U.K), 1981

Laughter

Hon. Speaker: Hon. Members, I think it was just a correction he may be a fan of Man-U, but we are not talking about Man-U

Hon. Mule: Thank you Madam Speaker. M.Sc Telecommunications from Manchester University (U.K), 1981

- a) B.sc Honors Electronics Manchester University (U.K, 1980

Experience in Public Affairs

Madam Speaker, the candidate has 17 years' experience in Public affairs.

Integrity

Madam Speaker, the candidate has attached the following documents:

- a) A Self-declaration form, EACC (Leadership & Integrity)
- b) A Police Clearance Certificate
- c) A Tax compliance certificate

- d) A Certificate of Clearance from Credit Reference Bureau
- e) HELB Clearance certificate

CV

The candidate has attached his CV

Observations

- a) The candidate did not seem aware of the requirements of the position he had applied for.
- b) He did not have a clue as to the workings of the County Assembly or the County Assembly service Board
- c) He projected a bullish way of implementing Board resolutions
- d) Has not worked in the mainstreaming civil service but has long experience in Parastatal.

Candidate's Overall Score

Madam Speaker, the candidate scored 45 per cent.

MARY NDINDA PAUL

Madam Speaker, the candidate appeared before the panel on 26th June, 2018.

Age

The candidate was 56 years of age.

Document of Identification

The candidate possesses a National ID card No. 4934243

Ward/County

Madam Speaker, the nominee comes from Ndithini ward, Machakos County

Qualifications

The candidate has a Bachelor of Arts in Leadership and Management, St. Paul University, 2016

Experience in Public Affairs

Madam Speaker, the candidate has 19 years' experience in public affairs

Integrity

Madam speaker, the candidate has attached the following clearance documents.

- a) Self-declaration form, EACC (Leadership & Integrity)
- b) Police Clearance Certificate
- c) Tax compliance certificate
- d) Certificate of Clearance from Credit Reference Bureau
- e) HELB Clearance certificate

CV

Madam Speaker, the candidate has attached her CV.

Observation

Madam Speaker, it was observed that:

- a) The candidate was conversant with the operations of the County Assembly however she could not differentiate the workings of the County Assembly and the County Assembly Service Board.
- b) Her degree certificate was fairly recent compared to experience.
- c) In addition it was also noted that she was a pastor which was a good thing.

Candidate's overall Score

Madam Speaker, the candidate scored 69.25 per cent.

RITA NDUNGE NDUNDA

Madam Speaker, the candidate appeared before the panel on 27th June, 2018.

Age

The candidate was 46 years of age.

Document of Identification

The candidate possesses a National ID card No. 11767355

Ward/County

Madam Speaker: the nominee comes from Kola ward, Machakos County

Qualifications

- a) The candidate possesses a Bachelor of Arts degree (Sociology and Psychology) and a Diploma in Crime Management & Prevention, 2008-2010
- b) Diploma in Crime Management & Prevention, Kenyatta University, 2004 to 2006
- c) Certificate in Public Relations, University of Nairobi

Experience in Public Affairs

Madam Speaker, the candidate has 25 years' experience in public service

Integrity

Madam speaker, the candidate has attached the following clearance documents:

- a) Self-declaration form (Leadership & Integrity)
- b) Police Clearance Certificate
- c) Tax compliance certificate
- d) Certificate of Clearance from Credit Reference Bureau
- e) HELB Clearance certificate

CV

Madam Speaker, the candidate has attached her CV.

Observation

Madam Speaker, it was observed that:

- a) The candidate was well conversant with security matters
- b) Had not served in the mainstream civil service but in one parastatal for a long time.
- c) Not very elaborate on the workings of the County Assembly and its core values
- d) Had vied for a women representative position in the last elections.

Candidate's Overall Score

Madam Speaker, the candidate scored 65.25 per cent.

ROSEMARY MUTHEU MULEE

Madam Speaker, the candidate appeared before the panel on 27th June, 2018 at 3.00 p.m.

Age

The candidate was 51 years of age.

Document of Identification

The candidate possesses a National ID card No. 8557331

Ward/County

Madam Speaker: the nominee comes from Kangundo ward, Machakos County

Academic Qualifications

The candidate possesses the following academic qualifications

- a) Master of Arts Gender and Development studies, University of Nairobi
- b) Bachelor of Education (Arts), 1987-1990
- c) CPS (K)

Experience in Public Affairs

Madam Speaker, the candidate has 24 years' experience in public affairs

Integrity

Madam speaker, the candidate has attached all the clearance documents.

- a) Self-declaration form (Leadership & Integrity)
- b) Police Clearance Certificate
- c) Tax compliance certificate
- d) Certificate of Clearance from Credit Bureau Reference
- e) HELB Clearance certificate

CV

Madam Speaker, the candidate has attached her CV

Observation

Madam Speaker, it was observed that:

- a) The candidate was still working for Machakos County which is likely to bring about a possible conflict of interest
- b) She was well elaborate however she could not give clear reasons why she left the County Public Service Board which raises integrity issues
- c) She was also not conversant with the workings of the County Assembly Service Board.

Overall Score

Madam Speaker, the candidate had an overall score of 55.5 per cent.

JANET MWIKALI KIMEU

Madam Speaker, the candidate appeared before the panel on 27th June, 2018

Age

The candidate is 43 years of age.

Document of Identification

The candidate possesses a National ID card No. 12534948

Ward/County

Madam Speaker: the nominee comes from Mua ward, Machakos County

Academic Qualifications

Madam Speaker, the candidate holds:

- a) A Master's degree in Business administration- University of Liverpool, United Kingdom; 2013 to 2016
- b) A Bachelor's in Laws (LLB) University of Nairobi, 1994-1998
- c) A Diploma in School of Law, 1999 -2000

Experience in public affairs

Madam Speaker, the candidate has an experience of 17 years in public affairs

Integrity

Madam Speaker, the candidate has attached the following:

- a) Self-declaration form (Leadership & Integrity)
- b) A valid Police Clearance Certificate
- c) Tax compliance certificate
- d) Certificate of Clearance from Credit Bureau Reference (C.R.B)
- e) A valid HELB Clearance certificate

CV

Madam Speaker, the candidate has attached her CV

Observations

Madam speaker, the following observations were made:

- a) The candidate's good legal practice can be useful in legal advisory to the CASB

- b) The candidate was well elaborate and conversant with the County Assembly services Act, 2017
- c) She was a former street girl who scaled heights of law hence had an extensive social responsibility like helping orphans and street children
- d) She is Conversant with the Intergovernmental relations between the County and the National Government.

Candidate's overall Score

Madam speaker, the candidate was awarded 73.25 per cent.

ISAAC MUTUKU MUINDE

Madam Speaker, the candidate appeared before the panel on 27th June, 2018

Age

The candidate was 44 years old.

Document of Identification

He possesses a National ID card No. 116245520

Ward/County

The candidate comes from Ekalakala ward, Machakos County

Academic Qualifications

Madam Speaker, the candidate:

- a) Possesses a MSc. Finance from the KCA University, 2013 to 2015
- b) He holds a BCOM ,Finance from the KCA university, 2009-2011
- c) He has -CPA section III-2001

Integrity

Madam speaker, the candidate has attached all the following clearance documents:

- a) Self-declaration form from EACC (Leadership & Integrity)
- b) A Police Clearance Certificate from DCI
- c) A Tax compliance certificate
- d) A Certificate of Clearance from Credit Bureau Reference (C.R.B)
- e) HELB Clearance certificate

CV

Madam Speaker, the candidate has attached his CV

Observations

Madam Speaker, the following observations were made:

- a) The candidate is quite conversant with County Assembly Service
- b) He has technical, political, corporate world skills
- c) Improving the welfare of all staff members' in the board is his pledge
- d) He is well versed with County Assembly procedures
- e) He possesses strong financial management and budgeting skills
- f) The candidate has a good education background and he is currently pursuing PhD in Finance

Experience in public affairs

Madam Speaker, the candidate has thirteen (13) years' experience in public affairs

Total Score

Madam Speaker, the candidate had an overall score of 76 per cent.

ALEX NYAMAI KITILI

Madam Speaker, the candidate appeared before the panel on 27th June, 2018

Age

The candidate is 39 years of age.

Document of Identification

The candidate possesses a National ID card No. 21649294

Ward/County

Madam Speaker: the nominee comes from Kibauni ward, Machakos County

Academic Qualifications

The candidate has BSc. Horticulture from the Jomo Kenyatta University of Agriculture and Technology, 2009-2012

Integrity

Madam speaker, the candidate has attached all the following clearance documents:

- a. Self-declaration form from EACC (Leadership & Integrity)
- b. A Police Clearance Certificate from DCI
- c. A Tax compliance certificate
- d. A Certificate of Clearance from Credit Bureau Reference (C.R.B)
- e. HELB Clearance certificate

Experience in public affairs

The candidate has thirteen (13) years' experience in public affairs

CV

Madam Speaker, the candidate has attached his CV

Observation

Madam speaker,

- a) The candidate is not very conversant with the workings of the county assembly service board
- b) He was not clear on the inter-governmental relations between the County and the National governments
- c) He is working with a Parastatal in Agriculture, and not very conversant with workings in the mainstream civil service
- d) He advocates for public participation on procurement process

Total score

Madam Speaker, the candidate scored 57 per cent.

Ranking of Candidates

Madam Speaker, all the shortlisted candidates met the basic requirements for the post. Scoring was based on candidate performance as per the statutory criteria set by the Constitution and the relevant law. The consultant presented to the County Assembly Service Board a list of both female and male candidates for consideration and appointment of one candidate from each category:-

4th Member of the County Assembly Service Board

	Name	Total Score (%)	Ranking
1.	Isaac Mutuku Muinde	76	1
2.	Alex Nyamai Kitili	57	2
3.	Onesmus M Mutua	52	3
4.	Dr. Samuel Mwachiro Mwawasi	50.75	4
5.	Wilbert Kipsang Choge	45	5

5th Member of the County Assembly Service Board

	Candidate	Total Score (%)	Ranking
1.	Janet Mwikali Kimeu	73.25	1
2.	Mary Ndinda Paul	69.25	2
3.	Rita Ndunge Ndunda	65.25	3
4.	Rosemary Mutheu Mulee	55.5	4

Recommendation for Appointment

Based on the candidate's ability to fulfill the requirements of the County Governments Act No. 17 of 2012 Section 12(3) (d) and the County Assembly Service Act No. 24 of 2017, the County Assembly Service Board recommends the following candidates for appointment.

	Position	Name	Gender	ID. NO	POSTAL ADDRESS	COUNTY	WARD
1	4 th Member	Isaac Mutuku Muinde	Male	11624520	32101-00100,Nairobi	Machakos	Ekalakala
2	5 th Member	Janet Mwikali Kimeu	Female	12534948	2261-90100, Machakos.	Machakos	Mua

Conclusion

In conclusion, the decision on selection for position of members of Machakos County Assembly Service Board to each one of the applicants has been guided by:

- i. Constitution.
- ii. Section 12 of the County Governments Act No. 10 of 2012.
- iii. Sections 8, 9 and 46 of the County Assembly Services Act, 2017.
- iv. Section 9 (1) of the County Assemblies Services Act provides that a person shall not be qualified for appointment as a member of the Board under section 12(3) (d) of the County Governments Act unless such person;
 - a) is a citizen of Kenya;
 - b) holds a degree from a university recognized in Kenya;
 - c) has at least ten years' experience in public affairs; and
 - d) Meets the requirements of leadership and integrity in Chapter Six of the Constitution.

Acknowledgement

I take this opportunity to thank all the Members of the Board for their dedication, undivided attention and contributions during the entire selection process. On behalf of the Board and pursuant to the provisions of Section 4 of the first schedule of the County Assembly Services Act No. 24 of 2017, it is my pleasure and duty to present to the House the County Assembly Service Board Report on the selection for position of 4th and 5th members of Machakos County Assembly Service Board. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Caleb Mule. Hon. Members, I now propose the question.

(Question proposed)

Hon. Members, the Motion is open for debate. Hon. Pauline.

Hon. (Ms.) Mene: Thank you, Madam Speaker. Madam Speaker, as a youth in this Nation, I want to support my fellow youth and the person I want to speak in support of is one Mr. Alex Kitili.

(Applause)

Looking at this report on page 21, observations on Mr. Alex Kitili. There is a, b, c, d in all those observations there is the word not, not, not, used. This is very discouraging for the youth in this Nation. How do you subject a youth to an interview and then you give us a report saying, not, not, not? This is very discouraging, Madam Speaker. Thank you.

(Applause)

Hon. Mule: Madam Speaker, I want to inform the Hon. Member that youth is up to 35 years; Kitili is 39 years. Thank you.

(Laughter)

Hon. Speaker: Hon. Pauline, you had not finished.

Hon. (Ms.) Mene: I want to respond to Caleb Madam Speaker. The word 'youth' is relative. 39 is youth---

Hon. Speaker: Hon. Pauline please, you listen when the Speaker is talking. Just resume your seat.

Hon. (Ms.) Mene: Thank you.

Hon. Speaker: It is already established; it is not a fact that you are going to argue about. The age of youth is known. It is up to 35 years. Is it not? Whether we say it is psychological, whether it is in the mind of the person, it is neither here nor there but we are also guided by procedure. So, if the fact is that the practice has been that the youth is up to 35 years, so we just take that. You do not need to argue or respond to it.

Hon. Ngunga, I would ask that you wait because you are a Member of the Board so that you enable the other Members to contribute. But I am very tempted Hon. Members to give you some guidance if you allow me, even into the debate. Can I? Surely you notice that I give you guidance after you have voted but you vote on the basis of information arising from the debate. Is it not? Let me just give you some guidance on the procedure.

Briefly on the history, you know we have been without the 4th and the 5th Member for quite a long time and filling of those positions we need it like yesterday because as it is, the Board must work when it is fully constituted. We have been working on quorum because we are

five and three is a quorum but you find that at times one of us may not be available and we are not able to meet for some good reason for example illness and other related reasons. So, it is the high time that this House completes that Board so that it has five Members. That is the first plea I am making to you.

The second one is the procedure. Let us appreciate the procedure and it takes time to go through. If you have the County Assemblies Services Act, I can just read out to you the procedures. It is the First Schedule, it is not long. Just bear with me because Hon. Caleb has read a longer report than I am reading so that when you discuss, you know you are discussing from a point of information.

The procedure for appointment of a Member of the Board, section 1

Upon the convening of the first sitting of the County Assembly or whenever a vacancy arises in the Membership of the Board under Section 12(3)(d) of the County Governments Act and at this point pause and note that Section 12(3)(d) was amended by the County Assemblies Service Act Section 46.

Sections 12(3)(d) of the County Governments Act 2012, provided for just one Member, that is the only difference but it was amended by the County Services Act Section 46 (d), so that it provides for two external Members. That is the only difference. And so the Secretary of the Board is supposed to, within 14 days of the first sitting or when the occurrence of the vacancy has occurred or within a certain time, as would be reasonable, by notice in the gazette and in at least two daily newspapers, advertise that position.

That is one of the appendices to the report and remember this is not the first time you are doing this; it has been done earlier and the report did not see the light of the day.

Then Section 2 says this: any person qualified in accordance with this Act may make an application to the Secretary within 14 days of the publication. The qualification under this Act has been repeated time and again by the Hon. Caleb and you can even sing it.

- i. Citizen of Kenya.
- ii. Degree holder.
- iii. At least 10 years in Public Service.
- iv. Comply with Chapter six of the Constitution.

Four requirements, Section (a), we do not need to go to that. So, anyone who qualifies those four criteria applies to the clerk who is called the Secretary to the Board.

Section 3, the Board shall within 14 days after the last date of submission of the application under paragraph two, the applications, consider the applications, shortlist, conduct interviews and recommend the name of one applicant qualified for the position. So, the Board cannot recommend two persons for one position.

The law restricts to recommendation number one. Yes, under Section 3, the Board is required to sit interview and so but going by the nature of these appointments, we felt as a Board, it was not going to be proper to sit over the case of people who are coming to sit with us and remember, you do not have to do it yourself, you can engage an external recruiting Agency to do that work for you because it also removes possibility of interference by people in the Board with vested interest in who is to be appointed.

So, like with the first time, we went for a recruiting Agency that we felt, through the Clerk was credible, Hon. Members and that recruiting Agency was competitively sourced through the procurement process and that recruiting Agency was given terms of reference by the Board and those terms of reference is Section 9, of the County Assemblies Service Act, the four criteria which I have given you.

Under 4, the name of the person recommended, remember after the interviews, there is recommendation of one person per one position. So, the name recommended under paragraph three, one person, one position, shall be submitted to the County Assembly for approval and appointment in accordance with the Standing Orders of the Assembly. This is where you need to listen carefully. This is the stage where we are at because the name of that person or persons has now been submitted to this Assembly for consideration of approval. What procedure do you use?

You are referred to your Standing Orders; the Standing Orders here have not said anything you are supposed to do in this approval. In other words, it has not said you must reject the whole list entirely, Standing Orders, it has not said, you must approve all of them entirely, it has not said you can approve one, it has not said you can reject one.

So, when you refer to your Standing Orders, they are deficient of what you are supposed to do. Anyone who has a different reading of the Standing Orders, please bring it so that we can consider. Hon. Members, under Section 5, this is where you may find guidance on what to do. Under Section 5, if the Assembly approves a person recommended under paragraph 3, the secretary that is the clerk, shall within seven days after the approval publish the name of the person in the Kenya Gazette.

And under six, if the Assembly rejects the name of a person recommended under paragraph 3, the Speaker shall communicate the decision of the Assembly to the Board and shall request for a fresh nomination. So the process starts again. You understand? So, Hon. Members, if you follow the provisions of this schedule, you cannot substitute a name that is recommended with another name.

(Applause)

Even if you want and I have always told you, be guided by the law, it is what is going to save you. If you do not want any of the people recommended, you say go back to the drawing board, start again for that person.

(Applause)

Start again for that person and Hon. Members if you want to approve any one of the Members, you can approve and they will be gazetted but again you cannot reject one and say we will also reject the other. Even under Article 27 of the Constitution, you are not allowed to bundle people and punish them together.

(Applause)

It is discriminatory and I am just giving an example even of CECs or even COs. If you find that you have reason to reject any of them that does not mean you reject everybody else. Are we in agreement? So, consider each person recommended, you are free to say we do not want to hear about this person and if you have your reasons, give them, the decision is yours. It is yours and nobody else's. Not the Speakers, not anybody else but your collective decision. So, if you do not want any of the Members recommended say, go back to the drawing board, if you want any of them, appoint them, if you want both of them, appoint, if you want to reject both of them, reject. That is the clarification. I can see hands being raised, on that particular point?

Hon. Members: Yes.

Hon. Speaker: Let us agree on the procedure first. So, then I will start with...like we start here, then I come there. Hon. Kisila then Hon.... but please, because this is a Motion within a Motion, just on procedure, let us be very brief because we still have to do the main work. I am going to stop you if I find you are taking too long so that we spend the time on the actual debate.

Hon. Kisila: Madam Speaker, thank you very much for giving me this opportunity. I think the procedure should be, if we reject one, we reject the entire report.

(Applause)

We cannot in any way sit here and start saying, this person is qualified. In fact my submissions, I have very serious issues with this report. So, I think if we agree we reject one candidate, we reject the entire report. Thank you.

Hon. Speaker: Hon. Kisila, I hear you. Please cite the law under which you want us to reject the whole report or the Standing Order.

Hon. Kisila: I will not cite any law. I will cite my conscience on the basis as a Member of this House.

Hon. Speaker: So, you do not have any law?

Hon. Kisila: There is no particular law but what I am trying to say is this report---

Hon. Speaker: It is just simple Hon. Kisila. Let us agree with each other. Let us be objective Hon. Members and remove emotions and vested interest. So, I am just asking, do you have the Standing Order or the law? It is just yes or no. Then you can sit down---

Hon. Kisila: I do not have it but when I stand to contribute I will tell you the report.

Hon. Speaker: Okay. Thank you. Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. I do not want to talk on this; I want to talk on the main report. Thank you.

Hon. Speaker: Alright. Thank you. Hon. Johana.

Hon. Munyao: Thank you, Madam Speaker. Mine was just to ask because we can either adopt the report without amendment or with amendment; I seek your guidance other than rejecting the entire report because of just something which can be corrected---

(Applause)

And saving also the Assembly another cost of going back just as we did the other time. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Johana. Then Hon. Museku and then...I will have everybody have their comment on this particular point. Remember we are talking on procedure.

Hon. Museku: Thank you Madam. Mine is very brief. I think the report is very clear. It is a report on the 4th and 5th Member but each position was applied for individually, each person did their own interview, each person was done their own recommendations by the Board. It will not be practical for us to say that these two positions are joined in one. Even when we look at them, one is male and the other one is female. So, I would urge this House from the guidance we have been given by Madam Speaker, that we consider each position as an individual position---

(Applause)

---and we say if we are approving the 4th Member, the House approves the 4th Member. If we are approving the 5th Member, the House approves the 5th Member because these two are not intertwined. Everyone has one *mukauti*---

(Laughter)

---and everybody..... Sorry, sorry. I withdraw.

Hon. Speaker: Point of order.....

Hon. Museku: Sorry, sorry Madam; I have withdrawn.

(Laughter)

I have withdrawn that one. So, Hon. Members mine is just to beseech you, let us be practical and look at each person as an individual. That report although it combines both of them but if you look at it, it talks about each position individually and in the recommendations, they give recommendations for each position individually. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Hon. Members, I think those who are seated on the other two rows other than the one of Hon. Museku, you wait I will come to you so that we go down this way. Hon. Mueni, then Hon. Jeremiah, Hon. Angela, Hon. Katumo and very briefly. Please do not go to explain your position.

Hon. (Ms.) Mueni: Thank you Madam Speaker. I want to remind the Members to be sober and not to be having any hatred in any person because that person is not coming to work to your land.

(Laughter)

Madam Speaker, I think it is very important not to have anybody's mind of telling you that we want this or we want this. Read the report and see the qualifications of a person because the Assembly employed the people to vet them and they have seen the good and the bad side of

the person. So, Madam Speaker, I ask the Members to be very sober and to know what is good for a person. Thank you.

(Applause)

Hon. Speaker: Thank you Hon. Mueni. Hon. Jeremiah.

Hon. Munguti: Thank you, Madam Speaker. I want to concur with Hon. Museku when saying that we consider each position by itself and therefore Madam Speaker, my position will be, if we are going to go by the report, we select each position by itself and therefore it is my request that we should go by the report but we go by what Hon. Museku is saying that we see to it that each position goes by itself. Thank you Madam Speaker.

Hon. Speaker: Thank you, Hon. Jeremiah.

(Applause)

Hon. Speaker: Thank you, Hon. Jeremiah. Hon. Angela.

Hon. (Ms.) Munyasya: Thank you, Madam Speaker. Each one of us has gone through the report and we have seen the recommendations by the Committee. I was just asking if it is in order for us to pose a question for the 1st and the 2nd candidate so that Members can vote and we proceed without having to further debate. Thank you, Madam Speaker.

Hon. Speaker: Members want to voice their position on what procedure. That is what we are dealing with and it is their right so we cannot pose now. Those who want to express themselves can proceed. Hon. Katumo.

Hon. Katumo: Thank you, Madam Speaker. As I stand in this Hon. House, I know I am standing in a House that makes laws, the House that must be the first to adhere to the law that we make. We will have no basis Madam Speaker to speak to the Executive if we cannot ourselves entangle from a situation like this. I am asking myself a question as I stand here Madam Speaker. One of the first question was, as I looked to the 4th and 5th Member, was the process followed?

Secondly, did the process really meet the threshold as per the laws of the land and our laws and Standing Orders? Madam Speaker, I want to be very clear, we might make a lot of mistakes but for now, we cannot make such mistakes in terms of coming to this House emotionally using consciousness while we are not using the wisdom and the mandate and therefore I am saying, as we continue to debate on the 4th and 5th Member jointly or separately, what do we do to reports?

As the vote comes, it is upon us to either reject them fully, amended or partially and therefore Madam Speaker, the question that you are asking and what you are fronting to us, I think as we approve the report, we must approve the report in that manner and finally Madam Speaker, you see the issue of rejection, the issue of admission comes with reasons. We do not just reject but we reject and accept with reasons. Thank you.

(Applause)

Hon. Speaker: Thank you, Hon. Katumo. Hon. Members allow me to come to the first bench. Hon. Steve Mwanthi, Hon. Kiteng'u in that order then we go to the bench on top.

Hon. Mwanthi: Thank you Madam Speaker. Madam Speaker, I will be brief and my point is, if I go through the Act on the procedure for appointment of a Member just as you read it, it shows that the Board should bring one Member to the Assembly for approving or rejection. So, I think and I do not know how it will go by separating these two people. In my opinion, we either accept the report or adopt the report or reject as per the way they are stating. Thank you, Madam Speaker.

Hon. Speaker: I hear you Hon. Steve Mwanthi. Hon. Kiteng'u.

Hon. Kiteng'u: Thank you, Madam Speaker. Madam Speaker, I would like to comment on the procedure and I would like to remind the Members that, it is a year since we were elected and joined this House and we have been missing this 4th and 5th Member and I concur with Hon. Mwanthi because all of us have gone through the report and we have seen the percentage and the recommendations and observations. I request the Hon. House, we go as per the report and if we have to absorb the report let us absorb the report fully, if we have to reject the report, let us reject the report. And Hon. Members once we reject the report, it has to go back to square one and it may take more than six months again to do this. So, in our entire services in Machakos we will do without the 4th and 5th Member. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, I am being notified that it is 12:30 p.m. so we need a Motion to extend sitting. Yes we need a Motion to extend the sitting. The clerk is telling me we adjourn. We need a motion to extend the sitting. Somebody is drafting it....Who is drafting it? Please expedite as we go on but we can be having submissions as we wait. Hon. Mitaa.

Hon. Mitaa: Thank you, Madam Speaker for granting me this opportunity to air my views. Madam Speaker, on the issue before us, I think if I can quote what Mheshimiwa Katumo has said, I think we are in a learning process and we have to learn from mistakes and we correct the mistakes. Madam Speaker, my question is, my role on this Motion, I would have assumed that as a certain level this Assembly would have been given at least two or three candidates.

(Applause)

We go through them as an Assembly, we approve, we give the report back to the Committee to make the final report to present to the House. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, you cannot go against the law and I want to read it again to you. The Board shall within 14 days after the last date of submission of applicants under paragraph two. Consider the application, shortlist, conduct interviews and recommend the name of one applicant qualified for the position. You cannot go against the law and that is one thing you need to keep on remembering.

So, we need to have guidance from the law. If you think the law is not the way it should be, it is usually recommendable and you remember you are a House of law, you make laws. You

want to make laws then you do not follow them. You are guided by the law. So, I will come back to that side. Hon. Mulatya.

Hon. Mulatya: Thank you, Madam Speaker---

Hon. Speaker: Hon. Mulatya, we have a point of order. Hon. Ndawa.

PROCEDURAL MOTION
EXTENSION OF SITTING TIME

Hon. Ndawa: Thank you, Madam Speaker for accepting my point of order.

Madam Speaker, I wish to move the Motion to extend sitting of the House pursuant to Standing Order 27(3)(a), until the business and the discussion is completed.

Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Do you have a seconder Hon. Ndawa?

Hon. Ndawa: Thank you, Madam Speaker. I call upon the Minority Leader to second the Motion.

Hon. Kamitu: Thank you, Madam Speaker, I stand here to second the Mover of the Motion. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Members. This is a procedural motion where you do not need to vote. It goes without saying that you want to finalize the business at hand so we have resolved as a House to extend the sitting.

Hon. Members: Yes.

Hon. Speaker: Thank you, Hon. Members. So, we were having Hon. Mulatya on his feet.

Hon. Mulatya: Thank you, Madam Speaker. Madam Speaker, to the mood of this House, we have started failing. We are supposed to approve this report or reject it. It is very clear that every procedure was followed according to me and the results were here and then I just want to quite something here, we have to approve it or reject it. It is a year now and we are here trying to fix candidates, we are doing more of politics than what is our mandate in this House, Madam Speaker.

(Applause)

People are trying to fix candidates here, you can see. If you go to page 22 Madam Speaker, It is a shame in this House---

Hon. Speaker: We are not debating Hon. Mulatya.

Hon. Mulatya: Okay, let me finish there then I give my resolution Madam Speaker.

Hon. Speaker: Just finish there then.

(Laughter)

Hon. Mulatya: Yes. You can see this candidate was even defeated by women and people are trying to force.

(Loud consultations)

And Madam Speaker, I am saying if we have to approve this report, let us---

Hon. Speaker: Hon. Mulatya, a point of order from Hon. Kisila.

Hon. Kisila: Is my brother in order to imply that women are inferior to men?

(Applause)

Hon. Mulatya: I withdraw Madam Speaker.

Hon. Speaker: Yes, because if you did not withdraw it you would be in big trouble.

Hon. Mulatya: Yes, I withdraw. But Madam Speaker, it is very clear that our County Assembly Service Board sat down, they took their time as a Board, they took private company to come and do all this work just for the House to come here and up step our mandate and start telling the Board what to do. This is a shame of the House Madam Speaker. Now what I am saying is, let us approve this report as report or reject it.

Hon. Speaker: As a whole.

Hon. Masesi: Point of information Madam Speaker.

Hon. Speaker: Hon.....We are on this line sorry. I will come back to you Hon. Ngunga....Hon. Musau.

Hon. Wambua: Thank you, Madam Speaker. My take is that Madam Speaker, if we go by the other report which was presented before this Hon. House, the same, same male nominees brought about controversy and Madam Speaker, I do not see the reason why we should punish the lady nominees because of the male nominees.

(Applause)

So, Madam Speaker, I would urge if this report cannot be amended then let us have the 4th Member who can relief the Board the agonies of lack of quorum when one Member cannot

be present because if we have at least one Member and one Member of the Board is absent, then that Member we should appoint today shall be present and save this County Assembly the agony it shall under go if one Member is missing. Thank you, Madam Speaker.

Hon. Mulatya: Point of information, Madam Speaker.

Hon. Speaker: The Member has finished addressing Hon. Mulatya so the information may not reach. Hon. Mutinda.

Hon. Mutinda: Thank you, Madam Speaker. My take is that we take each case separately....

(Applause)

So that if it is the 4th Member, we do not disadvantage any Member. If it is the 4th Member and the 5th Member should be separate. The other thing Madam Speaker---

Hon. Mulatya: Point of information Madam Speaker.

Hon. Speaker: Hon. Mulatya please hold on.

Hon. Mulatya: Yes. It is burning.

Hon. Speaker: Hold on, hold on, just hold on. Hon. Mutinda, remember we are on a preliminary issue. We are still to go to the main debate.

Hon. Mutinda: Yes.

Hon. Speaker: And Hon. Mutinda, please do not take long.

Hon. Mutinda: Sure Madam Speaker, thank you. The other thing Madam Speaker is on a candidate---

Hon. Speaker: Hon. Members, Order!

Hon. Mutinda: There is a candidate who is appearing on page 10 as a male and when you go to page 22, the candidate is in the category of female. So, separate between the two whether this is a male or female so that you do not categorize a male in the category of women and disadvantage that candidate, Madam Speaker. Thank you.

Hon. Speaker: Order! Hon. Members, when you are happy with some comments please do it with a bit of decorum. Hon. Daniel Mbevi.....and please be very brief. The meaning of brief is like saying one word. We reject all of it or we can separate. Just that.

Hon. Mbevi: Thank you, Madam Speaker. I want to say that it is important if we can handle each individual cases separately and two Madam Speaker, as you have seen the emotions

of the Hon. Members, my thinking and my concern is if in future we can have some secrecy in the committees because it is like some Hon. Members had been leaked about this report---

(Applause)

---and that is what is causing us to have all these emotions. In future let us have some secrecy in these Committees because---

Hon. Speaker: Hon. Mbevi, that is a matter for another forum; it is going to be addressed. I also noted that with great concern. We will address it later. Remember we talked of a *Kamukunji*. Please let us stick to the matter that is here.

Hon. Mbevi: So, my take is we treat each individual individually on the case before us. Thank you, Madam Speaker.

Hon. Speaker: Hon. Daniel Mbevi. Hon. Kieti, is it yes for separation or is it no? Very brief.

Hon. Kieti: Thank you, Madam Speaker. My take is that we handle each case independently---

(Applause)

---because when you analyze the report, you can see for the males it has been skewed towards a given candidate---

Hon. Speaker: We will be dealing with the report Hon. Kieti in the merit. So, please stop where you are.

Hon. Kieti: Madam Speaker, I have noted some corrections also within the report---

Hon. Speaker: We can correct it when we are discussing, kindly. Please resume your sit.

Hon. Kieti: Thank you, Madam Speaker.

Hon. Speaker: Hon. Kisini, is it yes or no?

Hon. Kisini: Thank you, Madam Speaker. I also do not want to engage you in saying my point but I want to go by the Hon. Member who said that each person has his own umbilical cord. So, the umbilical cord way.

(Applause)

Hon. Speaker: Thank you, Hon. Kisini for bring brief and to the point. Hon. Grace.

Hon. (Ms.) Mutwiwa: Thank you, Madam Speaker. If we read the mood in the House, it is like we separate the two members. Member number four and member number five. Thank you.

(Applause)

Hon. Speaker: Thank you, Hon. Grace. Hon. Ngunga you had something to say on the procedure?

Hon. Ngunga: Yes, Madam Speaker, thank you. I think Madam Speaker, history has it that it is not the first time this report has been into this House and I remember there is a time when we had very heated deliberations about the same---

Hon. Speaker: Please do not go to history.

Hon. Ngunga: I am building a little case that will assist the House, Madam Speaker, because you already had a procedure issue here. Remember the first time this report came here, it had still the same issue and it was referred back to the Board in totality. Now, if Madam Speaker, we separate this so that we argue the 4th and the 5th member be treated independently, then I think we will be going against the procedure. As a Board, we brought in a report as a complete report.

(Applause)

Hon. Speaker: I hear you, Hon. Member. Allow me Hon. Members; we are going to make a decision here because it is you. Can we have the Members who feel that... allow is because even if it is voting, you will still have voiced your position. Members is it not?

Hon. Members: Yes.

Hon. Speaker: So, can we have those who feel that we need to---

Hon. Mulatya: Madam Speaker, a question before that.

Hon. Speaker: Alright.

Hon. Mulatya: Madam Speaker my concern is, these members in the County Assembly Service Board, they are five in number. Now we separate, we have already three, we bring in one, those are four members----

Hon. Masesi: Madam Speaker is that a question or it is information?

Hon. Mulatya: In case of any division, how are they going to vote?

Hon. Speaker: Hon. It is a valid question.

Hon. Masesi: That is not a question Madam Speaker.

Hon. Speaker: Hon. Members, let us agree on the procedure. Can we have the Members who feel that the report.....if it is to be rejected, will be rejected as one report or if it is to be

accepted, should be accepted as one report, voting 'yes' and those who feel that the report can be separated and each of the two positions considered separately, then we will be voting 'no.' Are we together?

Hon. Members: Yes.

Hon. Speaker: Alright.

(Question put and agreed to)

(Applause)

(Loud consultations)

Hon. Speaker: Hon. Members---

(Several Hon. Members stood in their places)

Hon. Speaker: Hon. Members, Order! Remember even in division, a Member can be named. Please maintain order. I can see Members on their feet. It means they want a division. Alright? So, Serjeant-at-Arms, open the door and ring the bell for 10 minutes. Hon. Members.

(Members walked out)

(Division Bell rung for 10 Minutes)

Hon. Speaker: Order, members, Hon. Members! Hon. Museku, Order! Serjeant-at-Arms can you take members who are making noise outside because you should be able to maintain order even on division. Hon. Members, if you are going to consult, please do it quietly; you remember you are still in the Hon. House.

Members, Order! Serjeant-at-Arms are we still within the 10 minutes? Okay. We are waiting for the time, two more minutes. Alright, Hon. Members I think you still remember the question proposed for rejecting or approving the report as a whole and the opposite of addressing each candidate on their own without lumping them together.

So we will have the yes side and the no side on this, assistant clerks please assist in doing the votes. Mr. Maingi, clerk will be taking the no, and then Dominic will take the yes. Let me be clear, what did you say *ayes*? When you say *ayes*, is that if you are going to reject the report you reject it as a whole, you understand? If you are going to approve it, you approve it as a whole. That is the yes, then the no is where you are going to separate the candidates you address one on their own; the no is the opposite of the yes. Is there still a need for clarification? It is clear? Hon. Daniel Mbevi.

Hon. Mbevi: Thank you, Madam Speaker. I am asking, when you say yes it is to adopt the report or to reject it, so on that is it yes to adopt it or to reject it? That one alone.

Hon. Speaker: Let us start again. Clarification, hon. members, let us clarify again. The yes is a consideration of the report as a whole so that if you reject it you are rejecting everything

in it and everybody in it. Is that clear? And again if you approve, you are approving everything in it and everything in it. But you know we are only thinking of the recommendations of two members. So if you are voting yes is not to separate the two, we are together on that? If you are voting no, it is to separate the two so that you consider each on their own. Isn't that clear?

Hon Members: Yes it is clear.

Hon. Speaker: Okay, so can Dominic take the count of the yes. Hon. Kiteng'u you still want a clarification?

Hon. Kiteng'u: Yes, I have a question, Madam Speaker.

Hon. Speaker: Just a moment Hon. Members. Yes.

Hon. Kiteng'u: Madam Speaker, I have a question here. Separating these two candidates, is it not amending the report? Thank you.

Hon. Speaker: We are now on procedure, Hon. Members. We are on the procedure and maybe even after this, you will go and look at the schedule that I read out to you, alright? So that then you can appreciate where we are coming from when we say you consider a member on their own or you reject the report in totality. I read it out and unless you want me to read it again---

Hon. Members: No, No.

Hon. Speaker: You do not want? Okay so Hon. Members, those who are voting yes, let me repeat, and we should not get tired. Hon. Ndawa please, those who are voting yes are those who are saying if you are going to reject the report, you reject both. If you are going to approve the report you approve both. Those who are voting No are saying you can accept, approve one and reject the other. You can separate the two. So let us have those who are saying it is the report of two and not separated which will be yes for counting.

For consideration of both candidates, 49 members, thank you. Those who are voting that the report can be separated, that the person who is voting that the report can be separated is one (1) note that, the abstaining members, those who are abstaining from voting, Hon. Ngunga you cannot vote twice, okay, abstentions are two (2).

Hon. Members let me just announce the outcome. The members who voted yes, that is you cannot separate the two are 49, the members who voted that you can separate the two is one hon. members, abstentions are two, in total in the house we are 52 Hon. members. So those who have voted yes have the vote, the *ayes* have it

(Applause)

Thank you, Hon. Members. Now what it means is that we are going now to debate the motion and remember you will be debating with a view to considering the two together and not separating them. Are we together?

Hon. Members: Yes.

Hon. Speaker: So now let me propose the question. Hon. Museku you were still up. Hon. Maitha.

Hon. Maitha: Madam Speaker, since those who have voted yes are the majority, why can't we say this report goes back to the Service Board because when we start debating now, the yes to reject this report will be many. We are wasting time, Madam Speaker.

Hon. Speaker: No, Hon. Maitha, get it right. The voting yes means that you discuss the report and approve the two as twins, actually Siamese twins. Siamese twins are those who are joined, are we together? Or you discuss the report and reject the two still as Siamese twins, you cannot separate them. Remember there is a possibility you may approve the two as they are; there is a possibility you may reject the two as they are. So do you still hold that we should just report it back? Take it back?

Hon. Members: Yes.

Hon. Speaker: We just take it back.

Hon. Members: Yes.

Hon. Speaker: Oh that is the feeling of the members?

Hon. Members: Yes.

Hon. Speaker: Let me just hear the position from Hon. Kieti who was on his feet earlier. Hon. Kieti.

Hon. Kieti: Thank you Madam Speaker for catching my eye. I stand in protest of the report because the report has very many errors and when we debate on a report that has errors, I think we will be cheating ourselves, so as a Hon. House, it is better we reject the report as it is then the CASB goes back and drafts or comes up with a report that does not have errors, like when you look at page 16, there is one Mary Ndinda Paul who is said to be coming from Kathiani, but when you go to page 14, she comes from Ndithini ward. In other cases, when a certain candidate sat for the interview, the time is shown, but other candidates who seem to be favored in a way, the time they sat for the interview is not indicated, so there is some discrepancy.

At the same time on page 20, there is a candidate number (c) where it says improving welfare of members of CASB, so members of this assembly their welfare will not be catered for and I think this is why the said member has been favored. There is one Rita Ndunge Ndinda who contested for Machakos seat as a recommendation on page 16(4) while we also know of a certain candidate within the same list who also contested a seat and that recommendation has not been captured---

(Applause)

---so the report is biased and the other time we were also given the marking scheme that was followed to award marks to certain candidates. Now we have not been given the marking

scheme that was used to award marks because on given areas, these people are meeting the same merits in very many cases but the awarding of marks we cannot attest to it because we do not have the marking scheme. So my take is that we reject the report, we vote at the moment without debating on the report. Thank you Madam Speaker.

Hon. Speaker: Let us just hear the members' views because you cannot shut them and remember if you are rejecting a report, please give reasons so that you are not accused of what happened in the National Assembly. We still remember that very well? Yes so let us give a reason why we need to reject. I hear Hon. Cosmus; I will come back. Let us just Hon. Members, if you can just rest because I will come that side, let us hear that first bench then we come to the other, Hon. Mulatya.

Hon. Mulatya: Thank you Madam Speaker. Madam Speaker, according to the mood of this House, this House is turning to be political because Madam Speaker, it is very clear that Madam Speaker---

Hon. Speaker: Order!

Hon. Members: Point of order!

Hon. Mulatya: It is very clear Madam Speaker that we have the results with ourselves; we are forcing a candidate who underscored, we are rejecting a candidate who scored and that is what we are supposed to be doing---

Hon. Members: Point of order!

Hon. Speaker: Order! Hon. Members. Please do not interrupt the debate unnecessarily, please do not. Hold your horses even if you want to submit. I will be able to give you time but please do not interrupt a member when they are on their feet. I said I am going on that bench and I am coming. Please hold your horse.

Hon. Mulatya: Thank you Madam Speaker for your protection. That is what I am calling or they call it. Madam Speaker, I am saying it is overdue; this report was long overdue Madam Speaker. We do not have a Board in place. If we are failing to solve our own problems here in this Assembly, how are we going to solve the Public Service Board's across? Madam Speaker and we are rejecting; the results are very clear, we were trying to push somebody who is underscoring.

If we go to page 22 Madam Speaker, you will find that we have Isaac Muinde who in the recommendations is recommended by the Service Board; a Service Board that we trust. We have our members from both political parties who are in that board; we trust them, we elected our Speaker whom we trust, we have a Clerk of this Assembly whom we trust they are seated there doing good job and it comes back here since some people, maybe I do not know, they are ill thinking or what. They come and hon. members they are saying we reject this report. It is very unfortunate because if you are forcing a member who is scoring 57% against 76% Madam Speaker, and Madam Speaker we can see also the other scoring, we cannot see any other favor done because other members have been ranked from number one to number four. What is wrong with the column for the male fourth member because now we are failing as a House and I am

telling you the news today in Machakos County will be that this Assembly is fighting; it is a shame on us Madam Speaker.

Hon. Speaker: Okay, Hon. Mulatya, thank you. Hon. Musau.

Hon. Wambua: Thank you, Madam Speaker. This is the second report on the second appointments and the time has come to ask ourselves the competence of this contracted recruiting bodies and the contracted recruiting body awarded a certain candidate seventy something marks. The other one right now is awarding the same candidate fifty something marks. What is the difference Madam Speaker?

(Applause)

It is either incompetence of those contracted recruiting bodies or the incompetence of the Service Board or both.

(Applause)

So, Madam Speaker---

Hon. Speaker: That is very right, nobody is infallible; even you, you could also be incompetent, so let us say it as it is.

Hon. Wambua: So, Madam Speaker, I would say this report be disregarded and be nullified and if allowed, I be allowed to move a motion to dissolve; a vote of no confidence, that is it Madam Speaker, in the County Assembly Service Board. Thank you Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Musau. We are going down the line. Hon. Kisini.

Hon. Kisini: Thank you, Madam Speaker. I stand totally to say no to the report. The reasons are that I have seen a lot of unfairness; I have seen a lot of rejection in the report. Why am I saying so? A member stood here and said of all the candidates, one member was given no, no, no or not, not, not and we wondered why? The other reason that I am refusing this report is that it had leaked, some people were aware about the report even before---

(Applause)

---so my suggestion is about these consulting firms; they come, they leak the report. It is my appeal to the consulting firm which we would be taking Madam Speaker, I would request we pick a high caliber consulting firm like the PriceWaterhouse Coopers; people of high international caliber to avoid these leakages. Thank you very much Mr. Speaker.

Hon. Speaker: Madam Speaker, not Mr. Speaker.

(Laughter)

Hon. Speaker: Hon Kisini, it is Madam Speaker, not Mr. Speaker. Hon. Winnie as I come down.

Hon. Kisini: Sorry, Madam Speaker and I repeat Madam Speaker let us take a very high integrity consulting firm.

Hon. (Ms.) Mutua: Thank you Madam Speaker. I will still emphasize on what Hon. Kisini has said. It is like the results were doctored. I think this is a House of integrity and I think integrity counts when it comes to this House. If there will be doctoring of these results and also leakages that are coming out to members and also members bribing each other, I think it is not right. Let us remain, let our credibility remain.

Hon. Speaker: Point of order from Hon. Maitha.

Hon. Maitha: Madam Speaker, is it in order for the Hon. Member, Winnie, to say that there is bribery in this Assembly? Can she substantiate and show those who were bribed and who was bribing, Madam Speaker.

Hon. Speaker: Hon. Winnie---

Hon. (Ms.) Mutua: I withdraw the statement.

(Laughter)

Hon. Speaker: You had not finished, okay.

Hon. (Ms.) Mutua: Yes I had not finished. It is good that we have a reputable firm that will do the interview for the candidates and then no one should know because even the problem has come direct from the public service and we have had a lot of doctoring and a lot of candidates moving one of the candidates. So I think it should not happen, let us be fair to each and every one of us and I would propose that we dissolve the board and then we have new members. Thank you.

(Applause)

Hon. Speaker: Hon. Kituku, why did you not raise your hand when we were going down the line? So then just speak as quickly as possible because I will move from that bench, I will come to the next bench.

Hon. Kituku: Okay, thank you Madam Speaker. This report has some issues as the members are noting and one of the issues that I have noted is that the report by the contracted firm is still not here and maybe on my point, I am saying that it is important that when we have these firms, the report that they produce let it be also as an attachment so that we can also prove that actually this is what they came up with. Otherwise I rest my case.

Hon. Speaker: Thank you, Hon. Kituku. Hon. Museku we will go that way.

Hon. Museku: Thank you Madam Speaker. Madam Speaker, two things. One, on this report a report which has been prepared by the County Assembly Service Board and reviewed by the Board and I presume they did so with so many errors in it, it makes me wonder whether the report was actually done and thoroughly reviewed by the Board or it was a report which was---

Hon. Ngunga: Point of order.

Hon. Speaker: Hon. Museku, please take the point of order.

Hon. Ngunga: Thank you, Madam Speaker. I think because Madam Speaker this House has the report with us here, it is also important that we do not allow general statements because they hurt a lot, because Madam Speaker, I remember we burned the midnight oil looking at this report and you chaired that session where we were. So when the Hon. Member for Mumbuni-North wakes up and says it has many mistakes, I think it is also important that he points the mistakes where they are so that we also get corrected.

Otherwise, Madam Speaker, I want to agree with Hon. Kieti; I have been able to point out where he is saying that this member was captured as if she came from Kathiani and then again somewhere else he captured as if she came from somewhere else. That is already a mistake that is notable. But when Mheshimiwa Museku raises and says it has many, you know madam speaker I think it is important as a House of procedure that we point out these mistakes so that we get to know where these mistakes are particularly. Thank you Madam Speaker.

Hon. Speaker: Hon. Museku you have heard you are being addressed on---

Hon. Museku: I heard the Hon. Member. One of the mistakes which is obvious which I have seen is that one member here in the last report which was sat and captioned and reviewed by the same board using the same criteria had scored 75 per cent.

(Applause)

The same board now has come---

Hon. Speaker: Hon. Museku, address the chair, not the member.

Hon. Museku: The same board now has come and the individual has not changed, but the individual now has scored 57per cent. Madam Speaker, this Hon. Board, let me finish Madam Speaker---

Hon. Speaker: Hon. Museku there's a point of information. Just resume your seat.

Hon. Museku: Okay, you would like to inform me?

(Laughter)

Hon. Speaker: Hon. Museku, address the chair not to any member. Hon. Caleb.

Hon. Mule: Thank you, Madam Speaker. I would like to inform the Hon. Member that the consortium services were different; we had Rovans, now we have Platinum Blue. So Platinum Blue scored differently and they have their own instruments of---

Hon. Speaker: Hon. Museku let us proceed to---

Hon. Museku: Let me proceed and inform the member that the board has given a criteria and pointed to specific Laws and Acts which should have been followed by both firms unless you are saying that you gave this firm certain criteria based on the law and the other firm a different criteria based on the law. So based on that, it is an obviousness or an obvious issue that in the report, had this member at least scored 75 per cent then we would have said there is consistency in the way this report has been looked at and therefore the clarification I am trying to say is that this report hon. members looking at it,---

Hon. Speaker: Hon. Members please allow the member to finish their submissions.

Hon. Museku: This report Hon. Members, looking at it the way it is, look at the female candidates; one scored 73 per cent another one scored 69 per cent another one scored fifty something. The other report, the main report, one scores 70s the other one comes down to fifties. It is obvious Hon. Members; it is obvious and the reasons which are being given here if you can take the other report which was presented here the reasons being given for the candidate who came number two are not the same reasons which were given in the previous report. Has this person changed?

(Applause)

So, Madam Speaker, my take on this is that there seems to have been some forces which were working towards pushing the report in a certain direction. Personally as an individual, I advocate for fairness for everybody and everybody getting an equal chance and the people being viewed not because they are being implicated or because they are being chosen to go in a certain way but because they deserve it.

If the other gentleman had scored 75 per cent I would have expected to have scored at least 76 per cent in this one and then we would be discussing. This report should be rejected in its entirety and the Board goes back and does its job again and comes out with a good report. Thank you, Madam Speaker.

Hon. Speaker: I hear you Hon. Museku. Hon. Katumo.

Hon. Katumo: Thank you, Madam Speaker. You see, Madam Speaker, I enjoy this environment; it is very conducive but before I begin to give my contributions, I want to point two things. One, in this House we have leadership in different levels and our leadership is put to test. Secondly, it is more than a year before we have put these members into the right place. It has been also a year for the Executive having not brought unto us CECs and the rest. Who is failing here? Who can point a finger? We are there all of us but Madam Speaker, I am a socialist, that is a political scientist.

There is a theory in political science developed by one Plato. The theory is called elitist theory from the word elite and Plato was a western Asian Greek philosopher and he founded this

theory on two philosophical foundations and I want to refer to one. Philosophical foundation number one says not everyone can become a ruler or a politician so he says let those who have the skills be given the opportunity and the capacity to rule. What am I saying? You see, in a congregation, in an assembly of people, when you sense confusion, when you sense demon, then it means there is lack in capacity in leadership. This assembly as it stands right now, we are becoming irrelevant in the public domain---

(Applause)

We are really losing the catch that we had because questions will be asked not because we are doing the right thing or the wrong thing, but we cannot control ourselves. I was here in the First Assembly and I think right now, I can say the first assembly was better.

(Applause)

A small matter like the fourth and the fifth member we cannot deliver, we cannot deliver. Now one, let me say this, I am a teacher of the University, we are doing the exams right now, merit is worrying, merit is rewarded. There is a procedure to get, there is a rubric that you can get the winner in any situation, so what I am asking here the question that I asked before, was the process followed to the latter? Did we meet the threshold as per the law? Those are the questions I should be answered.

If we did and we have the results based on the marking scheme for that matter, then what are we saying? Now things will never be different. History repeats itself. I tell you we will be here again in the same manner. History repeats itself again in Machakos County, but Madam Speaker, Hon. Members, you may enjoy your day right now, you may lose your mind, you may not be sober, you may be emotional, but we have started losing it; we are no better than the last assembly and therefore what I am saying Madam Speaker that the issues that are being fronted by members here as I sit at my corner---

Hon. Speaker: Point of order by Hon. Majority.

Hon. Muendo: Thank you Madam Speaker. Let us avoid, Hon. Members, comparing this assembly with the last assembly. Let us avoid because we are different and we came in a different way. Hon. Katumo, I respect you, stop comparing, it is not important. Thank you.

Hon. Ngunga: Point of information, Madam Speaker.

Hon. Speaker: Hon. Majority Mark Muendo,

Hon. Ngunga: Thank you Madam Speaker.

Hon. Speaker: Hon. Ngunga, just a moment, just a minute. Hon. Majority Leader, it is within the member's right. Let him compare this house with the first house; let him compare this house with the National Assembly; let him compare this house with whichever entity he wants. The only thing that members you need to appreciate is that no angels will come from heaven to sit in the Assembly Service Board and it is high time that we separated our interests from membership in that board and I repeat again, it is your decision, if you want to continue without

membership in that board, full membership even as I pleaded for full membership, it is up to you but remember there are shortcomings of any board which is not complete and you have also the mandate to take a decision.

You want recruitment and you want it to be done by you; it is also within your powers. If you want to dissolve the board, it is also within your powers and please have reasons and remember, no angel will come from Mars or Venus to sit on your issues.

(Applause)

Hon. Katumo: Thank you Madam Speaker for that guidance and I want just to conclude but I want to say this Madam Speaker, that history, if you want to walk into a blind future, just close your eyes for the behind, that is why we have a car with two side mirrors and one windscreen. You must know where you are coming from and who is approaching, Madam Speaker. I want just to help my Majority Leader to understand these things.

Now I want to conclude by saying you allow me to say in politics and in political science for that matter, there is an approach called political sociology which says that it is an attempt that tries to investigate the influence of society on politics. It is the investigation into the various actors in a political nature predominantly determined by the political actors. What does it mean? It is to shape. It is not what is here; it is us as legislators to shape the way we want to see this assembly. It is not the County Assembly Service Board, it is not the leadership of the majority or the minority; it is us as members of this house that will shape the kind of future of Machakos and of this Assembly existence and life.

Therefore what I am saying, we may begin doing things thinking that we are overcoming a situation or we are overwhelming a particular side. But it is, are we on the right direction? It will determine, predominantly determine, and primarily determine our future as we go forward. It is the actors within that will determine the future and the existence of this assembly. Thank you this is the voice.

Hon. Speaker: Thank you Hon. Katumo. Hon. Angela.

Hon. (Ms.) Munyasya: Thank you Madam Speaker. Mine will be brief; it is just based on this report, Madam Speaker. The last report was elaborate in the sense that we had even the CVs of the candidates attached so that we could be able to verify when you say this many years' experience, we would know where did this candidate work and for how long and what was he doing so that we are able to stop being suspicious of the Service Board that they favored one candidate or the other. If we had those attachments, maybe we would be able to make clearer decisions.

On the other hand, when we are told there are quite a number of errors, there is a simple one on page 7. There is a simple error on the first candidate listed on page 7 Paul Mutua Wambua, National ID number that was that and then the gender is Female. Paul Mutua Wambua cannot be female, so it is giving us the notion that the report was not thoroughly scrutinized and maybe it is not convincing members that it was a well thought about and presented report. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Angela. Hon. Jeremiah.

Hon. Munguti: Thank you Madam Speaker. Mine was an observation that I tend to disagree with this report because when you look at the firm which was given this recruitment, it shows they are either incompetent or they had malice in what they did. Like when you look at page 14, the observations number 3 of that candidate who is named there, he projected a bullish way of implementing board resolution. Now I wonder what does the word 'bullish way' mean in this report and how does it come into that?

The other issue is the report seem to be doctored because when you look at page 21, the one candidate by the name Alex Kitili, the observations were similar as those which was brought last time because it indicated in (a) the candidate is not very conversant with the workings of the County Assembly Service Board. In (b), he was not clear, and---

Hon. Speaker: Point of information from Hon. Mulatya.

Hon. Mulatya: Madam Speaker, I would like to take the Hon. Member back to page 20 whereby this particular candidate in question we can clearly see his profession; he is a farmer, horticulture, so it is very clear that this man cannot be conversant with the assembly matters, inter-governmental and all those kind of things. So we need to look at these things, Madam Speaker. Thank you.

Hon. Speaker: Hon Jeremiah.

Hon. Munguti: Thank you for that information though it seems to be irrelevant because one thing I would like to inform the member even on the same page number 20---

Hon. Speaker: Hon Jeremiah, Mr. Werunga has told us about parliamentary language. There is no member here who can say anything which is irrelevant so you need to withdraw what you have just said and get a better way of putting it.

Hon. Munguti: I would also like to inform the member...why are you telling me to sit down?

Hon. Speaker: Hon Jeremiah, address the chair and Hon. Majority, Hon. Ngunga, do not interfere with the member when they are talking unless through the chair. Hon. Jeremiah please proceed. Thank you we were talking about members; they can never be irrelevant.

Hon. Munguti: Thank you Madam Speaker for your protection. I felt my rights were infringed by the Hon. Member when he was telling me to sit down yet there was no communication from the chair.

Hon. Speaker: I am still on the issue of irrelevancy.

Hon. Munguti: Madam Speaker, I withdraw the statement.

Hon. Speaker: Thank you.

Hon. Munguti: On the same page number 20, when he is talking of the incompetence of Alex Kitili, I will also look at the observation of the other member who is Muinde. He is also

said to be an accountant; he is a professional in finance and I do not see any connection with the issues of the County Assembly Board with finances and at the same time Madam Speaker,---

Hon. Speaker: Point of information from Hon. Stephen Mwanthi.

Hon. Mwanthi: Madam Speaker, I just want to inform the member that the mandate of the board is to prepare annual estimates of expenditure of the County Assembly Service and submitting them to the County Assembly for approval and exercising budgetary control over the service. Thank you Madam Speaker.

(Applause)

Hon. Speaker: So accounting experience is relevant?

Hon. Mwanthi: Exactly.

Hon. Speaker: Hon. Jeremiah please proceed with that the information.

Hon. Munguti: Thank you Madam Speaker for that information and my submission was that the same observations were also seen on the other report that we had. Also when you look at the report itself Madam Speaker, it is clearly not showing the firm which was doing the recruitment. It is not clearly showing how the marks were awarded for each candidate and how could we know each scored 56, the other scored 76.

Hon. Speaker: Hon Jeremiah, Hon Jeremiah information from the chair. That is a point that is already taken up; please do not repeat what another member has said. I remember, was it Hon. Winnie or one of the members or Hon. Kieti said that the scores are not shown, so let us go to another point because they addressed that. Under the Standing Orders, it is not allowed to repeat what has already been put on the records.

Hon. Munguti: Thank you, Madam Speaker, I also have no faith with the board therefore I resolve that it be dissolved.

(Applause)

Hon. Speaker: Hon. Members, remember if you want a substantive resolution to be taken, you know the way of bringing the business to the House, isn't it? So do not bring a business within another business because we have to address what are the matters on the table so that we do not deal with matters which are not at hand. I am now coming to the last bench; I am now on the front bench. Hon. Cosmus.

Hon. Masesi: Thank you Madam Speaker. Before I comment on the report, Madam Speaker, I just want to inform the board members we should not come to tell the house that they are tired, bearing in mind that the house has the supremacy of approving---

Hon. Speaker: Did I hear any member say they are tired?

Hon. Masesi: Of course yes, Madam Speaker. Hon. Ngunga said they are coming up for the second time on the same report.

Hon. Speaker: When they were submitting or from down the---

Hon. Masesi: They are submitting the same report to the house and they are tired as a board.

Hon. Speaker: I want to get it right, just a moment Hon. Cosmos. Hon Ngunga did you say the board is tired?

Hon. Ngunga: Thank you Madam Speaker. I think the communication that I had today engaged is live and I cannot remember myself engage in that direction, and if I did---

Hon. Speaker: Because you are not allowed to be tired.

Hon. Ngunga: Of course and if I did, I want to apologize profusely but I am sure I did not say that. Thank you Madam Speaker.

Hon. Speaker: Hon Cosmos then proceed from the point of information.

Hon. Masesi: Yes, thank you Madam Speaker. My point was to inform the board members that the House is more supreme; the House is the one which is supposed to approve the report and it is also within our mandate to disapprove. Madam Speaker, coming to the report, even though one Hon. Caleb is trying to tell us different companies have done the report, I am surprised when the September report came to the house, one Muinde had experience of 10 years, this report is coming with 13 years in a span of five months. I am worried, where is the three years difference coming from even though the companies doing the vetting are different?

Madam Speaker, again if you look at the report, it is like it is skewed in a particular direction when one lady by the name Janet Mwikali, they tried to pick a point that she was a former street girl and when it comes to someone like Isaac Mutuku Muinde, the board fails to tell us he was a former MCA in this Assembly.

(Applause)

He was the chairperson, Budget, which saw all the members go home except one.

(Laughter)

Madam Speaker, I am surprised this House needs full information.

Hon. Speaker: Point of information Hon. Ngunga.

Hon. Ngunga: Thank you Madam Speaker. I think it is also good Madam Speaker that members get guided because you know a report will come depending on the questions that a candidate is asked. If for example this particular candidate's questions were not posed as to where or whether he was an MCA or not, then of course that will not be appearing here.

(Loud consultations)

No Madam Speaker I beg for your protection, I beg for your protection.

Hon. Speaker: Order! Hon. Members. Let us give a member time to air their views.

Hon. Ngunga: It is honorable that way.

Hon. Speaker: If you do not agree with them, then you know how to do it in an orderly manner.

Hon. Ngunga: I think Hon. Members it is honorable that way because I am just trying to say that if for example a given question was not posed to a candidate, then of course that will not be captured here. Madam Speaker, I am not standing here to defend any candidate. In fact this time round, I am very impartial, but I am only saying let members also be above board because now if you say for example a particular question, rather a given report that we already have, does not tally with this one here, circumstances change, questions posed change.

Hon. Speaker: Point of information is usually short Hon. Ngunga.

Hon. Ngunga: Thank you Madam Speaker.

Hon. Speaker: Hon. Cosmus Masesi was on his feet.

Hon. Masesi: Thank you Madam Speaker. Madam Speaker, the hon. member of the board was keen to pick that virtue of a street girl and they fail to see a Hon. Member, former Hon. Member and tell the House. Madam Speaker again we have one person by the name of... who is working with the County Government and they said he might have some interest. She might have some interests on the board, Madam Speaker, we are well informed this one Muinde.....Madam Speaker, protect me. Someone is hitting me on my legs.

(Laughter)

Hon. Speaker: I have not seen that and if you are being---

(Laughter)

---if you are being beaten you should sit.

Hon. Masesi: That is why I am telling you Madam Speaker---

Hon. Speaker: Who is beating you? Hon. Mark Muendo?

Hon. Masesi: Hon. Kiteng'u is beating me, Madam Speaker.

Hon. Speaker: The Deputy Majority Leader!

Hon. Masesi: Madam Speaker, in conclusion, I want to believe this House is not approving these names. I do not think they should come again to this House, Madam Speaker. My take is I have disapproved the names as a member whereby Madam Speaker, the board needs to go and sit again and bring us some new fresh names. Thank you Madam Speaker.

Hon. Speaker: We are going down; we are almost on the last row. Hon. Majority then Hon. Deputy and Hon. Steve Mwanthi you submitted. Okay then you. No you do not speak twice on a point. This is a different point members remember, and then Hon. Mitaa.

Hon. Muendo: Thank you Hon. Speaker. I want to talk generally about this matter of today and I want to say I am very sorry this report could have gone well in this house Hon. Speaker, but this report leaked to some of the members, Hon. Speaker---

(Applause)

That is where now the political issue starts and people started lobbying and that is the truth of the matter and will stand the truth of the matter and I would like even to inform Hon. Katumo that this is a house of politicians.

(Applause)

We represent people and if majority says this is not going through our throat, the majority will carry the day. Let me say Hon. Speaker, this report as I go through it, is not complete according to me, reason being we had another report which we are comparing with this. The report when we look at the awarding of marks is quite different. In fact, the report was better than this; this is worse that the first report according to me.

(Applause)

Let me say there is a lot of interest in these candidates; the two candidates, male candidates, that after the report leaked to some of the Hon. Members, they started campaigning for that candidate to be but as Majority Leader, I said the day will be carried by the Majority, Hon. Speaker. Let me say it is not wrong for a report to be rejected by the members; that is the work of the members, to reject or to adopt. My advice is on these candidates, to me there is a problem now.

I will advise the County Assembly Service Board maybe to go and come back with new names, not only that, to get a professional company which can give a report which is comprehensive. Hon Speaker, as far as we want to have this board as soon as possible, we should not look at reports like these which look like they are skewed.

(Applause)

When you look at awarding of the marks, there is no way you can award a candidate 76 marks then you come to 57. On the female side, we can see the way the variance is normal, but when you come to the male candidate, you find---

Hon. Mulatya: Point of information Madam Speaker, to the majority.

Hon. Speaker: Point of information Hon. Majority Leader. Allow yourself to be informed.

Hon. Mulatya: Thank you Madam Speaker. Just to inform the member that marks are awarded according to the qualifications. You can have a member getting 90 percent and another one getting 10 percent. It is according to the qualifications you can say you award somebody 76 marks the other one automatically will get 72. It is according to the qualifications and this---

Hon. Speaker: Hon Members let the member finish.

Hon. Muendo: Thank you Hon. Whip but I will like to tell you the qualifications of this post is a citizen of Kenya (a), (b) holds a degree from a university recognized in Kenya and (c) has at least 10 year experience in public affairs and meets the requirements of leadership and integrity in Chapter 6 of the Constitution. So that is what guides the company to pre-qualify---

(Applause)

It is not the other side shows, say you have a certificate in accounts, you have a certificate in agriculture. Degree is not mentioned whether it is in Agriculture or Mathematics; it is first degree, so that is what is supposed to guide this House, Hon. Speaker. Let us talk with the Constitution in our mind. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Majority. Hon. Kiteng'u. We extended time Hon. Maitha to finish this business. Hon. Kiteng'u.

Hon. Kiteng'u: Thank you, Madam Speaker. Madam Speaker, reading the temperature of the House, this reports has been rejected and now Madam Speaker, I would request for the benefit of us to avoid all of this because of the *mwananchi*. Kindly, Madam Speaker, I would request the mover of the motion---

Hon. Speaker: Hon. Members, it is only the chair that will decide at what point. Hon. Kiteng'u, just take a seat. Because members have contributed, if there are members who feel like contributing, you cannot shut them up---

(Applause)

---and I have said time and again, when you look at the members here, the Chair sees the 10 thousand plus that the member is representing, so the voices of those people allow them to be heard. Only that I am asking the members, is it too hard to remember a point that has been made and avoid it because there have been a lot of contribution on the report being skewed. Do you need to repeat that again? Can you try and bring a different thing so that we don't repeat what is already on the records? Are we in agreement? Had you finished Hon. Deputy Majority?

Hon. Kiteng'u: Not yet.

Hon. Speaker: Please finish then.

Hon. Kiteng'u: Thank you, Madam Speaker. I was saying I remember this Assembly has got also a history and what the Executive is now saying is that we reject everything which comes in this House and I would like to request the members, because the report has already come to the House, my point was even if we have already debated and we continue to debate, to withdraw so it does not go into the record that we rejected the report. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kiteng'u. Hon. Steve Mwanthi.

Hon. Mwanthi: Thank you, Madam Speaker. Madam Speaker, I will say that this House seems to go on record having never ever approved any appointment and moving by the mood of the House is that this report is going to fail on the floor but we also as members need to ask ourselves, we have been complaining all along that the Governor has failed to bring names, the Governor has failed a,b,c,d---

Hon. Speaker: Hon. Steve Mwanthi, the Governor is not in issue now. The Executive is not an issue. Please address the matter that is an issue.

Hon. Mwanthi: But it is a fact that we also need at least to also be considerate whatever else will be done. If the report is going to go back, let it go back and be brought again to the House speedily. Some members have been arguing that there is doctoring and such like things. As a person, I have not seen much on that because much as the Majority Leader has indicated that he has read some of the requirements, I think all the applicants had met the same requirements, so some of the differences in marks are based on the qualifications of the member and I think I do not see it happening.

A person who has Bsc. in Horticulture defeating a person who has been in Finance and yet the position that we are having is a position that requires accounting, so Madam Speaker, I think as we move on, there was also an issue of somebody being a MCA that was not quoted here and still it has been moving around with members but let us also understand that it's only a matter of four years and also we will be former MCAs and we might require same, same positions in this same, same house. It is possible so, I do not and I think if I will be in such category when my term is complete, then it means maybe we are in a position that we are not supposed to ask for if we will be against that. Thank you, Madam Speaker.

Hon. Speaker: The issue of former MCA was mentioned. Maybe Members we just need to appreciate that it is not a bar. It is only maybe the thinking of the members but it is not a bar to being a member of the board. If it was, then the law would have said it. Normally if they do not want you to vie in a position, they say provided you have not been in active politics for the last 5 years, so it is not a bar; but if the members feel that it is not suitable, it is up to you but it is not illegal. Hon. Mitaa.

Hon. Mitaa: Thank you Madam Speaker for granting me the opportunity. I stand to oppose or reject this report in totality and I don't want to repeat myself because much of what I

would have said majority have already captured but one thing which I would want to stress is that we will not bend the law to achieve and our integrity as a House should be respected and we have to be an example on what is supposed to come to this House. Like what my colleague has stated here, if we have been rejecting things from the Executive, there must have been a reason and that does not make us accept things which do not meet requirements for this Assembly. Thank you Madam Speaker.

Hon. Speaker: Thank you, Hon. Mitaa. Hon. Kamitu, Hon Ndawa and Hon. Brian Kisila

Hon. Kamitu: Thank you very much Madam Speaker. It is good that this House is also realizing that we are debating a very important subject that is appointment of our candidates into the Service Board and I would like to draw the attention of the Hon. Members that it is a good practice that there was a committee and that is the Service Board, whereas there is a private firm which was given this assignment to do the interviews and come up with a report, so Madam Speaker, I am not going to waste a lot of time but dwell on procedures; dwell on some tradition.

Madam Speaker, my question will be, is it going to be a tradition that anything that is brought into this House is rejected? I am saying that Madam Speaker it will not be healthy that we shall be rejecting or we shall be approving things that are not procedural and on this regard Madam Speaker, I am standing to advise or to come up with my information that it will be very bad and we are being watched as an Assembly of Machakos County; not that we are not reasoning but we are not investigating things as the way they are because if am going to use my former experience Madam Speaker, if am given a chance to investigate the Service Board in this report I do not need a lot of things; I don't need a lot of theories because mistakes have been made and they have been brought to the attention of our Hon. Speaker that scores, the scheme of scoring, was not used. It was used in the first report and this time it was not, among many that have been mentioned by Hon. Members.

My humble request Madam Speaker is, let's stand as one Honorable House. Let us be considering issues the way they come; let's be making our recommendations, our observation on the strength and on the subject that it deserves. So now to me as Hon. Alex Kamitu, I am saying sincerely we are wasting a lot of time. If we rejected the first candidates and we are doing the same, my humble request is let us go back we reject this report because many mistakes...I do not want to say many mistakes even if it is one that is not procedural, out rightly Madam Speaker, your guidance will be we reject this report and it is good we have debated, we have given Hon. Members time to air their views so we cannot stand as a House whereby we are going to talk of one either a male candidate for us to pass him so if it is a rejection it should be a rejection for all the candidates then go back and that is my recommendation, and again Hon. members it is also a lesson to us.

As I said, Machakos County electorate is watching us. We should make a move that we should be seen to be serious in our undertaking as an Assembly. So what am I saying? We should not be a tradition of rejection. We should be a House of consideration and reasoning so that the people who brought us here should be seen as service delivery, Hon. Members. Thank you Madam Speaker.

Hon. Speaker: Thank you Hon. Minority. Hon Ndawa

Hon. Ndawa: Thank you, Madam Speaker. I will be very brief. I want first of all to say that I do not agree with this report. The following reasons are the ones which I have. Number one

Madam Speaker, by yesterday the report was out because during lunch hour, the report was discussed at the canteen and some members approached me to support an applicant by the name Isaac Muinde, so Madam Speaker, it is either the board which leaked or the firm which was doing the vetting so Madam Speaker, I want to say that the board to me is incompetent.

I do not know whether to say that the board cannot sit down and vet people and it has to hire another firm to do that. That is double taxation. We are paying board allowances to do that work and they are also subjecting us to an extra expense. Madam Speaker if the board feels that it does not have the capacity to do that job, kindly let the board members resign in advance.

The other issue Madam Speaker, there is an issue of bribery. This morning I was called by an electorate from Matuu at six in the morning and informed that they have information that some members have been bribed to come and pass this report. The member or the electorate had information that Kshs. 400,000 was given out yesterday by one Isaac Muinde to some members seated in this Hon. House.

(Applause)

Madam Speaker, this House is not going to be dictated by Hon. Members from Masinga Sub County because they are the ones who were given the monies. There were so many---

Hon. Member: Point of order.

Hon. Speaker: Hon. Ndawa, a point of order. Please resume your seat. There are two points of order. I had caught the eye of Hon Steve Mwanthi but Hon. Kituku, I am not sure, is on the same point of order. Let's hear Hon. Steve Mwanthi first. A point of order.

Hon. Mwanthi: Yes Madam Speaker, I would request the member to maybe identify the person who was giving out the money if he has any evidence because it is very wrong when he says members from Masinga Sub County are, I do not know, doing what. I do not see it being good to the Members so the Member should either apologize or table evidence.

Hon. Speaker: You have been asked to substantiate.

Hon. Ndawa: Thank you, Madam Speaker. I will do so. Yesterday by 1:00 p.m., Hon. Kituku went to Gelian with one Isaac Muinde and I saw them. It's just that my phone is off I do not know whether the picture can be traced.

(Laughter)

I took a photograph. If he did not go there, let him confirm so Madam Speaker. Whatever I am talking, I am 100 percent.

Hon. Member: Point of order

Hon. Speaker: Point of order Hon. Maitha

Hon. Maitha: Madam Speaker, it baffles me for one Hon. Ndawa to say that he saw someone, Hon. Muinde with Hon. Kituku. Seeing the two of them does it mean that it is bribing

one another, Madam Speaker? Can you withdraw or substantiate? Madam Speaker, it is a very serious allegation.

Hon. Speaker: Hon. Ndawa, I know that the National Assembly was cautioned from appearing to be too cozy with the people who are supposed to appear before them but per say, if you see one member with the candidate, unless you see the candidate giving them money; then you would also need to know whether it is the money being given to come and bribe because they may have a relationship wherever they come from. Let us not impute bad intentions or motives to each other.

Remember, this motive which you are going to impute on one member out there is going to be read for the whole assembly and it is very damaging out there. Hon. Members, we will discuss the issue about the leakage of the report, we will discuss about the issue of bribery, but let us also know that if you shout on top of your voice that there has been bribery thinking you are castigating your fellow member, then it is been imputed on you outside there, so let us mind about the reputation of all of us.

(Applause)

Hon. Ndawa: Thank you, Madam Speaker. I beg to proceed. The other issue Madam Speaker, which is making me not to agree with this, is the co-relation between the Board Members and the recommended two applicants. What is the co-relation or what is the relationship between the two members or two applicants who have been recommended by the Service Board Members? Madam Speaker, it is alleged that there was trading in; we take this, then you allow us to take this. So Madam Speaker, I understand very well one of the members of the Board---

Hon. Speaker: Point of information Hon. Matei.

Hon. Ndeti: Yes, is the Hon. Member right to start giving us allegations that you cannot prove? What is this about trading in? What is this about relationship? We engaged consultants to look into this. Please let us confine our proceedings or whatever we are talking about on the report.

Hon. Member: Point of order

Hon. Speaker: I am expecting the Hon. Member, Ndawa, to proceed and substantiate because if you make an allegation, let it also be proved so that then the member can respond. I think that is the way we should go.

Hon. Ndawa: Thank you, Madam Speaker. I want to say the applicant, that is the female one, comes from this area.

Hon. Speaker: Which area?

Hon. Ndawa: Where the Majority, Hon. Ngunga, comes from so I suspect that---

Hon. Member: Point of order, Madam Speaker.

Hon. Speaker: Let him just finish, just a moment.

Hon. Ndawa: I suspect that applicant was assisted, if I can use the word, to get that position. Then the other issue and the other question that I might ask myself Madam, is it a requirement in law that whoever scores the highest marks is the one to be given the position? Is it a requirement in law and if it is there, let me get the law, or the section or the article, if it is there.

Hon. Speaker: Hon. Ndawa, just for your information, I said earlier Hon. Members that you will not get people from Venus or Mars or Saturn to come and serve in this Board. They are going to be people from this county, preferably; not even from Makueni, not Kitui, not Kiambu. They have to be members from this county, isn't it? That is a starting point. And they have to come from a particular ward and that ward will have a representation and if you take like the Mua Ward, it is a very big ward and it does not matter that the lady candidate is from Mua Ward. The criteria is given by the law. Look at the merit; look at the performance of the person.

As a matter of fact, that particular candidate is a lawyer who has been practicing here in Machakos. She may be known by many of you; I know her personally because I know many lawyers who are lawyers and that fact would not stop her from coming to be interviewed. If she qualifies, well and good. Even the politicians are also from this county. If they qualify, what would stop them from serving? So members, I just want you to be very objective and if you want us to go back to the drawing board, you will have to tell us which way you want it done and be guided by the law because if you tell us to do it in the wrong way, we will not do it and you will be barred from doing it and remember, people are also getting tired; even these applicants. You may one day even put that advertisement out there and attract no applicant. You just need to have all this in mind, Hon. Members.

(Applause)

Hon. Ndawa: Thank you, Hon. Speaker. I think I am through with my submissions and the final word is that this report should be thrown away. Thank you.

Hon. Ngunga: Point of order.

Hon. Speaker: Has finished Hon. Member, you cannot have a point of order when a member has finished submitting.

Hon. Ngunga: But you know Madam Speaker, it is in record that he is trying to say that, that lady was assisted---

Hon. Speaker: I have already responded to it Hon. Majority maybe generally, but I made a point that the person would have to come from one of the wards from Machakos County. Hon. Kisila.

Hon. Kisila: Madam Speaker, I will be very brief. I want to refer members to the second last page where it is signed; page 24. Page 24 has been signed by three Hon. Members, one of them being Madam Speaker. I have sat down with Madam Speaker in a lot of meetings

especially on the Appointment Committee and I honestly feel that this report does not in any way meet the test of having gone through Madam Speaker---

Hon. Speaker: The signature of the chair is there and that is what it means; it has gone through the hand of the Speaker.

Hon. Kisila: Reason being, if you look at the quality of work which has been done here and the quality of work we have done in the Appointment Committee, honestly it leaves a lot to be desired why we can allow such a low, substandard report to reach this Assembly. My point is--

Hon. Speaker: Please go the page you are referring to, where there is substandard work.

Hon. Kisila: Substandard work is on the basis of the following: One, what is the procedure you used to agree that you are going to give this work to a consultant? Does it mean that the members who are in the board are not competent enough to interview? Does it mean that the members who are in that committee don't have integrity issues to interview candidates and pass them? What is the approval hearings procedure which was followed? Why should we give our mandate to third parties to interview very important people like members who come to us?

And the criteria used to award the marks, why didn't you give us the marks the way you awarded them, the way the consultant awarded them and even before you started meeting, what was the procedure of the approval hearing? I see a situation whereby there is a lot of vested interests in these appointments and it baffles me why we have taken so much time, one year plus, to appoint two members.

My take is that the board has completely failed us and it has failed us on continuously giving us substandard work; the first report was substandard; this report, again, based on the procedure you used, is substandard. I feel we cannot continue wasting each other's time. It is the high time we make a call on this board. My last point, before I sit down, is that we need to continue being men and women who believe the right things should be done.

Hon. Ngunga: Point of information, Madam Speaker

Hon. Speaker: There's a point of information, Hon. Kisila

Hon. Ngunga: Hon. Speaker, I stand to inform the member that the board was able to bring a report to this House here on the issue of the fourth and the fifth member in the month of March. That was early enough and this house reported, debated on the report and it was withdrawn. Thank you Madam Speaker.

Hon. Kisila: Let me continue Madam Speaker. This is a very serious issue and I think people should take it seriously that two reports by the same committee have come here and they have not passed. My point is, within the membership of the board there must be something wrong with it and we cannot continue wasting each other's time with a body which is been charged with the entire budget of the County Assembly. If they cannot just agree on a simple membership of the board how do we entrust them with managing---

Hon. Speaker: Hon. Kisila, if you want to move a motion to dissolve the board, I have said it again and again, bring a motion. Bring a motion, Hon. Members, to this house for debate--

Hon. Kisila: I will.

Hon. Speaker: So that we stick to the matter...Hon. Kisila, please observe decorum. You don't answer back like that when the chair is still addressing you. Hon. Kisila, that is wrong. I don't want to use some words that would hinge on saying that you are being rude. So let us observe the decorum. What I am saying is that if we are addressing a matter that is on the table, let us deal with it. If you realize that out of that debate another matter arises, please bring it and the House will address it appropriately. So Hon. Kisila, you can proceed to wind up.

Hon. Kisila: I stand guided, Madam Speaker. My last point is on the leadership of this House. We are failing because serious matters are being brought to the floor of this House before the leadership sits down and gives direction. You can see Madam Speaker, the serious split in this House, and very soon we are going to become a laughing stock. Of late actually personally, I have not been---

Hon. Speaker: Hon. Kisila, I will order that you bring that at a Kamukunji or you bring a motion to discuss what you are raising just now, unless you are confining yourself to the matter that is on the table.

Hon. Kisila: I am confining myself to this matter.

Hon. Speaker: If it is about house leadership, do we have a motion on house leadership? We have a motion on approving a report by the board, so if there is a failure of house leadership, you need to bring a motion or you take it to where it belongs, so Hon. Members, Hon. Kisila, are you still on your feet?

Hon. Kisila: Yes

Hon. Speaker: Please proceed and finish on the matter that is on the table.

Hon. Kisila: My take, before I sit down is that, it is a total disgrace that we have wasted four hours discussing such a substandard report, and I feel we should not accept this report. It should be thrown out and even we should ask the board members, who gave you the mandate to start contracting and making us incur such a high expenditure on consultants who give us such a substandard work?

Hon. Mwanthi: Point of information, Madam Speaker.

Hon. Speaker: Let the Hon. Member finish.

Hon. Kisila: This is not fair. If we give out money for the assembly, we are giving out contracted work to a substandard contractor, and we are the first ones to throw the first bullet when things are being done wrong. Who gave you that mandate? Should we start surcharging

you on the cost which you continue...this is second time we are incurring very high expenditure by this board. Should we not surcharge them?

Hon. Speaker: Hon. Kisila we hear you. I started by saying, Hon. Members, and tell me if you have not seen where external recruiting firms do recruitment and the Standing Orders provide clearly, if you have an interest in any matter, you recuse yourself, and we were avoiding a possibility of conflict of interest and we procured an external firm and I have said, if you feel you don't want external firm doing it, direct the members to do it and it does not have to be the same members. You can direct what you want to do with the board membership. I have said that again and again.

Hon. Kisila, the approval hearings, the procedure you are asking about, you can do it directly yourself depending on what matter and rank of an employee you are recruiting or you can go out to a recruiting firm and the firms that are recruited are on the pre-qualified list of service providers to the County Assembly. If you have any issues with that list, you can also deal with it in the appropriate forum.

Do we have any other member who wants to make a contribution? Hon. Pauline you mentioned, you contributed on the matter. We cannot have you twice unless the other members have spoken, and also you speak twice if you are clarifying a point that you made. Hon. Johana.

Hon. Munyao: Madam Speaker, if a teacher gives an exam to a group of students or pupils and they all fail, then it may not necessarily mean that the pupils are fools; it may mean either the exam was way above the level of those learners or probably the teacher never taught. I want to say Madam Speaker, I appreciate the fact that these interviews were too tough for the male candidates. Madam Speaker, in institutions where fairness is exercised, especially in conducting interviews, the institutions leave just very few marks for interactions where it requires personal observations as given in the report, but what we are seeing is that it is like the observations carried most of the marks and that now brings in the issue of objectivity in the report.

There are no CVs attached to this report and that is why we are able to cite and say this person is only a farmer, this person is only an accountant, but papers alone may not also necessarily tell what kind of a person, a person is. The experience, what that person has been able to do all along for the years we are saying, some have 13 years of experience in public affairs, how can we say those years have been spent in interacting with the public and the CVs would actually have been able to tell this Assembly what kind of persons we are discussing here.

Madam Speaker, just to mention that this candidate on page 13, one Alex Kitili, who according to the observation (c) is working with a parastatal in agriculture and not very conversant with the workings in the mainstream civil service, we admit that the person is working with a parastatal, a government owned institution, and I don't know whether a parastatal poses an environment which cannot earn an individual enough experience to deal with the public, so I see a contradiction and based on the key requirements which were used to shortlist the candidates and also present them for interviews, we were majoring on the experience with public affairs and that is what we would have based, not really what we are bringing in because the observations are supposed to cut across if we want to be objective.

We say we are going to peg our element of observation on certain aspects of what we want to measure, but you cannot observe this one was a former MCA, at some other point you want to say that this one was only a street boy or a girl, at some other point this one was..., the observations if we wanted to peg our reward for marks or awarding of marks would have been

designed such that the observations were cutting across; we were looking at almost uniform aspects of what we wanted to measure with regards to our candidates.

So Madam Speaker, I want to say that this report is really not the best one and finally we may condemn ourselves here as a House that we are rejecting report after report, but then we must also be able to ask ourselves, we may also be subjected to search trials or attempts to reject reports. The first report which came here, we saw a consulting firm which was engaged and which passed and declared the first candidate, the best candidate with less than even 10 years of public experience, so how did that candidate sneak in?

We are either going to be doubting the competence of the board, because you the ones who are vetting and it is like we are not very sure whether we are giving the terms of reference to the consulting firms or whether we are also joining them in the exercise of either vetting the candidates, it is not very clear, Madam Speaker. I wish to stop there and say that I am sorry to say that this report is really wanting. Thank you.

Hon. Speaker: Thank you, Hon. Johanna. Hon. Kalumu.

Hon. Kalumu: Thank you Madam Speaker. Mine is not much because much has been said, but I want to reiterate that my general observation of this report is it does not meet the right criteria which must be followed when appointments are being made. A good example is when one Hon. Member, Mr. Ngunga---

Hon. Speaker: Hon. Ngunga, not Mr. Ngunga.

Hon. Kalumu: Yes one Hon. Member, I had indicated Hon. Speaker. He said that some remarks or some questions were not asked across. A good example is when one of the members asked, why is it that one observation is being made on one candidate and it's not appearing on another one? I think based on my knowledge, appointment procedures and Acts have procedures and the right way to follow and ask questions. It has even gone forward, the Act itself, to give the questions which should be asked across all the candidates, so the answers which we should see here as observations should be almost because they come from candidates looking for one position which is a County Assembly Board Member.

You cannot ask a different question to this candidate; ask another different question to that candidate. The questions, I think, must be standard, but according to the report, if you look at it, it implies that the questions were not standard, because the answers which we are having in the report are contradicting themselves, so I don't have much to say; the only thing I want to say is that this report is not one which I can vote for as a member of this County Assembly.

I also want to say, let us be objective as an Assembly in whatever issue we are doing because one time, this kind of a report was here and other measures should have been taken to prevent another report coming to fail again, because it is said, if you cannot see success you cannot reward it. What are we rewarding here? Because to me, even the other report was better than this one; the other report which was rejected by this Assembly was a bit better than this one.

What I would like to say is let us reject this report today and go back to the drawing board and come up with proper standard questions for each and every candidate who will apply. Without wasting time, let me say this, the standard of this House has been tested today; the standard of the board has been tested by the two reports which they have brought to this House. Thank you Madam Speaker.

Hon. Speaker: Thank you Hon. Kalumu. Hon. Maitha.

Hon. Maitha: Madam Speaker, this is the second time this Assembly is rejecting such a report. Madam Speaker if you look at the report, it is not all that bad as members are saying. It is only bad because their favorite candidates did not meet the requirements and I want to ask this House in future, if you want to get a qualified person, let us not look where he comes from or who he is or who she is, because the time we go that way, we will not get a qualified person. Madam Speaker, if you look at the qualifications of these people, Muinde is more qualified than Kitili---

(Applause)

---if you look and compare the truth. But it is only because the people of Mwala, the members of assembly from Mwala, wanted Kitili and those from Masinga---

Hon. Members: point of information, Madam Speaker.

Hon. Speaker: Hon. Members, please let the member finish.

Hon. Maitha: the members of Masinga

Hon. Speaker: I am saying let the member finish what he is submitting. I know he mentioned Mwala and Masinga but just leave it. He is giving examples. He is giving examples.

Hon. Maitha: I am giving an example Hon. Mheshimiwa.

Hon. Speaker: He doesn't mean that Members from Mwala wanted a particular person. He is giving examples. Hon. Maitha please proceed.

Hon. Maitha: Madam Speaker, the truth is bitter. If we had not brought this idea of this person comes from that area and this one comes from that area, we would by now have gotten the two people who are wanted to serve in this board, Madam Speaker, and Madam Speaker, I suggest so that we can get those two people, let Muinde and Alex be disqualified from applying the next time, because the time those two applicants will be there we shall get this same---

Hon. Members: Point of information.

Hon. Speaker: Order! Order! Order! Members, order please.

Hon. Maitha: Madam Speaker so that I can finish, I want to say this document having been discussed here cannot be withdrawn. I suggest we stay without those two people for the next six months as the law requires because this one will not pass; if it does not pass it means it cannot be brought back again in this House until six months have elapsed. I thank you, Madam Speaker.

Hon. Speaker: Hon. Museku there is nobody you're informing because the Hon. Member has finished submitting. Who are you informing? They must be still on their feet. Hon.

Members, I think what we need to appreciate and there is a point that Hon. Maitha has brought on board and I think actually it's a fact and I am saying this looking at each one of you in your eyes, if only we can remove our vested interest in this process, we will have a full board of the assembly.

As long as we do not do that, I do not know how many times we will keep on coming here and I do not know what image you are portraying out there, because that member will come either from Mwala sub county another member will come from Machakos sub county, they will come from Matungulu, they will come from Mavoko, they will come from Masinga, they will come from Kangundo. It has to be somebody from representation which is seating here and unless now we dissociate with ourselves from that interests you will not go far. I am going to put the question and even as I do it, members indicated that the report is so hopeless but I can assure you it is not hopeless, if you saw it from another point of view.

Hon. Member: A request Madam Speaker before the question.

Hon. Speaker: A request before the question?

Hon. Member: Yes.

Hon. Speaker: So let's just ventilate on the issue. What I was saying Hon. Members is that when a member is upheld and they are indicated as female, is that so fatal to uphold, isn't it just to agree human is to error. How many reports have come to this assembly with so many errors and you have passed? Please think about it even as we go forward; think about it, alright? And let's save ourselves from further embarrassments but members before we put the question, some members want to have some point. Because of the interest of the matter, let us have Hon. Mulatya.

Hon. Mulatya: Yes, thank you Madam Speaker.

Hon. Speaker: But very briefly because you have already spoken.

Hon. Mulatya: Yes, it is just my humble request; we know human is to error Madam Speaker, but it could have been my request if we could just put few minutes aside before you put the question and have a Kamukunji of the Whole House we discuss the matter. Thank you.

Hon. Members: No

Hon. Speaker: No, it is a big No from the members. Hon. Museku...

Hon. Museku: Madam Speaker, I believe that the mover of the motion has not yet---

Hon. Speaker: Has not replied?

Hon. Museku: ---had a chance to reply and therefore---

Hon. Speaker: The reply will come before putting the question, so we are hearing the conclusion

Hon. Museku: Yes, I am trying to say at that point we can withdraw the motion, and it does not have to wait for six months, otherwise once the question is put, we will wait for six months. We have waited for that long. Thank you.

Hon. Speaker: Hon. members before we conclude the motion, Hon. Daniel Mbevi .

Hon. Mbevi: Thank you Madam Speaker. My thinking is this member will come and work with the Assembly and I think it's why we are involved. Is there under the law where we are supposed to vote how many are for this Alex, how many are for this, we vote and then we get that person and we work with him, because getting to the marks might have a challenge because after all, this person is coming to work for us Madam Speaker and if the majority of us are for one person, it means that is the person who will work better with us because---

(Applause)

Hon. Speaker: Hon. Mbevi, you are not going to explain further because the point we wanted has been made. There is something Hon. Members that you may also need to consider. We can move forward and conclude this debate and then you remember Standing Orders 46, this matter not having to be brought again until after six months but there is also Standing Order 50(3) where you can defer the putting of the question if you want to discuss the matter further outside of the Assembly and then you decide to come back again on another day when we can put the question.

So it is for you members to agree which way. If the members feel that they want to have the question deferred, let me first finish Hon. Members, Order! If the members or the majority of them want to feel that you can defer the putting of the question, you discuss a bit amongst yourselves which way you want to go , the putting of the question can be deferred---

Hon. Ndawa: Point of information

Hon. Speaker: Hon. Ndawa, please wait until you are given the opportunity to speak. Hon. Members, Can I proceed to call the mover to reply by way of winding up and then I proceed to put the question?

(Loud consultations)

Hon. Members! Hon. Members! Hon. Members, putting the question means concluding the debate and when you conclude the debate, you come under Standing Order 46 unless the Speaker allows that you undo what you are going to do today, Hon. Members. Hon. Jeremiah let's hear what you have to say.

Hon. Munguti: With all due respect to this honorable house, I think it will be prudent that we defer the question and discuss it as members so that we can debate on it at a later date. Thank you.

Hon. Speaker: Hon. Members, can I have the mover of the motion to reply.

Hon. Mule: Thank you Madam Speaker. It is really been a tough time for me having brought the motion for the second time and it's been a hot debate on this motion and I would urge members...before urging the members, I was keen on listening to the debate and one member, Hon. Maitha really impressed me when he said that even if you look at the qualifications of one Alex Kitili and Isaac Muinde, Muinde is more qualified even if we had Deloitte and Touché coming to vet these people or PriceWaterhouse Coopers coming to vet these people, I wouldn't know why we would criminalize somebody based on where he comes from; whether he was a former MCA, whether she was a street girl, we should reward merit and for sure, there is one person who applied for this position, one Isaac Muinde, and impressed the panel and he was awarded better marks than the other people.

Madam Speaker, we tried as a Board, you being the chair, after the first rejection of the report, and decided that we choose another company to do the vetting. For sure we did, not the same contracted company to do the vetting. I do not know, even if we gave somebody else or another contractor to vet these people with the interest that the members are showing right now, would we have the fifth and the sixth member? Will we say that this category of people should not apply? Should we say that? I don't know which law will prevent us from saying that one Isaac Muinde should not apply because if he applies and impresses the panelists and he is smarter than the rest, will we deny him the chance and opportunity to serve in the Service Board because he is smarter than the rest?

Madam Speaker, before putting the question, there is still a chance and I am pleading to you House, if we could accept this report and give a chance to the people who are merited and given merits above the rest, to work, because if we do not want them in future or we do not want them going forward, there are ways of removing them from office so that we move forward. Madam Speaker, I plead with the house that if possible, to accept the report and we move forward and I know they have never failed me before---

(Laughter)

---and I am sure they are not failing me now. Thank you Madam Speaker.

Hon. Speaker: Thank you, Hon. Caleb. Hon. Members I now put the question.

(Question put and negatived)

(Applause)

ADJOURNMENT

Hon. Speaker: Hon. Members, I know you have been seated for too long, we are going to take a break because we still have our afternoon sitting and we can come back at 3:30pm so at this point, the House is adjourned to resume on the 14th day of August 2018 at 3:30 p.m. Thank you Hon. Members.

The House rose at 2.31 p.m.