

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 27th November, 2018

The House met at 10.22 a.m.

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

PRAYERS

Hon. Speaker: Good morning Hon. Members, so we start our sitting today. I know there is a lot of work ahead of you particularly today and tomorrow but I have no doubt you are up to the task. Mr. Clerk, proceed.

COMMUNICATION FROM THE CHAIR
OBJECTIVE VETTING OF NOMINEES AS CHIEF OFFICERS

Hon. Speaker: Hon. Members under this Order, I have a very brief communication just to remind you that today and tomorrow you are doing the reports on the nominees for appointments as COs and I know the reports are ready and all I am doing is to call upon you to be objective and as I was just praying this prayer we do every day I look at some of the very strongly-worded phrases and I do not know whether we meditate ever about the prayer.

You have been given a responsibility, God has committed to your charge residents of this County and so you must discharge that charge objectively and in void of any personal interest and so that you stand for the good of the county in whatever circumstances and I urge you members to kindly listen and be doers of the word particularly the word of doing good. Mr. Clerk, proceed.

MOTIONS

**REPORT OF TRADE, ECONOMIC PLANNING AND INDUSTRIALIZATION COMMITTEE OF
THE SECOND ASSEMBLY ON VETTING OF THREE NOMINEES FOR THE POSITION OF CHIEF
OFFICER**

Hon. Speaker: Hon. Members, under this order we have, which is similar to order number 9 and 10, it is on motions and these are some of the reports that I have referred to in my brief communication and we have three businesses, by Hon. Irene Mbivya and then the other one is by Hon. Steven Mwanthi and then By Hon. Cosmas Kieti. Hon. Members using the discretion of given to the Speaker, under Standing Orders, I will as that we start with motion number 10 which is by Hon. Kieti. Hon. Cosmas Kieti.

Hon. Kieti:

Hon. Speaker, that aware that section 45(1)(a) and (b) of the County Governments Act 2012 requires the Governor to nominate qualified and experienced County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board with the approval of the County Assembly;

Aware that H.E Dr. Alfred N. Mutua, the Governor of Machakos County submitted to the County Assembly a list of nominees for vetting for the position of County Secretary and Chief Officers on 1st August, 2018;

Aware that one nominee was committed to the Trade, Economic Planning and Industrialization Committee on 7th August, 2018 pursuant to Standing Order 42(1) for vetting and approval;

Noting that the Committee conducted approval hearings of the nominee on 2nd October, 2018 and that it has compiled a report;

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves the Report of the Trade, Economic Planning and Industrialization Committee of the Second Assembly on the vetting of one nominee for the position of Chief Officer.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kieti. Somebody to second you; one of the members to second you?

Hon. Kieti: Hon. Speaker, I request Hon. Christine Koki to second the motion.

Hon. (Ms.) C. Koki: Thank you, Madam Speaker. I second the motion.

Hon. Speaker: Hon. Kieti, do not go away because you are coming back now shortly. You have your report? Proceed.

Hon. Kieti: Hon. Speaker, I want to take the members through the report from the committee on trade, economic planning and industrialization on the vetting of nominees for appointment to the position of Chief Officers.

Hon. Speaker: Point of information Hon. Ndawa.

Hon. Ndawa: Madam Speaker, I do not have the report for trade; the one we have is for transport and revenue collection.

Hon. Speaker: Hon. Kieti, just rest briefly near please.....office of the Clerk? These reports, I am told they were ready long time so you need to circulate and Hon. Members please be looking at each report as you get them you appreciate the reading is a lot. So, apparently Hon. Ndawa did not have. Please give Hon. Ndawa quickly; Hon. Members, you now have the report? Let us just get things right. Hon. Kieti, just wait.

(The Report was circulated to Hon. Members)

Are we able to start? The paper work is a lot and you remember, we did not have funds even up to now but at least the form 'C' have been signed, so money will be coming. The Assembly did not have the stationary and ink, I am informed, for printing all the copies needed. Are we okay now? Thank you,

(Loud consultations)

I am told now we can start Hon. Kieti but before Hon. Kieti starts, Hon. Maitha please sit next to Hon. Nyanzi who seems to have; he does not have? Okay one is coming I am seeing the Sergeant at Arms bringing. I think the failure is one the part of the Sergeant at Arms, they are the ones who are not circulating these reports appropriately. I am seeing extra papers, I am seeing extra reports in the House. Kiptum you need to make sure that members have all the paper as and when they need them.

So, Hon. Members, I want us to agree the reports are quite many and if we go reading the way we normally do it is going to take quite a while. I have seen the practice in the National Assembly and always we look up on them for guidance that they do not read the whole report. What they do they go to the recommendations and then members because they have their sets, that is why you must have a set then we can now propose the question and debate and then you be referring to.....I notice Hon. Caleb is appreciating what the Chair is saying even before the Chair finalizes what she is saying.

(Laughter)

Not only him everybody; so we are in agreement. Thank you so much because we are going to save time so that you have enough time for debate which means now Hon. Kieti the work is easier for you and the other chairpersons who are going to present after you. Just go to the recommendations and Hon. Members just keep on referring to your reports.

So, now we are on the report of the Trade, Economic, Planning and industrialization committee. Hon. Kieti, as agreed by the house you just go to the recommendations and you guide the House; recommendations are on which page? Or what paragraph?

Hon. Kieti: Madam Speaker, We start on the committee observations that is 3.1.3

Hon. Speaker: Hon. Majority Leader, point of order?

Hon. Muendo: Thank you, Madam Speaker. I think we might go as per those recommendations but in future we might have a lot of people complaining that we have not gone through the report and also for the HANSARD to capture the whole report it will half-baked on the HANSARD, if we start with the recommendations. What I suggest a way forward we can do we can read this report very fast and maybe go to the recommendations for the sake of HANSARD. I stand guided, Madam Speaker.

Hon. Speaker: Remember, it is for the convenience of the House, everything we do here because you will need to be able to serve the people effectively and you cannot serve them if it is not convenient for you. That is why I sought your guidance; I have seen it happen in the National

Assembly and you saw quite a number of you were for the idea. So, if you feel that we need to read it then we will read it. Hon. Museku, let us agree.

Hon. Museku has something also to say on this particular issue; whether we read or we do not read and address the aspect that the Majority Leader has raised as to how will this be captured on the HANSARD.

Hon. Museku: Thank you, Madam Speaker. I agree with the Majority Leader and also what the Chair has proposed and we need to look at a common ground on which to arrive at a solution. Looking at the report which we have, the reading of the report from the committee and its membership up to appointment of Chief Officers by H.E the Governor for vetting up to 2.1 that will be able to give the HANSARD the information on what is being discussed and then from there my recommendation will be for the Chair to say on the details of the actual vetting process; attached is a report which we have.

The HANSARD will have that attachment to it on the report which the members have so that once he goes up for example to 2.1 he can now go to the recommendations because he will have mentioned under 2.1 he will have mentioned the letter which the Governor forwarded and he will have mentioned the nominees who were brought there.

Then from there he can now go and say for the rest members refer to the report attached then he goes direct now to the recommendations of the two. So, that we have captured the preamble on the items.....and then we have gone on to the recommendations but the recommendation but the HANSARD captures that there is a report which is attached to the same. That is my suggestion.

Hon. Speaker: Hon. Members, let me just make a ruling on this. We agreed that we are up to the task, didn't we? So, we are going to read the reports be ready. We will read the reports and the readers try to be as fast as possible but of course also as clear as possible for the purposes of the HANSARD. Hon. Cosmas Kieti, proceed please.

Hon. Kieti: Thank you, Madam Speaker. I am here to present the report on the vetting of nominee for appointment to the position of Chief Officers in this department. Madam Speaker, on page two we have a list of abbreviations and acronyms. On page three we have the preface.

1.0 PREFACE

1.1 Committee Mandate

Hon. Speaker, the Committee on Trade, Economic Planning and Industrialization is established pursuant to the Second Schedule of the County Assembly Standing Orders which provides that; the functions of the Committee shall include all matters related to Economic planning, tourism, trade development and regulation including markets, and outdoor advertising, trade licenses (excluding regulation of profession) fair trading practices and statistics and all matters relating to the delineation and management of decentralized units, urban areas and Municipalities.

Further Standing Order 190(5)(f) stipulates that the functions of a Sectoral Committee shall be to vet and report on all appointments where the constitution or any law requires the Assembly to approve, except those under Standing Order 184 (*Committee on Appointments*).

1.2 Committee Membership

Hon. Speaker, the Committee is comprised of the following members;

- | | | |
|----|-------------------|-------------------|
| 1. | Hon. Cosmas Kieti | -Chairperson |
| 2. | Hon. Judas Ndawa | -Vice Chairperson |

Hon. Speaker: What is happening? Point of information; what is the problem Hon. Mwikali.

Hon. (Ms.) Mwikali: I am wondering whether Hon. Ndawa is still the vice-chairperson of that committee.

Hon. Speaker: Please the matter as it is and members don't be interrupting when a members is reading a report. It is only at a point you cannot so that when we come to the debate, then you can raise whatever issue you wish to raise. It is just a matter of procedure. Hon. Kieti, please proceed.

Hon. Kieti: I will start again on Committee Membership. Hon. Speaker, the Committee is comprised of the following members;

- | | | |
|-----|------------------------|-------------------|
| 1. | Hon. Cosmas Kieti | -Chairperson |
| 2. | Hon. Judas Ndawa | -Vice Chairperson |
| 3. | Hon. Brian Kisila | -Member |
| 4. | Hon. Christine Koki | “ |
| 5. | Hon. Annastacia Mutuku | “ |
| 6. | Hon. Justus Katumo | “ |
| 7. | Hon. Josphat Kasyoki | “ |
| 8. | Hon. Betty Nzioki | “ |
| 9. | Hon. Winfred Mutua | “ |
| 10. | Hon. Antony Mulu | “ |
| 11. | Hon. Mohammed Ali | “ |
| 12. | Hon. Peter Mutiso | “ |
| 13. | Hon. Mark Muendo | “ |

2.0 VETTING OF NOMINEES

2.1 Appointment of Chief Officers by His Excellency the Governor

Hon. Speaker, pursuant to Section 45(1) of the County Government Act, 2012, H.E. the Governor, Dr. Alfred Mutua through a letter Ref MCG/GOV.COS/01/18 dated 31st July, 2018, forwarded to the Speaker of the County Assembly a notification on nomination of the County Secretary and Chief Officers for different Departments in the County Government.

Hon. Speaker, pursuant to Standing Order 42(1), during a plenary sitting held on 7th August, 2018 the Chair notified members of the nominations from H.E the Governor. From the list of nominees forwarded, the following two persons were committed to the Committee on Trade, Economic Planning and Industrialization;

1. Mr. Robert Kioko Maitha - Nominee for the position of County Administration and Decentralized units (Directorate of County Administration and Decentralized Units.
2. Mr. Justus Kasivu Munyao - Nominee for the position of Chief Officer, Department of Trade, Industrialization and innovation.

The Committee was required to come up with a work plan on how the approval hearings will be conducted in line with the Public Appointments (County Assemblies Approval) Act, 2017.

2.2 Notification to the Public

Hon. Speaker, Section 7(5) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that the Committee shall, by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing. Further section 7(10) of the same Act provides that, any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk to the County Assembly with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

The Clerk placed an advertisement informing members of the public and the nominees of the dates of the hearings, and inviting the public to submit to the office of the Clerk in writing and under oath any relevant information concerning the nominees opposing their suitability to the respective offices in conformity with Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017.

2.3 Clearance Requirements

Hon. Speaker, the Committee wrote to the nominees requesting them to avail the following clearance documents;

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

2.4 Committee Meetings

Hon. Speaker, the committee met for the approval hearings of the nominees on 2nd and 3rd October 2018. The hearings were conducted in public in the Assembly boardrooms following a notification to the candidates and the public. Pursuant to Section 7(5) and 7(6) of the Public Appointments (County Assemblies Approval) Act, 2017, the candidates opted to be heard in public.

2.4.1 Criteria for Approval Hearing

Hon. Speaker, the Committee was guided by Chapter Six and Article 124(4) of Constitution of Kenya, 2010 and Sections 7 and 8 of the Public Appointments (County Assemblies Approval) Act, 2017. The Public Appointments (County Assemblies Approval) Act, 2017 Sections 8, provides that the issues for consideration by the relevant House in relation to any nomination shall be:

- i. The procedure used to arrive at the nominee;
- ii. Any constitutional or statutory requirements relating to the office in question; and
- iii. The suitability of the nominee for appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the field to which nomination is being made.

Further, section 7(12) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that a candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall there upon lapse.

2.5 Assessment Form

Hon. Speaker, the Committee was guided by the assessment form set out in the second schedule to the Public Appointments (County Assemblies Approval) Act, 2017. The Committee set the pass mark for assessment at 70 out of 100 marks. The marks were awarded as follows.

2.5.1 Work experience

Hon. Speaker, any nominee who had a work experience of at least five years as it relates to the position was awarded 25 marks. A nominee without or with less than five years' of experience was awarded zero marks. Any nominee with five years' experience unrelated to the position was awarded zero marks.

2.5.2 Academic Credentials Relevant to the Position

Hon. Speaker, any nominee who had a first degree in the relevant portfolio they are nominated to serve was awarded 25 marks. If the nominee did not have a first degree in the relevant portfolio they are nominated he/she was awarded zero marks.

2.5.3 Interest in and knowledge relating to the relevant portfolio

Hon. Speaker, any nominee who demonstrated passion and adequate knowledge of the Department to which she/he was nominated to was awarded 15 marks. A score of 10 marks was awarded to a nominee who answered correctly half of the questions and 5 marks for a nominee who was below average in answering the questions.

2.5.4 Communication Skills (Written/ Oral)

Hon. Speaker, the nominee who demonstrated the following qualities was awarded 10 marks: good listening skills, confidence, clarity in answering questions and good body language. A nominee who scored average on the above criteria was awarded 5 or less marks depending on their performance.

2.5.5 Presentation (Promptness, Neatness of Resume/Application, Appearance)

Hon. Speaker, a satisfactory presentation of content by the nominee was awarded 10 marks. A nominee who scored average on the above criteria was awarded 5 or less marks depending on their performance. Punctuality was also taken into account.

2.5.6 Decision Making/Problem Solving Skills and Integrity

Hon. Speaker, a mark of 15 was awarded to a nominee who demonstrated ability in decision making/problem solving skills and passed the integrity test.

2.6 Integrity

Hon. Speaker, on the assessment of the nominees on matters of integrity the Committee was guided by Article 73(2) of the Constitution of Kenya, 2010 which provides the guiding principles of leadership and integrity to include:

- a. Selection on the basis of personal integrity, competence and suitability, or in free and fair elections;
- b. Objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;
- c. Selfless service based solely on the public interest, demonstrated by-
 - i. Honesty in the execution of public duties; and
 - ii. The declaration of any personal interest that may conflict with public duties;
- d. Accountability to the public for decisions and actions; and
- e. Discipline and commitment in service to the people.

2.7 Submission of Written Statements on Oath by Members of the Public

Hon. Speaker, section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017, provides that any person or persons may, prior to the approval hearing, by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

The Committee did not receive any statements from members of the public against the approval of appointment of the two nominees.

3.0 APPROVAL HEARINGS

3.1 MR JUSTUS KASIVU MUSAU - Nominee for the position of Chief Officer for the Department of Trade, Economic Planning and Innovation

Hon. Speaker, the nominee appeared before the Committee on 2nd October, 2018 and testified on oath. On the basis of his oral and written evidence, the following emerged;

Date and Place of Birth

The nominee was born in 1976 in Machakos County

Document of Identification

The nominee possesses a National ID. No. 14470098

Academic and Professional Qualification

Hon. Speaker,

- i. The nominee is currently pursuing a Masters in Strategic Management, Kenyatta University
- ii. The nominee acquired a Bachelor in Commerce (Marketing) from the Nairobi University in 2000.
- iii. He has an Executive MBA from the India Institute of Management.

Nominee's Knowledge of the Department

Asked on his knowledge of the Department, the Nominee responded that he understood that trade entails exchange of goods and services for money.

Work Experience

Hon. Speaker, the nominee stated that he has experience in the following areas:

- i. Business Management as he was the General manager sales, Keroche Breweries Ltd, from June 2017 to November, 2017 and Regional business manager - Airtel from 2011-2012
- ii. Sales and Marketing as he was the Head of sales - Airtel Kenya, from 2015 to 2017, the National Sales and Export manager-New KCC LTD- 2008 to 2011, Sales manager -Spin Knit Dairy Ltd, 2004-2008 and Sales manager- Bidco Oil refineries Ltd- 2001 to 2004

Net worth

The nominee stated his net worth to be Ksh. 85 million.

Honors and Awards

Madam Speaker, the nominee was awarded a scholarship by the India Institute of Management-Ahmedad-India-Management.

Potential Conflict of Interest

Hon. Speaker, the nominee declared that he had no potential conflict of interest and if any arises, he would resolve by following the law in line with the Constitution of Kenya

Pro Bono/ Charity Work

Hon. Speaker, the nominee stated that he gave Ksh. 150,000 for church programmes within the Masii AIC District Church Council and also gave Muthei Primary and Secondary Schools Ksh. 100,000 in a fund raiser.

Integrity

Hon. Speaker, the nominee submitted the following;

- i. Self-declaration form- EACC (Dated 30th August, 2018).
- ii. Tax Compliance Certificate valid till 03, September, 2019.
- iii. Credit Reference Bureau Certificate of clearance issued by Metropol on 7th September, 2017 indicating no negative listing.
- iv. Police clearance certificate issued by DCI on 10th September 2018 indicating Nil offence.
- v. HELB clearance certificate issued on 20th August, 2012

Asked if he had any integrity issues which he would wish to share with the committee, the nominee said that there were none that he knew of.

3.1.1 Nominees' Response to further questions by the Committee**1. Qualifications for the post**

Asked whether he considered himself to have the relevant training, knowledge and skills in the department to which he has been nominated the nominee responded that he had acquired a degree in Commerce from the University of Nairobi, after which he worked with multinational companies hence acquiring good skills in Trade and Innovation.

2. Challenges faced by the Department

Hon. Speaker, asked to state the challenges faced by the Department, the nominee stated that;

- i. The Department is faced with lack of good planning hence stalled projects.
- ii. Insufficient budget allocation.
- iii. Low empowerment and low capital.
- iv. Lack of sensitization in various areas of expanding businesses, for example, value addition.

3. Budget allocation for the Department for the Financial Year 2018/2019

Asked whether he was aware of the Budget allocation for the Department for the Financial Year 2018/2019, the nominee responded that it was 135 Million.

Asked on his budget absorption plans for the Department, he responded that he would make sure that the Department involves the public and stakeholders in proposal of projects as required by the law.

4. Motivation to be the Chief Officer

Asked on what had motivated him to apply for this job, the nominee stated that he was a son of Machakos and a patriot. He further said that he has worked in various companies and performed well and therefore ready to give back to the society.

5. Challenges facing Jua Kali Sector

The nominee stated that the challenges facing the Jua Kali Sector in Machakos County were lack of capital and appropriate training. He said that once appointed he will lobby for funds from the County Government, map all the Jua kali businesses, sensitize them on credit worthiness and engage them to be innovative through training and motivation.

6. The Machakos County Trade Licences Act, 2014

Asked whether he was aware of the Machakos County Trade Licences Act, the nominee responded that he was aware of it as it was enacted in 2014. He said that among other things the Act dealt with fair trading and unfair competition.

7. The Machakos County Public Markets and Stalls Act, 2016

Asked on his knowledge on the Machakos County Public Markets and Stalls Act in 2016, the nominee was not so sure of it and the role of the Director as stipulated in the Act.

8. Utilization of the Market sheds

On being asked what measures he would take to ensure the market sheds were occupied, the nominee responded that he would ensure that infrastructure was upgraded to give accessibility to the market shades, publicize the sheds by engaging his department to reach out to the public by conducting campaigns. His department would further work with other departments to ensure the structures were conducive.

9. PWDs in Trade and Innovation

Asked on the plans he has for the PWDs, the nominee stated that he would ensure that there was a fund for them which will be accessed depending on the particular degree and need. He would also liaise with other departments to enable the right structures in place to assist in accessibility to amenities.

10. Industries in Machakos County

The nominee responded that he was not aware of the number of industries in the County. However, within the first hundred days, he said he would make sure that he maps all the industries and get a detailed report on the amount of revenue received from these industries.

3.1.2 Committee's Observations

Hon. Speaker, the nominee:

- i. Has the necessary academic qualification.
- ii. Has necessary experience as related to the portfolio to which he has been nominated.
- iii. Has exhibited knowledge and interest in the department.
- iv. He is aware of the requirements and has the necessary clearances for purposes of Chapter Six of the Constitution.
- v. He is confident and has good communication skills.
- vi. He is neat and presentable both in person and resume.

3.1.3 Awarding of Marks on the Assessment Form

Mr. Justus Kasivu Musau: Nominee, Chief Officer for the Department of Trade, Economic Planning and Innovation

Madam Speaker, the table in the report shows how different members of the committee awarded or assessed on the different areas that we have assessed. Work experience as relates to the position. For assessor 1, you can follow through and the mean for the seven assessors---

Hon. Speaker: Hon. Kieti, we agree that we want to have what you want to be captured. What you do is just guide the House that the first column is on the particulars, the second one on marks available and the third on assessor 1, 2 and so on and the marks awarded then you will come to the conclusion on the mean.

Hon. Kieti: Our table has five columns. The first column is on the particulars which I mentioned earlier.

Hon. Speaker: I am seeing 11 columns.

Hon. Kieti: I was referring to the major columns and then the sub-columns in the marks awarded but I stand to be guided.

Particulars	Marks Available	Marks awarded							Total awarded	Mean
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6	ASS 7		
Work experience (as it relates to the position)	25	25	18	25	24	23	20	25	160	22

Education/training (relevant to the position)	25	25	18	25	25	25	25	25	168	24
Interest in and knowledge relating to specific position	15	14	10	14	15	10	10	14	87	12
Communication skills (written/oral)	10	09	10	10	10	10	06	10	65	09
Presentation (promptness, neatness of resume/application, appearance)	10	09	10	10	10	10	06	09	64	09
Decision making/problem solving skills	15	14	14	15	13	10	12	15	93	13
Total marks	100	98	80	97	97	88	79	98	637	91%

3.1.4 Committee Recommendations

Having attained 91 per cent, the committee recommends that the nominee be appointed for the position of Chief Officer Department of Trade, Economic Planning and Innovation. Hon. Speaker, I do therefore recommend this report to this Honorable Assembly for consideration and approval. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Kieti before you go away from the microphone, just take a seat near the mic because you may need to come back. The Chair notices that members under paragraph two which is 2.1 in particular I am referring to the paragraphs because I noted the report paginated but we are able to get where we want to go because there are paragraphs.

So, under paragraph two specifically 2.1, I notice that what was committed to this committee is from the list that forwarded to the House by the Governor, the committee on trade, economic planning and industrialization was given two persons.

The first one is Robert Kioko Maitha and its nominee for the position of County Administration and decentralized units (directorate of county administration and decentralized units) and the second one is Mr. Justus Kasivu Munyao nominee for the position of chief officer department of trade industrialization and innovation.

So, that this report, the House wants to understand; this report relates only to the second person Mr. Justus Kasivu Munyao nominee for the position of Chief Officer department of trade

industrialization and innovation and that the House is due to see the report for Robert Maitha nominee for the position of County Administration and decentralized units; is that the position?

Hon. Kieti: Yes, Madam Speaker. You are right; in this committee we had two nominees and incidentally we have two independent departments. We have the department for trade, economic planning and industrialization and we have the department for decentralized units and inspectorate.

So, we had two candidates and we have two independent departments so the report for Robert Maitha will be brought to this House with another candidate who had been nominated in the department for decentralized units. So, the committee sat with the committee on Justice and legal affairs and then they compiled a report so the report will come for Maitha and the other one.

Hon. Speaker: What the Chair has noted is that that what you have said is not clear on this report. For purposes of record of this House let it go on record and I believe that it is with consensus as chair that this report relates to just one person that is Justus Kasivu Munyao as nominee for the position of Chief Officer department of trade industrialization and innovation because that is not captured anywhere in the report. Point of information; alright Hon. Museku, I notice you are a member?

Hon. Museku: Yes.

Hon. Speaker: Alright go ahead.

Hon. Museku: I am just trying to---

Hon. Speaker: Assist.

Hon. Museku: Agree on what you are saying and I am actually wondering---

Hon. Speaker: Then you should have said point of support to the Chair.

Hon. Museku: Point of great support to the Chair, Madam Speaker. He has talked about directorate of County administration and decentralized units and I would like to know which is the ministry because we do not have a ministry called decentralized units and administration? Which specific ministry is Robert Kioko Maitha report going to come under which ministry of the 10 departments which department. Of the 10 departments we have which department is what I would like the Hon. Member to tell us where Robert Maitha will come under.

Hon. Speaker: Hon. Members, what I want as the Chair for record purposes to be clear on the record is that this report relates to one department. We are clear on that and I will want the Table Clerks to get us that letter by the Governor where he sent the nominees so that the issue of which department can come in in the debate but at the stage at which we are at, I want the Chair to confirm that this report relates to just one nominee not two.

One nominee for a particular document. It is for you to clarify Hon. Chair and then we will proceed from there. Hon. Kieti, you want to clarify that?

Hon. Kieti: Thank you, Madam Speaker. I want to agree with you and also confirm to this Hon. House that the report that we have presented is for one nominee; Mr. Justus Kasivu Munyao, nominee for the position of Chief Officer, department of trade, industrialization and innovation.

The other report which I will bring later will be for the department of county administration and decentralized units which are yet to come and that is where Robert Kioko Maitha and another nominee who was with the Justice Committee that is the time we will bring that report.

Hon. Speaker: Okay, so Hon. Members at this point let the Chair propose the question. Any other matter that may relate to the report will be on the floor on the debate.

(Question proposed)

Hon. Members, the motion is open for debate. Hon. Majority Leader.

Hon. Muendo: Thank you, Madam Speaker. Let me applaud the chairman of this committee of trade economic planning and industrialization for the report which is well prepared. Madam Speaker, the nominee, according to me, has what it takes; when you go to experience, Madam Speaker, the experience is above five years and when you look at the companies where the nominee has been working, they are serious companies and these are companies whereby he has acquired a lot experience to run our county.

Madam Speaker, when we look at Justus Kasivu Musau, he has the papers. The nominee is currently pursuing a Masters in Strategic Management Kenyatta University, the nominee acquired a Bachelor in Commerce marketing from Nairobi University in the year 2000. Madam Speaker, to me the candidate has what it takes to be nominated as CO in this department.

The other issue, Madam Speaker, the nominee's knowledge of the department; this department mostly deals with trade and the nominee sometimes he was a marketing manager at Airtel. He was actually the head of sales and I think to add a lot of voice on it, this nominee has what it takes to be appointed as CO of this department. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Majority Leader. Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. I also want to congratulate the chairman and the committee on planning and industrialization for coming up with very clear and elaborate report. Madam Speaker, according to the report or when the report was being read, a member asked whether Hon. Ndawa is the chair; I want to confirm I am not the chair but the time when the report was being compiled I was the chair. I was vice-chair when the nominee was being vetted so it is good to clarify.

Madam Speaker, I want also to echo my brother Hon. Mark Muendo that the candidate we are talking about has what is required and I would request this Hon. House to approve him to be appointed to that position that we can have Machakos people get service. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ndawa. Hon. Dominic

Hon. Ndambuki: Thank you, Madam Speaker. I would like to applaud the committee on trade on economic planning for presenting to this house their compiled. Madam Speaker, looking at the merit and awarding of marks for the candidate, it shows that he is fit to hold that position. However, Madam Speaker, I have some reservations; looking at the requirements of Chapter Six which all the documents that are requisite should be valid. There are two documents that are invalid in my understanding. Certificate from CRB shows that it was valid until 7th September, 2017---

Hon. Speaker: Hon. Ndambuki you are on what paragraph?

Hon. Ndambuki: Sorry, Madam Speaker, integrity---

Hon. Speaker: We refer in paragraphs because the report does not have pages.

Hon. Ndambuki: Integrity, Madam Speaker, four pages to---

Hon. Speaker: No paragraph; it does not have paragraph like 1.0.3.

Hon. Ndambuki: 3.1, sorry Madam Speaker.

Hon. Speaker: So on 3.1 you are referring to?

Hon. Ndambuki: Integrity

Hon. Speaker: Which particular document are you referring to?

Hon. Ndambuki: Integrity, Madam Speaker.

Hon. Speaker: A document is not integrity.

Hon. Ndambuki: Sorry the document is CRB certificate, Madam Speaker, which shows that it was valid until 2018. It was issued on 7th September, 2017.

Hon. Speaker: Yes and so what is your problem with that? You are supposing that it goes for one year; what evidence do you have to back that?

Hon. Ndambuki: Madam Speaker, my argument is that circumstances might have changed then. The candidate might have borrowed money and not paid back to banks might have defaulted since then. We are in 2018, Madam Speaker.

Hon. Speaker: If I would ask for the House; if the candidate had borrowed this was in October, they were interviewed in the first days of October, if they had one up to October 2018, you would have been okay with it?

Hon. Ndambuki: This year? Yes, Madam Speaker.

Hon. Speaker: What if then they borrow after 2nd of October and they default as you are now debating.

Hon. Ndambuki: But as at the time when the candidate was being interviewed by the committee, Madam Speaker, it should have been valid. Below that, Madam Speaker, we also have clearance certificate from Higher Education Loans Board. Madam Speaker, for clearance of any doubts, the candidate says that he is still pursuing a Masters Degree from Kenyatta University.

Madam Speaker, it is common knowledge that university students have access to Higher Education Loans Board and what the candidate presented to the committee was a clearance certificate issued on 20th August, 2012. Madam Speaker, for it to be valid, the candidate should have presented another clearance certificate to the committee since he still continuing with education to clear any doubt. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Dominic.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I think the report is clear, the nominee is qualified. I think Madam Speaker if the other reports which have been coming in to this House for nominees where like this, we could have passed the days before. So, Madam Speaker i think this nominee is qualified and he can do the work for the county; we give him the work and don't go so deep to some of the certificates because the certificates of this House, if we do so they will not be qualified. So, i support the report for the nominee to be given the work. Thank you, Madam Speaker.

Hon. Speaker: Hon. Mueni, the Members of this House are not being vetted for anything but your point is driven home; it is alright we appreciate what you have said.

Hon. Museku: Thank you, Madam Speaker. I would like to start with a clarification on the departments we are talking about; if you looked at the report which was tabled in the House Business Committee and the reports which were balloted, the Hon. Member is supposed to be presenting a report of Trade, Economic Planning and Industrialization. I would like us to understand whether Justus is a nominee for the department of Trade, Economic Planning and Industrialization because for this House, during the motion which was passed in this House, reducing the number of Chief Officers from 20-something to 10, we agreed that the House will go by the departments as they were when we did the budget process.

Those are the departments under which the nominees are being vetted and being given approval for by the Assembly. Therefore this, gentleman should be vetted as per what was tabled in the House Business Committee, the report should be of Trade, Economic Planning and Industrialization. I would like us to get that clarification before I can continue on my contribution towards the suitability or non-suitability of the member in question.

Hon. Speaker: Hon. Museku and the House, the original letter that the Governor wrote is here and I will give it to the chairperson who is presenting this; it will be good if he can look at it but at the same time Hon. Kamulu was seeking to give some clarification.

Hon. Kamulu: Thank you, Madam Speaker. I think the Chair was very clear when you tried to guide him and he strictly said---

Hon. Speaker: Didn't I succeed.

Hon. Kamulu: Actually, he said this report entirely is for Mr. Justus Kasivu Munyao. So we should not mix issues. Mr. Robert Maithya, he said he will be questioned when that time comes. So, let us stick Madam Speaker on what the chair has given because he has clearly said we are sticking on Justus Kasivu. Going back we will be repeating ourselves. Thank you, Madam Speaker.

Hon. Speaker: The question Hon. Kamulu and I was hoping you would throw light; I have given the letter I have not looked at it myself and the question that Hon. Museku has asked it whether the candidate who has performed well according to the report, had been nominated by the Governor to serve in the department of Trade, Economic planning and Innovation as per the communication from the Governor and that is what the Chair who has been presenting the report is trying to confirm from the letter.

Hon. Museku: Madam Speaker, may I give further reference?

Hon. Speaker: You want to give further reference to the letter or what? We are at the point of the letter that the Governor sent to the House.

Hon. Museku: Yes and I just wanted to give some further guidance to the House.

Hon. Speaker: If you could hold on Hon. Museku because the Hon. Chair who was presenting the report has the letter. Hon. Cosmas Kieti.

Hon. Kieti: Thank you, Madam Speaker for giving me this chance to make some clarification on this letter written on 31st July, 2018 and received by the Assembly on 1st August, 2018. The letter was written by His Excellency the Governor Dr. Alfred Mutua, EBS Governor of Machakos County. This letter contains 23 nominees for different departments and No. 18 we have Justus Kasivu Musau, who has been nominated as Chief Officer in the ministry of Trade, Industrialization and innovation.

Hon. Speaker: Can the Chair look at it to confirm what you have just read.

(The letter was handed over to the Hon. Speaker)

So, Hon. Museku, are you satisfied? Let us proceed. So, the clarification that was sought is confirmed on the communication and Hon. Museku had said that after it is confirmed he has further contribution to make on the report. Please proceed.

Hon. Museku: Thank you Madam Speaker for that clarification that the gentleman has been nominated for the department of Trade and therefore we will be vetting the other gentleman under another department of the 10 departments to come before the House.

Looking at the qualifications of this gentleman, I agree with what majority of the people are saying. He seems to be qualified; some issues are scanty and it is good for me to highlight what I have seen so that as we approve it goes on record that this gentleman finished his education in the year 2000 Bachelor of Commerce and in 2001 he was a sales Manager at Bidco.

It took this gentleman one year from school to become a sales manager and he became a sales manager all the way up going in sales managerial positions that brings to question whether one can leave university education and become a sales Manager immediately. It rarely happens but it is just an observation I have made which should not hinder the decision making of the House.

He seems to have experience in marketing, having gotten a Bachelors Degree in Commerce from the University of Nairobi and matters of trade, economic planning and industrialization he would be privy to it by virtue of the fact that he has a Bachelors Degree in Commerce from the University of Nairobi and I would recommend that we go ahead and pass him especially now that he comes from the University of Nairobi. Thank you, Madam Speaker.

(Laughter)

Hon. Kamitu: Thank you, Madam Speaker. I echo the sentiments of the committee in relation to the report; going through it is that the committee really took their time and during the interviews, it is clearly stated that the candidate answered most of the questions and even in regard to the awarding, seven assessors did their work fairly and with 91 per cent. I would say this is a well done job by the committee. My input is that, Madam Speaker you are aware that all the candidates that appear in a committee normally come with their certificates and all Members are free to check the CVs of the candidate.

In this regard, up to now we have not received any negative results from the relevant universities because normally when candidates are interviewed, the secretariat writes letters to the respective institution to satisfy whether the certificates are satisfactory and valid. In this regard and according to the report that has been presented before the committee of Trade, there is no negativity. So the candidate deserves to be the Chief Officer for Trade, Economic planning and Industrialization. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kamitu. I call upon the mover to reply.

Hon. Kieti: Thank you, Madam Speaker. I take this opportunity to thank the Members for supporting the resolutions of my committee of Trade and Economic Planning. I want to remind Members that on 2.7 we have the Public Appointments (County Assembly Approvals) Act 2017 where any Member who has interest or who knows anything that may hinder a candidate from proceeding with the nomination would have submitted something either written or any document to support his accusation against the nominee.

So, I am well informed that the candidate the House is about to pass so that he becomes the Chief Officer in this department is fully qualified and some of the issues that were raised, we also raised issues about the two documents and the candidate said he is going to make a follow up and present updated documents and I hope he has done so with my Clerk Assistant. So, I will also find out. Thank you so much for supporting my committee and this nominee I believe he will serve Machakos County in the best way possible. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Kieti.

(Question put and agreed to)

Hon. Members, we proceed to the next business by Hon. Irene Mbivya.

REPORT OF TRANSPORT, ROADS, HOUSING AND PUBLIC WORKS COMMITTEE OF THE
SECOND ASSEMBLY ON VETTING OF TWO NOMINEES FOR THE POSITION OF CHIEF
OFFICER

Hon. (Ms.) Mwende: Thank you, Madam Speaker and Good morning Hon. Members.

Hon. Speaker, that aware that section 45(1)(a) and (b) of the County Governments Act 2012 requires the Governor to nominate qualified and experienced County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board with the approval of the County Assembly;

Aware that H.E Dr. Alfred N. Mutua, the Governor of Machakos County submitted to the County Assembly a list of nominees for vetting for the position of County Secretary and Chief Officers on 1st August, 2018;

Aware that two nominees were committed to the Committee on Transport and Public Works on 7th August, 2018 pursuant to Standing Order 42(1) for vetting and approval;

Noting that the Committee conducted approval hearings of the nominees on 1st and 2nd October, 2018 and that it has compiled a report;

Hon. Speaker, I wish to move the motion THAT, this Hon. House discusses and approves the Report of committee on Transport and Public Works on the vetting of two nominees for the position of Chief Officer.

Thank you, Madam Speaker. I wish to call Hon. John Musyimi to second my motion.

Hon. Musyimi: Thank you, Madam Speaker. I second the motion.

Hon. Speaker: Thank you, Hon John Musyimi. Hon. Mbivya.

Hon. (Ms.) Mwende: Thank you Madam Speaker. This is a report of committee on transport, roads, housing and public works.

**REPORT OF VETTING OF NOMINEES FOR APPOINTMENT OF THE POSITIONS
OF CHIEF OFFICERS**

PREFACE

Committee Mandate

Hon. Speaker, the Committee on Transport, Roads, Housing and Public Works is established pursuant to the Second Schedule of the County Assembly Standing Orders which provides that “the Committee shall deal with all matters related to County transport, including

county roads, housing, street lighting, traffic and parking, public transport and ferries and harbors, excluding the regulation of international and national shipping and matters related thereto; county public works and services.

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

PROCEDURAL MOTION
EXTENSION OF SITTING TIME

Hon. Ndawa: Madam Speaker, I am Standing Order 27 which seeks for extension of time. Looking at the Business before the House, it is just few minutes to midday so I am requesting to move this.....

Aware that Standing Order 27(2) provides that the Speaker shall interrupt business at 12.30 p.m. in the morning sitting;

Aware that Standing Order 27(3)(a) provides that the House may resolve to extend its sitting time;

Aware that Standing Order 27(4) requires that a motion to extend sitting be moved 30 minutes before the appointed time of the adjournment;

I beg to move the motion that this House resolves to extend sitting time until the business in the Order paper is completed.

Thank you, Madam Speaker.

Hon. Speaker: Hon. Ndawa, is there any Member seconding your motion?

Hon. Ndawa: Thank you, Madam Speaker. I will call upon Hon. Mitaa to second the motion.

Hon. Speaker: Hon. Mitaa, you have been called upon to second the motion.

Hon. Mitaa: Thank you, Hon. Speaker. I second the motion because everyone knows that whatever we are doing has a timeframe and we must beat deadlines. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Ndawa and Hon. Mitaa. Hon. Members again a procedural motion.

Hon. Museku: Hon. Speaker can I ask a point of order on the motion?

Hon. Museku: I just want to find out whether Hon. Mitaa is a Member of that committee which is presenting the report here.

Hon. Speaker: Must this kind of motion be moved by a Member in the committee, Hon. Museku?

Hon. Museku: I just wanted clarification.

Hon. Speaker: Hon. Mitaa, we are yet to hear from the report but I have a glimpse of the

committee Members; Hon. Mitaa is not one them. But on Standing Order 27, must that motion be moved by.....Hon. Museku; the Chair is addressing you. Must the motion be moved by a Member of the particular committee; no it should not be.

Hon. Museku: I am guided.

Hon. Speaker: So, Hon. Mitaa has appropriately seconded the motion and I notice Hon. Ndawa is a stickler of rules; I remember the other day..... Hon. Museku, concentrate on the business of the House.

I noted the other day Hon. Ndawa was saying that the motion to extend time was moved after midday; at least today he has moved before midday. So, do we have any Member who may want to make a contribution other than the points of order. Hon. Majority Leader.

Hon. Muendo: Thank you, Madam Speaker. I support Hon. Ndawa for that motion to extend the time; Members you know we have today and tomorrow and we must finish the business in this House and we have over 10 nominees for Chief Officers so I think we will even sit at night. Madam Speaker, the way we are moving because we have done two and we have about 11. Thank you, Madam Speaker, I support.

Hon. Speaker: Thank you, Hon. Majority Leader, Hon. Members the time for sitting so that the business can be completed is extended as moved by Hon. Ndawa.

(The House resumed business on the Order Paper)

Proceed, Hon. Irene Mbivya and we agreed the reading should be fast Hon. Members and Hon. Irene Mbivya

Hon. (Ms.) Mwende: Thank you, Madam Speaker. I will start again on the committee mandate.

Hon. Speaker: How far had you gone when you started?

Hon. (Ms.) Mwende: I was in between that paragraph.

Hon. Speaker: Then go ahead and start.

Hon. (Ms.) Mwende:

Committee mandate

Hon. Speaker, the Committee on Transport, Roads, Housing and Public Works is established pursuant to the Second Schedule of the County assembly Standing Orders which provides that “the Committee shall deal with all matters related to County transport, including county roads, housing, street lighting, traffic and parking, public transport and ferries and harbors, excluding the regulation of international and national shipping and matters related thereto; county public works and services.

Further, Standing Order 192(5)(f) stipulates that the functions of a sectorial Committee

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

Committee Membership

Hon. Speaker, the Committee is comprised of the following members;

- | | |
|---------------------------|-------------------|
| 1. Hon. Daniel Mbevi | -Chairperson |
| 2. Hon. Irene Mbivya | -Vice Chairperson |
| 3. Hon. Grace Mutwiwa | -Member |
| 4. Hon. Antony Mulu | “ |
| 5. Hon. Pauline Munguti | “ |
| 6. Hon. Patrick Kituku | “ |
| 7. Hon. Tariq Mulatya | “ |
| 8. Hon. Caleb Mule | “ |
| 9. Hon. Margaret Mwikali | “ |
| 10. Hon. Cosmus Masesi | “ |
| 11. Hon. Justus Kiteng’u | “ |
| 12. Hon. John Musyimi | “ |
| 13. Hon. Margaret Ndalana | “ |

Appointment of Chief Officers by His Excellency the Governor

Hon. Speaker, pursuant to Section 45(1) of the County Governments Act, 2012 H.E. the Governor, forwarded to the Speaker of the County Assembly the following two persons as Chief Officers for vetting and consideration for approval by the County Assembly. This was vide letter Ref. MCG/GOV.COS/01/18 dated 31st July, 2018 and received on 1st August, 2018.

1. Mr. Thomas Mutinda Kavivya- Nominee for the position of Chief Officer, department of Energy, Lands, Housing and Urban Development (Directorate of Housing and Urban Development)
2. Mr. Michael Muturi Maina- Nominee for the position of Chief Officer, Department of Roads, Transport, and Public Works (Directorate of Roads and Transport)

Hon. Speaker, pursuant to Standing Order 42(1), during a plenary sitting held on 7th August, 2018 the Chair notified members of the nominations from H.E the Governor. This was therefore committed to the Transport, Roads, Housing and Public Works Committee and was required to report to this Hon. House within 21 sitting days in accordance with Section 9(1) of Public Appointments (County Assemblies Approval) Act, 2017

Notification to the Public

Hon. Speaker, Section 7(5) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that the Committee shall, by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.

Further section 7(10) of the same Act provides that, any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk to the County Assembly with evidence contesting the suitability of a candidate to hold the office to which the candidate has

been nominated.

The Clerk of the County Assembly placed an advertisement on page 18 of the Daily Nation Newspaper dated 27th August, 2018 inviting the public to submit memoranda by way of written statements on oath (sworn affidavits) on the suitability or otherwise of the nominees. The submissions were to be received on or before 12th September, 2018.

Clearance Requirements

Hon. Speaker, the Committee wrote to the nominees requesting them to avail the following clearance requirements;

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

Committee Meetings

Hon. Speaker, the committee met for approval hearings of the nominees on 1st and 3rd October 2018. The hearings were conducted in public in the assembly boardrooms following a notification to the candidates and the public. Pursuant to Section 7(5) and 7(6) of the Public Appointments (County Assemblies Approval) Act, 2017, the candidates opted to be heard in public.

Criteria for Approval Hearing

Hon. Speaker, the Committee was guided by Chapter Six and Article 124(4) of Constitution of Kenya 2010 and Sections 7 and 8 of the Public Appointments (County Assemblies Approval) Act, 2017. The Public Appointments (County Assemblies Approval) Act, 2017 Sections 8, provides that the issues for consideration by the relevant House in relation to any nomination shall be:

- The procedure used to arrive at the nominee;
- Any constitutional or statutory requirements relating to the office in question; and
- The suitability of the nominee for appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the field to which nomination is being made.

Further, section 7(12) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that a candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall there upon lapse.

Assessment Form

Hon. Speaker, the Committee was guided by the assessment form set out in the second schedule to the Public Appointments (County Assemblies Approval) Act, 2017. The Committee set the pass mark for assessment at 70 out of 100 marks. The marks were awarded as follows.

Work experience

Hon. Speaker, any nominee who had a work experience of at least five years as it relates to the position was awarded 25 marks. A nominee without or with less than five years' of experience was awarded zero marks. Any nominee with five years' experience unrelated to the position was awarded zero marks.

Academic Credentials Relevant To Position

Hon. Speaker, any nominee who had a first degree in the relevant portfolio they are nominated to serve was awarded 25 marks. If the nominee did not have a first degree in the relevant portfolio they are nominated he/she was awarded zero marks.

Interest in and knowledge relating to the relevant portfolio

Hon. Speaker, any nominee who demonstrated passion and adequate knowledge of the Department to which she/he was nominated to was awarded 15 marks. A score of 10 marks was awarded to a nominee who answered correctly half of the questions and 5 marks for a nominee who was below average in answering the questions.

Communication Skills (Written/ Oral)

Hon. Speaker, the nominee who demonstrated the following qualities was awarded 10 marks: good listening skills, confidence, clarity in answering questions and good body language. A nominee who scored average on the above criteria was awarded 5 or less marks depending on their performance.

Presentation (Promptness, Neatness of Resume/Application, Appearance)

Hon. Speaker, a satisfactory presentation of content by the nominee was awarded 10 marks. A nominee who scored average on the above criteria was awarded 5 or less marks depending on their performance. Punctuality was also taken into account.

Decision Making/Problem Solving Skills and Integrity

Hon. Speaker, a mark of 15 was awarded to a nominee who demonstrated ability in decision making/problem solving skills and passed the integrity test.

Integrity

Hon. Speaker, on the assessment of the nominees on matters of integrity the Committee was guided by Article 73(2) of the Constitution of Kenya, 2010 which provides the guiding principles of leadership and integrity to include:

- Selection on the basis of personal integrity, competence and suitability, or in free and fair elections;
- Objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;

- Selfless service based solely on the public interest, demonstrated by-
- Honesty in the execution of public duties; and
- The declaration of any personal interest that may conflict with public duties;
- Accountability to the public for decisions and actions; and
- Discipline and commitment in service to the people.

Submission of Written Statements on Oath by Members of the Public

Hon. Speaker, section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017, provides that any person or persons may, prior to the approval hearing, by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

The Committee did not receive any statements from members of the public against the approval of appointment of the two nominees.

APPROVAL HEARINGS

Mr. Michael Muturi Maina: Nominated for Appointment as Chief Officer for the Ministry of Roads, Transport and Public Works (Department of Roads and Transport)

Hon. Speaker, the nominee appeared before the Committee at 10.33 a.m. on 1st October and testified on oath. On the basis of his oral and written evidence the following emerged:

Date and Place of Birth

The nominee was born on 28th October, 1972 in Nairobi.

Document of Identification

The nominee possesses a National ID card No. 12992404

Education Background

Hon. Speaker:

- The nominee further acquired a first degree from Jomo Kenyatta University of Agriculture and Technology (Bachelor of Science in Civil Engineering) - 2016.
- The Nominee holds a higher diploma in Civil Engineering from Kenya Polytechnic attained in 1999
- The Nominee also holds a diploma in Civil Engineering from Kenya Polytechnic attained in 1995.

Experience on the field nominated to serve (Department of Transport and Roads)

Hon. Speaker, the nominee has 14 years of experience in Planning, Documentation, Supervision, Contract negotiations, Quantity Surveying and Management of Civil Engineering Projects. The experience is as listed;

- The nominee is currently servicing as the Deputy Site agent in a project of constructing a B4 road to bitumen Standard. Project was initiated in 2011
- The nominee served as the Materials Engineer in Stirling Civil Engineering Ltd from March 2007 to August, 2011
- Further the nominee served as the Project Engineer in Pearl Engineering Ltd Company from July 2004 to February, 2007

- The nominee also worked as the Assistant Resident Engineer in Gibb Africa Consulting Engineering Joint Venture from August, 2001 to July, 2004.

Net worth

The nominee stated that his net worth was Ksh. 28 million.

Integrity

- KRA- The nominee submitted a tax compliance certificate issued by KRA dated 30th August, 2018.
- CRB- The nominee has been cleared by Metropol Credit Reference Bureau Limited. Certificate No MCRB/C711870 dated 21st September 2018
- HELB- the nominee presented a clearance certificate from the institution dated 10th September 2018
- Good conduct- The nominee has a police clearance certificate dated 6th September 2018
- EACC- The candidate presented a self-declaration form received from EACC dated 12th September, 2018.

Nominee's Responses to Further Questions from the Committee**Knowledge of the Steps in tarmacking a road**

Hon. Speaker, the Nominee took members through the following brief steps in tarmacking a road;

- Establish the rainfall pattern of the location where the road is to be made so as to be able to design appropriate bridges and culverts.
- Grade the road according to the characteristics of the Soil
- Laying a Sub-base and base of the tarmac
- Laying wear Coats of tarmac

Role of a Chief Officer

Hon. Speaker, the nominee highlighted the following as the Role of a Chief Officer;

- General Administration of the Department
- Implementation of County Policies
- Provision of a conducive working environment for staffs

Knowledge of Challenges faced in the Department

Hon. Speaker, the nominee mentioned inadequate of resources as the major challenge especially during grading of roads because of fueling of graders. This is because occasional delays in disbursement of funds from the exchequer. Further maintenance of graders was also cited as a challenge in the Department.

Nominee's Knowledge on Current Affairs

Hon. Speaker, the nominee was aware of the Big 4 Agenda of the National Government and described them as Food Security, Manufacturing, Universal health and Housing.

COMMITTEE OBSERVATIONS

Hon. Speaker, the nominee;

- Has the necessary academic qualification.
 - Has exhibited fair knowledge and interest in the department.
 - Is fully aware of the Big 4 Agenda.
 - Is confident and has good communication skills.
 - Is neat and presentable both in person and resume.
 - Has all clearance certificates for purposes of Chapter Six of the Constitution.
- Hon. Speaker, the nominee attached letters of appointment in his previous employment.

**Awarding of Marks on the Assessment Form: Eng. Michael Muturi Maina,
Department of Roads, Transport and Public Works (Directorate of Transport and Roads)**

Particulars	Marks Available	Marks awarded								TOTAL	MEAN
		A S 1	A S 2	A S 3	A S 4	A S 5	A S 6	A S 7	A S 8		
Work experience (as it relates to the position)	25	24	25	25	25	25	25	25	25	199	24.9
Education/training(relevant to the position)	25	20	25	25	25	25	23	25	25	193	24.1
Interest in and knowledge relating to specific position	15	13	10	15	14	15	14	12	10	103	12.9
Communication skills (written/oral)	10	8	10	10	10	7	9	10	10	74	9.3
Presentation (promptness, neatness of resume/application, appearance)	10	10	9	10	10	10	9	10	10	78	9.8
Decision making/problem solving skills	15	10	10	10	13	15	11	15	12	96	12
Total marks	100	85	89	95	97	97	91	97	92	743	92.9

Mr. Thomas Mutinda Kavivya: Nominee- Chief Officer, department of Energy, Lands, Housing and Urban Development (Directorate of Housing and Urban Development)

Hon. Speaker, the nominee appeared before the Committee at 2.47 p.m on the 3rd October, 2018. The nominee testified on oath before the Committee on the basis of oral and written evidence and the following emerged:

Date and place of birth

Hon. Speaker, the nominee was born on 9th January, 1981 in Mwala, Machakos.

Identification

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The nominee possesses an ID No. 10409790

Academic and professional qualifications

Hon. Speaker, the nominee holds;

- Bachelor of Science in Geomatic and Geospatial Engineering degree from Jomo Kenyatta University of Agriculture and technology, graduated in June 2007.
- Kenya Certificate of Secondary Education from Bishop Ndingi High School, 2002

Experience related to the position

The nominee has thirteen years (13) working experience as listed;

- Currently working as a Chief Land Surveyor at the GEOINFO Surveys Ltd and Private Consultant from May 2016.
- Land Surveyor in the Ministry of Land use and Housing in Seychelles from January 2011 and May 2009
- Land Surveyor in GIBB Africa from January 2009 to April, 2009
- Graduate Surveyor in GEOINFO Surveys from May 2007 to December, 2008
- Geographic Information Systems analyst in GEOMAPS International Ltd from May, 2006 to July, 2006.
- Geomatic Engineer at the Ministry of Roads and Public Works from 2005 to August, 2005.

Net worth

The nominee stated his net worth as Ksh.12 million.

Honors and awards

The nominee stated that he had offered free survey services for poor families. He also informed the highlighted that he had paid fees for poor children from his area of residence in Mwala.

Integrity

- **KRA**- The nominee possesses a tax compliance certificate issued by KRA dated 6th September, 2018.
- **CRB**- The nominee has been cleared by Metro Pol Credit Reference Bureau limited. The Certificate No MCRB/C568326 dated 29th September 2018
- **HELB**- the nominee has been issued with a Clearance Certificate dated 28th August 2018 whose serial number is 141.
- **GOOD CONDUCT**- The nominee has been issued with a police clearance certificate Ref. No PCC-AAAGCEI3, dated 21st May 2018.
- **EACC**- The candidate presented a self- declaration form stamped as received by EACC dated 31st August, 2018

Nominee's Responses to Further Questions from the Committee

Knowledge of current Challenges in the Department of Housing and Urban Development

Hon. Speaker, the nominee highlighted corruption in approval of plans as one of the Major Challenge in housing. The other challenge put forth was land disputes. In order to counter the challenges, the nominee informed the Committee that he would embrace public Participation.

What different programmes the nominee would put in place in the portfolio nominated to serve in the first 100 days of office

Hon. Speaker, the nominee stated the following as the unique programmes he would initiated in the directorate in the first 100 days of office, given the opportunity;

- Come up with a new zoning for Machakos town bearing in mind that it is a growing town.
- Initiate a system that takes up the shortest time possible in approving building plans to evade circumstances of corruption.
- Formulate a land use plan
- Take stock of all the towns in the County and come up with models of planning.
- Have garbage collection bins put strategically for ease of collection.

Knowledge of the Role of Chief Officer in Management of Public Funds

Hon. Speaker, the nominee highlighted the following as the role of a Chief Officer in Management of Public funds;

- Management of the Departmental Budget
- Implementation of Projects
- Monitoring of Projects
- Taking Assignments from the CEC
- Promoting National Values.

Nominee's Knowledge on Current Affairs

Hon. Speaker, the nominee was aware of three of the Big 4 Agenda of the National Government and described them as Food Security, Infrastructure and Housing.

COMMITTEE OBSERVATIONS

Hon. Speaker, the nominee;

- Has the necessary academic qualification.
- Has exhibited fair knowledge and interest in the department.
- Is partially aware of the Big 4 Agenda.
- Is confident and has good communication skills.
- Is neat and presentable both in person and resume.
- Has all clearance certificates for purposes of Chapter Six of the Constitution.⁷

Hon. Speaker, the nominee attached letters of appointment in his previous employments.

Awarding of Marks on the Assessment Form: Mr. Thomas Mutinda Kavivya Ministry of Energy, Lands, Housing and Urban Development; (Department of Housing and Urban Development)

Particulars	Marks Available	Marks awarded								TOTAL	MEAN
		A S 1	A S 2	A S 3	A S 4	A S 5	A S 6	A S 7	A S 8		
Work experience (as it relates to the position)	25	25	25	25	25	20	21	25	25	191	23.9
Education/training(relev	25	25	25	25	25	24	20	25	25	194	24.3

ant to the position)											
Interest in and knowledge relating to specific position	15	15	12	13	14	14	12	10	10	100	12.5
Communication skills (written/oral)	10	7	7	8	8	9	7	9	10	65	8.1
Presentation (promptness, neatness of resume/application, appearance)	10	10	7	6	9	9	8	8	10	67	8.4
Decision making/problem solving skills	15	15	13	12	14	13	10	14	12	103	12.9
Total marks	100	97	89	89	93	89	78	91	92	718	89.8

COMMITTEE RECOMMENDATIONS

Hon. Speaker, Article 179(3)(b) of the Constitution of Kenya provides for the appointment of 10 County Executive Committee Members for a County with 30 or more Members of the County Assembly; This number defines the number of Departments a County shall have. Hon. Speaker, Machakos County should have 10 departments as per this provision of the Constitution thus an equal number of Chief Officers; Section 45(3) of the County Governments Act, 2017 states that a County Chief Officer shall be responsible to the respective County Executive Committee Member for the Administration of a County Department.

Hon Speaker, a motion with the intention of limiting chief officers based on the above mentioned provisions was moved in this Hon. House and adopted. The motion sought to reduce the number of Chief Officers from 23 to 10.

The committee in the spirit of embracing these resolutions of the Assembly and the provisions of the law agreed to recommend one nominee to serve in the portfolio of chief officer department of transport, roads, housing and Public works. Hon Speaker, the committee having vetted the two nominees, found Michael Muturi Maina suitable to be appointed as the Chief Officer for department of Transport, roads Housing and Public Works for the following reasons:

The nominee has satisfied the requirements of five years' experience in the field nominated to serve as stated under Section 8(c) of the Public Appointments (County Assemblies Approval) Act, 2017. Further, he has more years of experience compared to his counterpart nominee.

The nominee has a first degree related to the portfolio nominated to serve as required in Section 8(c) and 7(9) of the Public Appointment (County Assemblies Approval) Act, 2017. The first degree of the nominee cuts across the department as opposed to his counterpart who has specialized in Geomatic engineering. The candidate scored 92.8 per cent against his colleague who scored 89.8 per cent.

ACKNOWLEDGEMENT

Hon. Speaker, I wish to take this opportunity to thank the Members of the Committee for their dedication and contributions during the entire vetting exercise. The Committee also

appreciates the Office of the Speaker and that of the Clerk of the County Assembly for the logistical support accorded during the vetting exercise.

The Committee is also grateful to the members of the public who found time to attend and listen to the proceedings. On behalf of the Committee on Transport, Roads, Housing and Public Works and pursuant to Article 124(4)(b) of the Constitution of Kenya, 2010, section 45(1) of the County Governments Act, 2012 and Sections 7(8), (9) and (10) of the Public Appointments (County Assemblies Approval) Act, 2017, it is my pleasure and duty to present to this Hon. Assembly this report for adoption.

Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Irene Mbivya. Hon. Members before I propose the question as we read through the report, I noticed again there is an issue that we may need to resolve because; i am referring you to paragraph 3.2 of the report. If I am to propose the question you must be debating on something which is clear to the House. 3.2 page 11 please. The committee has put a headline of Mr. Thomas Mutinda Kavivya- nominee Chief Officer department of transport, roads, housing and public works (directorate of Housing and Urban Development)

I have looked at the letter by His Excellency the Governor that communicated on that nominee, page three of the letter paragraph 14; the Governor recommended Thomas Mutinda Kavivya as Chief Officer ministry Energy, lands, Housing and Urban Development- Department of Housing and Urban development

To start with, the letter of the Governor has no reference to directorate; the term directorate does not appear anywhere but he talks of department. But then if you look at the 3.2 which I am talking about, he is talking of department of roads, Housing and public works but the letter by the Governor he is talking of Energy, lands, Housing and Urban Development. Are you seeing some difference?

You know this House does not have a mandate to recommend nomination because you will be taking over the role of the Governor. It is the Governor to nominate; so the House just looks at what the Governor has nominated. Can I have a proposal from the Chair who has been presenting the report on the way forward because I need to put a question where the report is headed properly.

It will have a bearing because you cannot interview a candidate for what the Governor has not nominated for. Hon. Museku, are you in that committee?

(Hon. Museku spoke off record)

For the Chair, there is no problem with Muturi because Muturi is recommended for roads in the letter. He is recommended Chief Officer ministry of Roads, Transport and Public Works and they interviewed him for that and they have made a finding on that but for Thomas Mutinda Kavivya, they interviewed him according to the report here for a different department from that which the Governor recommended him for.

Maybe the Chairperson or any Member in that can clarify so that I can propose the question. If you want an amendment go ahead; it is up to you. You know how to make your report better on the floor.

Hon. (Ms.) Mwende: Thank you, Madam Speaker. According to my understanding, the two nominees were vetted for the same position then the committee came up with a recommendation.

Hon. Speaker: Hon. Mbivya, please refer to the letter from the Governor; it is the one that will guide you. In fact, the letter is an attachment by another committee and that is very good practice so that you just look at the letter because that is the one that gives you the jurisdiction or the power to interrogate the matter.

Hon. Museku, you may want to assist the committee and remember this is now a report on the floor of the House; it is not yet property of the House until the Speaker proposes the question and I don't want to propose a question on a report that is having some anomaly.

Hon. Museku: Madam Speaker, thank you for giving me a chance to speak; that is why I was asking her how that department---

Hon. Speaker: Who is her?

Hon. Museku: The Hon. Chair, Hon. Mbivya or how the secretariat for that matter because when I look at the report Mr. Thomas Kavivya had been nominated for a Chief Officer in a completely different department; Energy, lands, Housing and Urban Development. When we look at Eng. Michael Muturi in the Ministry of transport and public works.....

What I am suspecting is, in the previous department which was there in the budget, what was the name of the department we had in the budget because I think that could be where they combined the two from.

The previous one was.....report of transport and public works committee on vetting of chief officers. So Energy, Lands, housing and urban development was under environment. So, I think because before it was Environment, Lands, Energy and Natural Resources so there is a complete mix up in the report they have done because the only person who had been nominated for transport and public works was Eng. Michael Muturi Maina.

The other gentleman, even if he was to be combined, his nomination would have been combined with environment where Lands, Energy and natural resources before the Governor split them up the way he did. So, maybe you may want to clarify on the same.

Hon. Speaker: Some clarification from Hon. Minority leader.

Hon. Speaker: Some clarification from Hon. Minority Leader.

Hon. Kamitu: Thank you very much, Madam Speaker. In fact, I am also following your sentiments because here I can see it is like there is some confusion in regard to the ministry land and housing because now as it is on the same page that letter that was written to the Assembly by His Excellency as you said paragraph 14, that is Mr. Thomas Mutinda Kavivya; it is true he is under ministry of energy, lands, housing and urban development but down there the Governor is specifically, or not even specifically, there is also department of housing and urban development.

So, unless I do not know whether the committee or the House or the secretariat would maybe write to the Governor again and define exactly where he wants to put this Chief Officer. To me, Madam Speaker as you are also noting, I am also observing that there is a bit of confusion and per that letter of this Hon. House approval in regard to the law, I can see through the report that was read by Hon. Irene, there is also a letter in reference to maybe what the law the sections the Governor used that is also in page 1 of 5.

So, my observation is that if there is any if there are things that may come up as confusing the Hon. House, we need to as you said Madam Speaker, we need either to amend so that we may look fair to what the Governor refers and also fair to what the House should also follow. That is my observation, Madam Speaker and I stand to be guided.

Hon. Speaker: Hon. Kamitu, when and for the consumption of the House without deviating from what is on the table much because you have raised the issue, when the Assembly received the letter by the governor dated 31st July, 2018, with the nominees, the Assembly wrote to him. Hon. Kamitu, I am addressing myself to you because it is your question I am answering.

The Assembly wrote to him on the 12th September, 2018 and listed the departments which now exist in the county government and they are 10, that is:

Labor, Public Service and ICT.

Trade, Economic Planning and Industrialization.

Finance and Revenue Management.

Decentralized Units, County Administration, Environment and Solid Waste Management.

Agriculture, Livestock, Fisheries, Water and Irrigation.

Health and Emergency Services.

Transport, Roads, Public Works and Housing.

Education, Youth and Social Welfare.

Land, Urban Development, Energy and Natural Resources.

Tourism, Culture and Co-operative Development.

That was as per the budget that the House passed which budget came from the executive. So, the letter was seeking from the Governor just what you have said we need to seek from him now and it is sought to tell the House which of those nominees he wants for the specific departments but then the response came in the hand of the Legal Officer where that the House should just deal with the report as per the letter of the Governor.

In other words, the information sought by the Assembly was not given; but that was not the issue now, the issue is any committee that is dealing with the vetting of these members, the nominees needed to go as per the letter of the Governor so that even if there is a proposal of three of them, they interview the three of them then they give the House one because the House passed a resolution that they will give one per department.

Now, what this committee has done, it has interrogated one nominee properly and recommended but then there is also another nominee they have interrogated under a different department from that which the Governor recommended. Are we understanding each other?

So, that is what we want to know, what does the chair propose the chair who was on the floor? What does she propose to do with her report? Or any member from that committee. Hon. Mwikali, I see you are a member in that committee; what do you propose to do with your committee, with you report before I propose the question.

Hon. (Ms.) Mwikali: Thank you, Madam Speaker, I was asking the Chair if it is possible to allow the committee to just go back and re-check and bring it again tomorrow before you propose the question because you have already debated on one of them. Please, Madam Speaker.

Hon. Speaker: Alright that is a wise proposal, if ... point of... you are not supporting that wise proposal? It is their report they can do anything they want with it at this stage. Hon. Musyimi.

Hon. Musyimi: Thank you, Madam Speaker. During the approval vetting of the nominees, I chaired the sitting. The chairperson was not around, I was the vice chair and I chaired the meeting. So, Madam Speaker, we vetted the two nominees in one category.

Hon. Speaker: Hon. Musyimi, you are not answering the question; we have said it again and again. You cannot assume powers which you do not have; you cannot assume powers of nominating for the Governor. It is the governor who nominates. Hon. Mbivya, where there has away forward, there is a way forward. The House and the chair in particular is directing that the committee will have to go back and re-work on its committee, on its report and bring it back tomorrow. Hon. Irene.

(Applause)

REPORT OF FINANCE AND REVENUE COLLECTION COMMITTEE OF THE SECOND ASSEMBLY ON VETTING OF THREE NOMINEES FOR THE POSITION OF CHIEF OFFICER

Hon. Speaker: We have another business under that motion that is motion number 9. Hon. Members, and now I call upon the chair of Hon. Stephen Mwanthi, Chairperson finance and revenue collection committee, their report; the report of the committee on finance and revenue collection. I can see Hon. Kasyoki walking.

(Applause)

Perhaps Hon. Kasyoki will tell us whether he is holding brief for Hon. Stephen Mwanthi. Put on the microphone.

Hon. Kasyoki: Thank you, Madam Speaker. I am standing in for my Chair, I am the vice chairman finance and revenue collection committee.

Hon. Speaker, that aware that section 45(1)(a) and (b) of the County Governments Act 2012 requires the Governor to nominate qualified and experienced County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board with the approval of the County Assembly; Aware that H.E Dr. Alfred N. Mutua, the Governor of Machakos County submitted to the County Assembly a list of nominees for vetting for the position of County Secretary and Chief Officers on 1st August, 2018; Aware that three nominees were committed to the Finance and Revenue Collection Committee on 7th August, 2018 pursuant to Standing Order 42(1) for vetting and approval;

Noting that the Committee conducted approval hearings of the nominees on 1st, 2nd and 4th November, 2018 and that it has compiled a report;

Hon. Speaker, I wish to move the motion that this Hon House discusses and approves the Report of Finance and Revenue Collection Committee of the Second Assembly on the vetting of three nominees for the position of Chief Officer.

Thank you, Madam Speaker. I call upon Hon. Mwikali to second the motion.

Hon. Speaker: Hon. Mwikali, you are being called upon by Hon Kasyoki to second.

Hon. (Ms.) Mwikali: Thank you, Madam Speaker. I do second the motion. Thank you.

Hon. Speaker: Thank you, Hon Members.

Hon. Kasyoki: Hon. Speaker, report of Finance and Revenue Collection Committee of the Second Assembly on the vetting of three nominees for the position of Chief Officer
I will go straight to page one.

1.0 PREFACE

1.1 The Finance and Revenue Collection Committee

Hon. Speaker, the Finance and Revenue Collection Committee is a sectoral Committee established pursuant to Standing Order 190(1) of the Machakos County Assembly Standing Orders. The Standing Order provides that there shall be select committees to be known as sectoral Committees, the members of which shall be nominated by the Selection Committee in consultation with Assembly parties at the commencement of every Assembly.

1.2 Committee Mandate

Hon. Speaker, the mandate of the Committee is provided for under Standing Order 192 (5) which defines the functions of a Sectoral Committee as follows:-

- (a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned department;
- (b) Study the program and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all County legislation referred to it;
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly;
- (f) To vet and report on all appointments where the constitution or any law requires the Assembly to approve, except those under Standing Order 184 (*Committee on Appointments*); and
- (g) Make reports and recommendations to the assembly as often as possible, including recommendation of proposed legislation.

In addition, the second schedule of the County Assembly Standing Orders defines the mandate of the Finance and Revenue Collection Committee to include all matters relating to the management of County public finance and revenue collection.

1.3 Committee Membership

Hon. Speaker, The Finance and Revenue Collection Committee as currently constituted comprises of the following Honorable Members:-

- | | | |
|----|-----------------------|--------------------|
| 1. | Hon. Stephen Mwanthi | - Chairperson |
| 2. | Hon. Josephat Kasyoki | - Vice Chairperson |
| 3. | Hon. Betty Nzioki | - Member |
| 4. | Hon. Brian Kisila | “ |
| 5. | Hon. Caleb Mule | “ |
| 6. | Hon. Fredrick Muthoka | “ |
| 7. | Hon. Justus Kiteng'u | “ |

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

Hon. Musyimi: Madam Speaker it seems there is no quorum in the House.

Hon. Speaker: Bw. Clerk, can you confirm whether there is quorum. Or you want another.... Hon. Kasyoki please briefly, take a rest. Yes, Hon. Mutiso.

Hon. P.J. Mutiso: I think, Madam Speaker, we have quorum; quorum is 20 and we have quorum as far as I was mobilizing members to come back to the House so we quorum.

Hon. Speaker: Hon. Members, Bw. Clerk, can you confirm. I hear you Hon. Mutiso. I am being informed Hon. Mutiso that the members present in the house are 18 and the quorum should be 20 members; the Sergeant at Arms will need to ring the bell. I just want to confirm how many minutes; this is the quorum during proceedings,

(Quorum Bell was rung)

I have not said..... I have not directed the Sergeant at Arms to ring the bell; I was confirming for how long you are going to ring it. It is eight minutes and Sergeant at Arms you must always be waiting until you are given specific instructions by the Chair to ring the bell. You do not need to run and start ringing the bell without just following the procedure. So, Hon Members the Chair directs that the bell be rung for eight minutes.

(Quorum Bell was rung)

Hon. Speaker: Point of information.

Hon. Ndawa: Madam Speaker, even the bell is being rang, I believe we have quorum now, we have enough members.

Hon. Speaker: Hon. Ndawa, is saying we have quorum; Bw. Clerk, you are the one who does counting can you confirm. Alright we have quorum, it appears members were just walked out consulting outside and then quorum becoming an issue; so we have quorum now proceed Hon. Kasyoki. You stop the bell ringing Bw. Sergeant at Arms.

Hon. Kasyoki: Thank you, Madam Speaker. I think I will go back to 1.3 Committee Membership. Hon. Speaker, the Finance and Revenue Collection Committee as currently constituted comprises of the following Hon. Members:-

- | | |
|--------------------------|--------------------|
| 1. Hon. Stephen Mwanthi | - Chairperson |
| 2. Hon. Josephat Kasyoki | - Vice Chairperson |
| 3. Hon. Betty Nzioki | - Member |
| 4. Hon. Brian Kisila | “ |
| 5. Hon. Caleb Mule | “ |
| 6. Hon. Fredrick Muthoka | “ |
| 7. Hon. Justus Kitengu | “ |
| 8. Hon. Margaret Mwikali | “ |
| 9. Hon. Moffat Maitha | “ |
| 10. Hon. Phoebe Koki | “ |
| 11. Hon. Hellen Ndeti | “ |
| 12. Hon. Thomas Mutinda | “ |
| 13. Hon. Grace Mutwiwa | “ |

1.4 Message from His Excellency the Governor, Machakos County

Hon. Speaker, pursuant to Sections 44 and 45 of the County Governments Act, 2012, H.E. the Governor, Dr. Alfred N. Mutua forwarded to the Hon. Speaker of the County Assembly a notification on nomination of twenty three persons vide letter Ref: MCG/GOV.COS/01/18 dated 31st July, 2018 and received on 1st August, 2018 (*see Appendix 1*) for consideration and subsequent approval by the County Assembly, for appointment as County Secretary and Chief Officers in various Departments.

1.5 Committal to the Committees

Hon. Speaker, on 7th August, 2018, a Communication from the Chair was made to the Assembly informing Members of receipt of nominees for appointment to the positions of County Secretary and Chief Officers. Pursuant to Standing Order 42(1), the nominees were committed to relevant Sectoral Committees on the same day. The Sectoral Committees were advised to conduct approval hearings in line with the Public Appointments (County Assemblies Approval) Act, No.5 of 2017. The nominees committed to the Finance and Revenue Collection Committee are:

1. Mrs. Catherine Ngarachu - Nominee for the position of Chief Officer, Department of Finance and Revenue Collection in the Ministry of Finance and Economic Planning.
2. Ms. Romana Mwendu Kimende - Nominee for the position of Chief Officer, Department of Economic Planning and External Resource Mobilization in the Ministry of Finance and Economic Planning.
3. Mr. Patrick Voni Kibaya - Nominee for the position of Chief Officer, Office of the Deputy Governor.

Hon. Speaker: Point of information.

Hon. Muendo: Yes, thank you, Madam Speaker. I think this is a House of law and Madam Speaker, we cannot continue reading this report when we are reading the Ministry of finance; it is totally confusing even the HANSARD it cannot be captured well. So, let us address that before we continue maybe Madam Speaker. Because that is where the confusion is coming, when you are told you have been nominated in the ministry then you come down then they say department. Can we have that clarity, Madam Speaker from the chair of this committee or the vice? Thank you, Madam Speaker.

Hon. Speaker: I can actually assist the chair although I was not in that committee but I am reading documents. I have indicated in the past Hon. Members that the County Governments do not have ministries and that is exactly what I told the Governor when I wrote to him in the letter I referred to.

You look at the county governments act and any other law for County Governments, there is no ministry. Ministries are in the National Government, but now you appreciate Hon. Majority Leader, the Hon. Members Kasyoki who is presenting the report, is reading what was in the letter that was communicated to the Assembly so allow him to read but when you come to do your debate, then you will put the matters where they belong as per the law that guides us.

Hon. Muendo: Most obliged.

Hon. Speaker: Thank you, so proceed Hon. Kasyoki.

Hon. Kasyoki: Thank you, Madam Speaker for protection.

(Applause)

3. Mr. Patrick Voni Kibaya - Nominee for the position of Chief Officer, Office of the Deputy Governor.

2.0 BACKGROUND

2.1 Forwarding of the Nominees to the Assembly

Hon. Speaker, H.E. the Governor forwarded to the County Assembly, a message of nomination of 23 nominees vide a letter Ref. MCG/GOV.COS/01/18 dated 31st July, 2018 (*see Appendix 1*) for appointment as County Secretary and Chief Officers. The message was received in the Assembly on 1st August, 2018 at 1642HRS and communicated to the House on 7th August, 2018.

2.2 Notification to the Public

Hon. Speaker, Section 7(5) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017 provides that the Committee shall, by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.

Further, Section 7(10) of the same Act provides that, any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

Consequently, the Clerk placed an advertisement on page 18 of the Daily Nation Newspaper dated 27th August, 2018 informing members of the public and the nominees of the dates of the hearings, and inviting the public to submit to the office of the Clerk in writing and under oath any relevant information concerning the nominees opposing their suitability to the respective offices in conformity with Section 7(10) of the Public Appointments (County Assemblies Approval) Act, No5 of 2017. The submissions were to be received on or before 12th September, 2018.

2.4 Correspondences with EACC

Hon. Speaker, the County Assembly received a letter from the Ethics and Anti-Corruption Commission (EACC) Ref: EACC.7/10/5 VOL. V (35) dated 16th April, 2018 (*see Appendix 2*) Advising County Assemblies among others, to forward to the Commission the names of nominees for appointment to County Public Offices requiring approval of the County Assemblies for integrity verification to ensure compliance with Chapter Six of the Constitution. This was in accordance to Section 4(2) and (4) and 44(2) of the Leadership and Integrity Act of 2012.

Accordingly, the Clerk wrote to the EACC vide letter Ref: MKSCA/ADM/VET/VOL.2/26 dated 27th August, 2018 (*see Appendix 3*) forwarding the list of the 23 nominees received by the County Assembly. The County Assembly received a response through a letter Ref. EACC.7/10/5 VOL. VI (91), dated 6th June, 2018 (*see Appendix 4*) addressing the nomination of the 23 nominees.

2.5 Submission of Documents by the Nominees

Hon. Speaker, the Committee through the office of the Clerk wrote to the nominees requesting them to collect vetting forms under First Schedule of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017 from office of the Clerk and submit them, duly filled, to the same office on or before 12th September, 2018. Further, the nominees were requested to submit copies of the following documents on or before 12th September, 2018 and bring the original documents on the approval hearing day:

- (i) ID/Passport.
- (ii) Curriculum Vitae, personal credentials and academic certificates.
- (iii) Current Tax Compliance Certificate from the Kenya Revenue Authority (KRA).
- (iv) Current Compliance Certificate from the Higher Education Loans Board (HELB).
- (v) Current Clearance Certificate from the Credit Reference Bureau (CRB).
- (vi) Current Valid Certificate of Good conduct from the Directorate of Criminal Investigations (DCI).
- (vii) Current Clearance from the Ethics and Anti-Corruption Commission (EACC).
- (viii) Current Clearance certificate from respective professional bodies.
- (ix) Accreditation from Commission of University Education for foreign degrees (where applicable)

2.6 Criteria for the Approval Hearings

Hon. Speaker, the Committee was guided by Chapter Six and Articles 124(4), 179, 195 and 196 of the Constitution of Kenya 2010, Sections 35 (3) and 45 (1) of the County Governments Act, 2012 and Sections 7, 8, 9 and 10 of the Public Appointments (County Assemblies Approval) Act, 2017.

Section 7(12) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017 provides that a candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall thereupon lapse.

Further, Section 8 of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017 provides that the issues for consideration by the relevant House in relation to any nomination shall be:

- (i) The procedure used to arrive at the nominee.
- (ii) Any constitutional or statutory requirements relating to the office in question; and
- (iii) The suitability of the nominee for appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the field to which nomination is being made.

2.7 Criteria for Assessment

Hon. Speaker, the assessment of the nominees was guided by Section 35 of the County Governments Act, No. 17 of 2012 and Sections 7, 8, 9 and 10 and assessment form set out in the Second Schedule of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017. The Committee set the pass mark for assessment at 70 out of 100 marks taking note of the importance of the positions and the need to have highly qualified, experienced and competent officers.

Hon. Speaker, guided by the Second Schedule to the Public Appointments (County Assemblies Approval) Act, 2017:

- (i) A nominee with work experience of five years related to the department to which he/she had been nominated was awarded a maximum of 25 marks.
- (ii) A nominee with education/training relevant to the position was awarded a maximum of 25 marks.
- (iii) A nominee who demonstrated interest and knowledge relating to the position was awarded a maximum of 15 marks.
- (iv) A nominee who demonstrated good communication skills, written/oral was awarded a maximum of 10 marks.
- (v) A nominee who satisfied the requirements of promptness, neatness of resume/application, appearance was awarded a maximum of 10 marks.
- (vi) A nominee was awarded a maximum of 15 marks for demonstrating the ability/skills to make decisions or solve problems.

The assessment form requires that assessment of relevant experience to be determined by the job in question and that each panel member should fill in the form independently.

2.8 Integrity

Hon. Speaker, on the assessment of the nominees on matters of integrity, the Committee was guided by various provisions on integrity. Article 73(2) of the Constitution provides the following guiding principles of leadership and integrity:

- (a) Selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
- (b) Objectivity and impartiality in decision-making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;

- (c) Selfless service based solely on the public interest, demonstrated by:
 - (i) Honesty in the execution of public duties; and
 - (ii) The declaration of any personal interest that may conflict with public duties;
- (d) Accountability to the public for decisions and actions; and
- (e) Discipline and commitment in service to the people.

3.0 THE APPROVAL HEARINGS

Hon. Speaker, the Committee held approval hearings of the three nominees committed to it on 1st, 2nd and 4th October, 2018. The hearings were held within the Assembly precincts in Boardroom 4A of the County Assembly new Office Block and were open to the public in line with the provisions of Article 196(1)(a) and (b) of the Constitution.

The public had been invited to participate in the hearings vide a notification placed by the Assembly in the Daily Nation Newspaper of 27th August, 2018. Pursuant to Section 7(6) and (7) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017, all the three nominees were heard in public in the following order:

(Applause)

3.1 MRS. CATHERINE NGARACHU - Nominee for the position of Chief Officer, Department of Finance and Revenue Collection

Hon. Speaker, the nominee appeared before the Committee on 1st October, 2018 at 3.00 p.m. and testified on oath. On the basis of her oral and written evidence, the following emerged:

3.1.1 Date and Place of Birth

Hon. Speaker, the nominee was born on 25th September, 1960, in Nyeri County.

3.1.2 Document of Identification

The nominee possesses a National ID. No.3082310.

3.1.3 Academic and Professional Qualification

Hon. Speaker,

- (i) The nominee holds a Masters in Business Administration in Entrepreneurship from the Kenya Methodist University (2015).
- (ii) The nominee acquired a first degree from the University of Nairobi in Bachelor of Commerce (Accounting), 1984.

3.1.4 Nominee's Knowledge of the Department

The nominee described the mandate of the Department for which she was nominated as receiving and distributing finances to other departments. She also stated that the Department was mandated with all revenue of the County and was responsible for making sure the County was able to collect revenue.

The department spearheads budget implementation and liaises with the National Government and controller of budget to get funds on time for smooth running of the County. The nominee further stated that the department liaises with all other departments in the County to make sure that they run smoothly.

3.1.5 Work Experience

Hon. Speaker, the nominee stated that she has experience in the following areas:

- (i) Public administration:
 - (a) Acting Chief Officer – Energy and Natural Resources, Machakos County from March, 2017 - to date;
 - (b) Acting Accountant General, County Treasury, Machakos County from August 2017 - to date;
 - (c) Projects Director, Department of Public Works and Housing, Machakos County from May, 2016 – February 2017;
 - (d) Projects Manager in the Office of Project Implementation Advisor, Machakos County from August 2015 - April, 2016;
- (ii) Management:
 - (a) General Manager -Cruizer Auto Parts from 2010 - 2015;
 - (b) Parts Manager – Central Services of CMC Motors Group Ltd from 2004 – 2009;
 - (c) General Manager Parts - Toyota East Africa Ltd from 2001 – 2003;
 - (d) Group Parts Operations Manager -Lonhro Motors East Africa from 1999 – 2001;
 - (e) Parts Operations Manager - Toyota Kenya from 1989 – 1999;
 - (f) Assistant Parts Manager - D T Dobie & Co. Ltd from 1984 – 1989.

3.1.6 Net worth

Hon. Speaker, the nominee's net worth was Ksh. 42 million.

3.1.7 Honors and Awards

Hon. Speaker, the nominee did not state any Honors and Awards.

3.1.8 Potential Conflict of Interest

The nominee declared that she had no potential conflict of interest.

3.1.9 Pro Bono/ Charity Work

The nominee stated that she gave yearly donations to the following institutions:-

- (i) Kenya Children's Home Thomas Bernado in Nairobi of Ksh. 15,000;
- (ii) Mission Promotion Kenya Christian Evangelism of Ksh. 10,000;
- (iii) Matters Arising of Ksh. 30,000;

3.1.10 Integrity

Hon. Speaker, the nominee submitted the following;

- (i) Self-declaration form from the Ethics and Anti-Corruption Commission (EACC) dated 10th September, 2018;
- (ii) Tax Compliance Certificate valid up to 29th August, 2019;
- (iii) Certificate of clearance from the Trans Union Credit Reference Bureau (CRB) dated 28th August, 2018 indicating no adverse listing;
- (iv) Certificate of Good Conduct issued by the Directorate of Criminal Investigations (DCI) on 10th September, 2018 indicating nil offence.
- (v) The Higher Education Loans Board (HELB) certificate of clearance issued on 6th May, 2009. The nominee stated she did not access any HELB loan during her Masters.

3.1.11 Qualifications Relevant to the Department

Hon. Speaker, asked whether her qualifications were relevant to the position, the nominee responded that she had a wide range of skills; she had been a business unit manager in private sector where she was in-charge of organizing for funds collection.

The nominee added that her first degree in Bachelor of Commerce in accounting option and Master in Business Administration (Entrepreneurship) were relevant to the task she was nominated to undertake.

3.1.12 Experience Relevant to the Department

Hon. Speaker, when the nominee was asked to show how her experience was relevant to the position nominated, she indicated that she had over 30 years in senior management in multinational companies and believed she was qualified to be charged with the task of revenue collection in the County. As a business unit manager at DT Dobie she was charged with mobilizing funds and then planning on how to spend them. She was also charged with debt collection and used to get reports from different sections thus qualified for the job.

When asked whether she had experience in accounting, the nominee said that she only worked as an accountant for the first four years in employment then went into general management.

3.1.13 Nominee's Appreciation of the Challenges in the Department and her Ability to offer Solutions

Hon. Speaker, the nominee cited the following as challenges in the County Treasury:

- (i) Poor communication due to lack of structures.
- (ii) Lack of coordination in the Department.
- (iii) Weak structures of monitoring of revenue collection. There was need digitize all revenues and to have a good team.
- (iv) The Department is too big and needed to be divided to various levels and not to have everyone reporting to the Headquarters including suppliers;
- (v) There is need to re – map revenue streams and have a reporting system that can be easily understood;

3.1.14 Nominee's Responses to Further Questions from the Committee

(i) Knowledge of the County Budget for FY 2018/19

Hon. Speaker, the nominee approximated the County budget for the FY 2018/19 to be about Ksh. 12 billion whereby the equitable share was about Ksh. 8.3 Billion and local revenue of Ksh. 1.7 Billion with the remaining amount being grants.

The nominee intends to activate all the revenue streams and ensure targets on revenue collection are set and met if appointed as the Chief Officer Finance and Revenue Collection. She intends to automate revenue as much as possible and evaluate staff in the department.

The nominee approximated the revenue potential of the County to be about Ksh. 2.5 Billion and would give herself a target of Ksh. 2.8 Billion in the FY 2019/2020 if appointed.

(ii) Revenue Sources that can be exploited to yield high revenue

Hon. Speaker, the nominee identified forests, quarries, sand, minerals (Mazeras stones) and tourist attraction sites as some of the revenue sources that can be pursued by the County to increase revenue.

(iii) Revenue Automation

Hon. Speaker, the nominee indicated that the County acquired revenue collection gadgets of the BCX type which were abandoned because they were expensive to maintain and recommended that paybill numbers to continue. The nominee added that she would explore other modes of automation such as use of e-Citizen platform, swipe cards at quarries and partnership

with KRA. The nominee was of the opinion that one paybill account number was adequate instead of operating over 200 paybill account numbers.

Further, the nominee responded that there should be an end to collecting revenue in cash and revenue officers found pocketing revenue should be held liable and if revenue declined someone should be answerable.

(iv) Laws on revenue enacted by the County

Hon. Speaker, the nominee mentioned “*the Finance Act, the County Integrated Development Plan and the Sand Collection Act*”. When the nominee was asked about the status of implementation of the laws she responded that she was not aware. The Nominee added that there was need to provide legislation on waiver of revenue and without the law any person doing so was doing that illegally.

(v) Nominee’s Knowledge on Current Affairs

Hon. Speaker, the nominee was aware of three of the Big 4 Agenda of the National Government and described them as Manufacturing, Universal health and Housing. To integrate the universal health care agenda in the County, she suggested that revenue collected from health facilities should be ploughed back to the same facilities.

She also mentioned that there would be gravelling of roads in line with manufacturing.

3.1.15 Committee’s Observations

Hon. Speaker, the nominee:

- (i) Has the necessary academic qualification.
- (ii) Does not have the necessary work experience in finance and accounting.
- (iii) Is not a member of any accounting professional body.
- (iv) Has exhibited knowledge and interest in the department.
- (v) Is aware of Big 4 Agenda.
- (vi) Is confident and has good communication skills.
- (vii) Is neat and presentable both in person and resume.
- (viii) Has all clearance certificates for purposes of Chapter Six of the Constitution.

3.1.16 Awarding of Marks to the Nominee

Hon. Speaker, the nominee was awarded an average mark of 79.8 per cent.

3.2 Ms. ROMANA MWENDE KIMENDE - Nominee for the position of Chief Officer, Department of Economic Planning and External Resource Mobilization

Hon. Speaker, the nominee appeared before the Committee on 2nd October, 2018 at 2.56 p.m. and testified on oath. On the basis of oral and written evidence the following emerged:

3.2.1 Date and Place of Birth

Hon. Speaker, the nominee was born on 12th December, 1966 in Machakos County.

3.2.2 Document of Identification

The nominee possesses a Kenyan National ID No. 8961937.

3.2.3 Academic and Professional Qualifications

Hon. Speaker:

- i. The nominee holds a Master of Business Administration (MBA) from the Australian National University (2001).
- ii. The nominee acquired a first degree from the Kenyatta University (Bachelor of Education – Economics/ Business Studies), 1999.

- iii. The nominee has a professional certificate in Accounting (CPA) from Kenya Accountants and Secretaries National Examinations Board (KASNEB), 2000.
- iv. The nominee has a certificate in Accounting from the University of Queensland (2003).
- v. The nominee has a certificate in auditing from the University of Queensland (2004).
- v. The nominee has a certificate in Project Management from the Strathmore University (2009).
- vii. She is a member of the Institute of Certified Public Accountants of Kenya (ICPAK).

3.2.4 Nominee's Knowledge of the Responsibilities

Hon. Speaker, the nominee described her responsibilities to the portfolio nominated as mobilizing finances for the County from external sources; donors, private sector and partners that are willing to invest in the County.

3.2.5 Work Experience

Hon. Speaker, the nominee stated that she has experience in the following areas:

- (i) Financial Management:
 - (a) Finance Officer, United Nations Development Program (UNDP) Kenya from July 2012 – February 2016;
 - (b) Planning and Finance Specialist, Ministry of Trade, Private Sector Development strategy (PSDs) from January 2008 to August 2010;
 - (c) Assistant Finance Manager, CARE Somalia Program from January 2006 – June 2007;
 - (d) Senior Finance Officer, Ministry of East African Community from October 2004 – December, 2005.
- (ii) Public Administration as she served as an Education Officer, Planning and Development Unit in the Ministry of Education Headquarters from September 1995 – September 2004.
- (iii) Teaching as she was a Graduate Teacher under Teachers Service Commission (TSC) from May 1990 – August 1995.

The Nominee has served in short term assignments as a Finance Manager, Finance Consultant, Financial Management Specialist and Project Accountant.

3.2.6 Net worth

Hon. Speaker, the nominee did not state her net worth.

3.2.7 Honors and awards

Hon. Speaker, the nominee did not state any Honors and Awards.

3.2.8 Potential conflict of interest

Hon. Speaker, The nominee declared that she had no potential conflict of interest.

3.2.9 Pro Bono/ Charity Work

Hon. Speaker, the nominee informed the Committee that she contributed Ksh. 10,000 to a church.

3.2.10 Integrity

Hon. Speaker, the nominee submitted the following documents:

- (i) Self-declaration form from the Ethics and Anti-Corruption Commission (EACC) dated 25th May, 2018;
- (ii) Tax compliance certificate valid up to 27th May 2019.

- (iii) Certificate of Good Conduct issued by the Directorate of Criminal Investigations (DCI) on 12th June, 2018 indicating nil offence.
- (iv) The Higher Education Loans Board (HELB) certificate of clearance issued on 25th May, 2018.
- (v) Online clearance from the CREDITINFO Credit Reference Bureau (CRB) dated 11th September, 2018 indicating very low risk;

3.2.11 Qualifications Relevant to the Department

Hon. Speaker, asked whether her qualifications were relevant to the department to which she had been nominated, the nominee stated that she holds a Master of Business Administration degree and a Bachelor of Education in Economics and Business Studies and also that she had been inducted by the European Union (EU) on the operations of Donor funding and thus felt she was qualified for the position.

3.2.12 Experience in the Relevant Department

Hon. Speaker, questioned on how her experience is relevant to the department, the nominee stated that she had an experience of over 20 years working with donors such as European Union, World Bank and United Nations (UN). The nominee indicated that she had interacted with the donors and believed that such experience was relevant.

3.2.13 Nominee's Appreciation of the Challenges in the Department and her Ability to Offer Solutions

Hon. Speaker, the nominee stated that the major challenge for the Department was budget deficit and timely access to funds from the national government. The equitable share was not enough and the National Treasury released funds that were less than what was requested.

The nominee if appointed said she will assist the County to receive more funds through preparing concept paper, fund raising documents for donor funding and marketing the County to foreign countries to encourage them to invest. The nominee targets Ksh. 10 Billion from external resources for Financial Year 2019/2020 through Public Private Partnership (PPPs) initiatives.

3.2.14 Nominee's Responses to Further Questions from the Committee

(i) Laws relating to Mobilization of Resources for Counties

Hon. Speaker, the nominee cited Public Finance Management (PFM) Act as one of the laws that relate to resource mobilization in the County.

(ii) Nominee's Knowledge on Big 4 Agenda

Hon. Speaker, the nominee was aware of the Big 4 Agenda of the National Government and described them as health, housing, manufacturing and food security. She pointed out that she will ensure the County integrates the big 4 agenda through procedures on utilization of funds. She will be able to prepare fund raising documents and ensure their implementation.

(iii) Nominee's Knowledge on National Values and Principles of Governance

Hon. Speaker, the nominee stated integrity and public participation as some of the national values and principles of governance. The nominee said that public participation was about involving the people in developing the programmes to be implemented. She cited challenges of public participation to include: lack of knowledge by the community on its importance, lack of quorum and funding.

(iv) Comments on the Management of County Revenue

Hon. Speaker, asked on how she can control leakage in revenue collection in the County, the nominee said that pocketing of revenue collected can be controlled through use of technology like Mpesa. The nominee further explained that this can be achieved through automating

financial systems, continuous monitoring, working with the community and people's representatives to control leakages of revenue.

On the number of bank accounts that a County needed to maintain the nominee responded that it depended on the use but it was expensive to run several bank accounts.

(v) Comments on when situations were not going as planned

Hon. Speaker, the nominee responded that if things were not going as planned she would consult with relevant authorities and if there seemed to be no solution she would write a report of what was expected. The nominee undertook to be submitting reports to the Assembly quarterly.

3.2.15 Committee's Observations

Hon. Speaker, the nominee:

- (i) Has the necessary academic qualifications.
- (ii) Has the necessary experience in finance and accounting.
- (iii) Exhibited knowledge and interest in the department.
- (iv) Is aware of the Big 4 Agenda.
- (v) Is confident and a good communicator.
- (vi) Is neat and presentable both in person and resume.
- (vii) Has the necessary clearance certificates for purposes of Chapter Six of the Constitution.

3.2.16 Awarding of Marks to the Nominee

Hon. Speaker, the nominee was awarded an average mark of 79.8 per cent.

3.3 MR. PATRICK VONI KIBAYA – Nominee for the position of Chief Officer, Office of the Deputy Governor

Hon. Speaker, the nominee appeared before the Committee on 4th October, 2018 at 3.00 p.m. and testified on oath. On the basis of oral and written evidence the following emerged:

3.3.1 Date and Place of Birth

Hon. Speaker, the nominee was born on 21st February, 1968 in Machakos County.

3.3.2 Document of Identification

The nominee possesses a Kenyan National ID No. 9848247

3.3.3 Academic and Professional Qualifications

Hon. Speaker, the nominee:

- (i) Is pursuing Master of Science in Agricultural Resource Management in the South Eastern Kenya University (SEKU) from 2014 – To date;
- (ii) Holds a Bachelor of Science in Agriculture from the University of Nairobi (UON) 1994.
- (iii) Holds a certificate in Monitoring and Evaluation from the Kenya Institute of Management (June 2014 – August 2014).

3.3.4 Nominee's Knowledge of the Responsibilities

The nominee described his responsibilities to the portfolio to include coordination and supervision. The nominee said his duties will be to assist the Deputy Governor in his executive role. The nominee further stated that he will fast track and implement programmes under the Deputy Governor's Office to ensure quality service delivery.

3.3.5 Work Experience

Hon. Speaker, the nominee stated that he has experience in the following areas:

- (i) Public Administration:

- (a) Head, Agricultural Market Information and Research in the Ministry of Agriculture, Livestock, Fisheries and Irrigation from January 2018 - to date;
- (b) Monitoring and Evaluation Officer, Agricultural Sector Development Support Programme Machakos, in the Ministry of Agriculture from January 2013 – December, 2017.
- (c) District Monitoring and Evaluation Officer, Machakos District in the Ministry of Agriculture from July 2011 – December, 2012.
- (d) District Extension and Training/ Monitoring and Evaluation Officer, Mbooni East in the Ministry of Agriculture from September 2009 – June 2011.
- (e) District Crops Development Officer, Yatta in the Ministry of Agriculture from June 2008 – August 2009.
- (f) Principal, Bukura Agricultural Training Centre, Kakamega in the Ministry of Agriculture from February 2006 – July 2006.
- (g) Divisional Extension Coordinator, Yathui Division, Machakos District in the Ministry of Agriculture from June 1997 – January 2006.

3.3.6 Net worth

Hon. Speaker, the nominee stated his net worth as Ksh. 5 million in form of land, house and shares.

3.3.7 Honors and awards

Hon. Speaker, the nominee did not state any Honors and Awards.

3.3.8 Potential conflict of interest

Hon. Speaker, the nominee declared that he had no potential conflict of interest and in the event of a potential conflict of interest he will endeavor to follow the law and the Constitution of Kenya.

3.3.9 Pro Bono/ Charity Work

Hon. Speaker, the nominee said that with others he has supported and educated two orphans by contributing Ksh. 50,000.

3.3.10 Integrity

Hon. Speaker, the nominee submitted the following documents:

- (i) Self-declaration form from Ethics and Anti-Corruption Commission (EACC) dated 15th September, 2017;
- (ii) Tax compliance certificate valid up to 24th May 2019.
- (iii) Certificate of Good Conduct issued by Directorate of Criminal Investigations (DCI) on 7th September, 2017 indicating nil offence.
- (iv) Higher Education Loans Board (HELB) certificate of clearance issued on 16th November, 2007.
- (v) Certificate of clearance from Metropol Credit Reference Bureau (CRB) dated 26th May, 2018 indicating no negative listing.

3.3.11 Qualifications Relevant to the Department

Hon. Speaker, asked whether his qualifications were relevant to the department to which he had been nominated, the nominee stated that the office of the Deputy Governor is about coordination and supervision and he has a lot experience on Project Management, Monitoring and Evaluation of projects. In addition the nominee said he holds a Bachelor of Science in Agriculture and is currently pursuing Masters in Agricultural Resource Management.

3.3.12 Experience in the Relevant Department

Hon. Speaker, questioned on how his experience was relevant to the department, the nominee stated that he had 22 years of experience in community service.

3.3.13 Nominee's Responses to Further Questions from the Committee

(i) Challenges facing farmers in Machakos County

Hon. Speaker, asked what challenges faced farmers in Machakos County, the nominee cited: rain fed agriculture, climatic change and high cost of agricultural inputs like seeds, fertilizer among others. The nominee further cited lack of market for agricultural produce, pests, diseases and poor storage.

(ii) Nominee's Knowledge on the Big 4 Agenda

Hon. Speaker, the nominee was aware of the Big 4 Agenda of the National Government and stated them as: health, manufacturing, housing and food security. In order to integrate the Big 4 Agenda in the County, the nominee pointed out that the Department will prioritize projects which will have an impact alongside those four pillars.

(iii) Nominee's Knowledge on National Values and Principles of Governance

Hon. Speaker, the nominee stated patriotism, inclusivity, good governance, integrity, transparency, accountability and human rights as some of the values and principles of Governance. The nominee said public participation is core to devolution as it gives *wananchi* a voice in decision making on all issues affecting them.

(iv) Comments on Civic Education

Hon. Speaker, asked on how he would manage civic education, he indicated that he would plan and budget for it.

(v) Sustainable development in Machakos County

Hon. Speaker, asked what the role of the department would be in achieving sustainable development in Machakos County, the nominee responded that the Department will ensure priority setting and implementation of all projects.

3.3.15 Committee's Observations

Hon. Speaker, the nominee:

- (i) Has the necessary academic qualifications.
- (ii) Has the necessary experience.
- (iii) Is aware of Big 4 Agenda.
- (iv) Is confident and a good communicator.
- (v) Is neat and presentable both in person and resume.
- (vi) Has the necessary clearances certificates for purposes of Chapter Six of the Constitution.

3.3.16 Awarding of Marks to the Nominee

Hon. Speaker, the nominee was awarded an average mark of 81.4 per cent in relation to the duties in the Office of the Deputy Governor. The nominee does not have the necessary academic qualifications and experience for appointment as a Chief Officer Department of Finance and Economic Planning.

4.0 GENERAL OBSERVATIONS AND RECOMMENDATIONS

4.1 General Observations

Hon. Speaker, the Committee observed that the House on 6th November, 2018 approved a motion limiting the number of Chief Officers to 10 pursuant to Article 179(3) of the Constitution of Kenya 2010 and Section 45(3) of the County Governments Act, 2017. The Committee also

noted the pronouncement of the judge in Petition No. 12 of 2017 in the High Court of Kenya at Machakos dated 5th November, 2018 between Hon. Faith Syokau Wathome Kithu (MBS) & Others vs. Machakos County Assembly & Another three that the Assembly should vet County Executive Committee Members and that those in office having not been vetted were in office illegally.

Hon. Speaker, taking into consideration of the above provisions, Assembly resolution and court judgment, the Committee compared the two nominees forwarded for vetting and approval in the Department based on the following criteria to obtain the most suitable nominee:

- (i) Academic qualifications relevant to the portfolio;
- (ii) Professional qualifications relevant to the portfolio;
- (iii) Experience relevant to the portfolio;
- (iv) Integrity;
- (v) Mean mark awarded during vetting.

Comparison between Mrs. Catherine Ngarachu and Ms. Romana Mwendu Kimende

	Academic qualifications relevant to the portfolio	Professional qualifications relevant to the portfolio	Experience relevant to the portfolio	Integrity	Mean Mark awarded
Mrs. Catherine Ngarachu	1. B. Com (Accounting) 2. MBA - Entrepreneurship	None	1 year (Ag. Accountant General Machakos County Treasury)	Attached all documents	79.8 %
Ms. Romana Mwendu Kimende	1. B. Ed (Business Studies & Economics) 2. MBA	1. ICPAK Member	Over 5 years in finance	Attached all documents	79.8%

Hon. Speaker, from the table above and guided by Section 35 (3) of the County Governments Act 2012 and Section 8 and the Second schedule of the Public Appointments (County Assemblies Approval) Act 2017 the Committee observed the following:

- (a) Mrs. Catherine Ngarachu does not have experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which she has been nominated to.
- (b) Ms. Romana Mwendu Kimende has knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which she has been nominated to.

The Committee further observed the following:

- (a) That with a limit of 10 departments, it was difficult to have a Chief Officer in the Office of the Deputy Governor as this would increase the number of Chief Officers to more than 10 contrary to the motion approved by the House on 6th November, 2018.

- (b) That Ms. Jacinta Masila had not been vetted by the second Assembly to serve as a Chief Officer for County Treasury. This is contrary to section 4 of the Public Appointments (County Assemblies Approvals) Act 2017.
- (c) That there were three departments under Finance and Economic Planning namely: Department of County Treasury; Department of Finance and Revenue Collection; and Department of Economic Planning and External Resource Mobilization. These used to be Directorates in the Department of Finance and Revenue Collection headed by Directors during the first Assembly.

4.2 Recommendations

Hon. Speaker, on the basis of the above observations, the Committee recommends the following:

1. Appointment of one Chief Officer in the Department of Finance and Economic Planning.
2. That the County Executive Committee should consider County Treasury, Finance & Revenue Collection, and External Resource Mobilization & Economic Planning to be directorates of the Department of Finance and Economic Planning each headed by a Director.
3. That MRS. CATHERINE NGARACHU is NOT APPROVED for appointment as the Chief Officer in the Department she had been nominated to.
4. No appointment of a Chief Officer in the Office of the Deputy Governor.
5. That MR. PATRICK VONI KIBAYA is NOT APPROVED for appointment as the Chief Officer in the Office for which he had been nominated to.
6. That Ms. JACINTA MASILA who has not been vetted by the Second Assembly for appointment as the Chief Officer and therefore she should cease to act in such capacity with immediate effect and not later than one month after forwarding of this report to the appointing authority.
7. That Ms. ROMANA MWENDE KIMENDE is APPROVED for appointment as the Chief Officer in the Department of Finance and Economic Planning.

CONCLUSION

Hon. Speaker, I take this opportunity to thank all the Members of the Committee for their dedication, undivided attention and contributions during the entire approval hearings. The Committee also appreciates the Office of the Hon. Speaker and that of the Clerk to the County Assembly for the administrative support accorded to it during the exercise.

Hon. Speaker, it is therefore my pleasant duty and privilege, on behalf of Finance and Revenue Collection Committee to table this Report of Finance and Revenue Collection Committee of the Second Assembly on the vetting of three nominees for the position of Chief Officer in this Hon. House for consideration and approval. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Hon. Members, we owe a lot of thanks to the Hon. Kasyoki; you appreciate that he has read one of the longest reports in this House and standing is not that easy especially in front of the Hon. Members. Thank you, Hon. Kasyoki.

(Question proposed)

Hon. Members, the debate is open. Hon. Mitaa.

Hon. Mitaa: Thank you, Madam Speaker for granting me this opportunity. First, I want to congratulate Hon. Kasyoki for the time he has taken and the energy he has shown on reading the report; it is indeed a lengthy report. I also wish to congratulate the Committee, Finance and Revenue Collection for the job they have done; I think the report is elaborate and they have put the recommendations in black and white.

Madam Speaker, I think they have indicated that we have some appointees who are running offices in the County and who have never been vetted and I would also wish to strengthen or to put more efforts on the recommendations that if there is a Member or an employee who is occupying an office in this County of ours and who has never been vetted, that he or she must vacate the office and give way and room for fresh blood to run the affairs of this County.

(Applause)

As you have noted, Madam Speaker, Finance and Revenue Collection is one of the backbone Departments in the running of the County and this is where we need people who have energy and who can work overboard, who can sacrifice time to ensure that our County has enough revenue, has enough finance and whatever is available is utilized well and accountability is key.

Recently, we actually passed something to do with the CEC Finance and I think these are the people who are accounting officers. So, failure by the CEC, Finance must have emanated from the people who are running these offices. So, I go with the recommendation that, Madam Romana Mwendu Kimende since she has required requirements, that she is given the mandate to run the Chief Officer in the Department of Finance and Economic Planning and going forward Madam Speaker, I would request that these Officers take note of giving reports to this House.

I do not know whether we can sign some contracts with these people, that after every three months they give us reports, we need to stress that point Madam Speaker because going forward I think we will be holding every Officer accountable. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mitaa. Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. First of all, I would wish to congratulate my colleague Hon. Kasyoki for taking us through this lengthy report. Madam Speaker, the report is not bad but it has some issues which need clarification. I want to refer you to page 18 on 3.3.15 about committee observations.

Madam Speaker, bullet 1 says; the nominee has the necessary academic qualifications and bullet 2 says that the nominee has the necessary experience, then the following part, that is 3.3.16 on awarding of marks to the nominee, the last paragraph; the nominee does not have the necessary academic qualifications and experience for the appointment of position of the Chief Officer.

The same Committee which has written here that the Member has those qualities, is the same Committee which is saying the person does not have.....we are on page 18, Hon. Museku, the last part is contradicting, bullet 1 and bullet 2 of 3.3.15, that is on Committee observation.

The other issue that I want to raise is that, according to the Committee, both nominees that is Romana and Ngarachu qualify to be given the job because they have scored more than the set marks. The marks were set to be 70 per cent, they have managed to get 79 point which is above the set marks. So, Madam Speaker, we need your clarification or your guidance. Is it a requirement in law, whoever scores the highest mark must get the job? Is it a requirement? That is something that we require to know from the Chair.

Madam Speaker, our County Governments Act, Section 46(1), (a to d), gives the Governor the powers to decide the organization of the Government and it goes ahead to give him powers to decide on the Departments. The County Governments Act gives us about 10 portfolios. If we talk of portfolios, we talk of what we used to call Ministries. We have Departments and it is within the powers of the Governor---

Hon. (Ms.) Mueni: Point of information

Hon. Speaker: Point of information from Hon. Mueni...Hon. Ndawa...

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I want to inform the Member who was on the floor that, Machakos County is not a home of any person. You cannot employ somebody who is not vetted by the Assembly and that is why it brought here so that the Members can see whether the person is fit. The Governor can see that the person is fit but when he is brought here like the way the Member is not having five years' experience, the Members refuse to give the person the job.

So, Madam Speaker, I think the Member has to read the Constitution well and to know what is for the Governor and what is not for the Governor. Machakos County is not a home of a person. So, we have to vet the people who are brought here. Thank you, Madam Speaker.

Hon. Speaker: Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. I think the Hon. Member has not understood what I have said and it is good before you say you want to inform, it is good that you gather all the information. I am not defending anybody from being vetted but what I am saying is that the Governor has that power which is given by that County Government Act to decide on the Departments---

Hon. Speaker: What Section of the law are you referring to?

Hon. Ndawa: I am referring to Section 46 of the County Governments Act. 1(a), you move from (a) up to (d); you will get to understand what I am talking about. I do not have one with me here but it is something that I have already gone through.

Hon. Speaker: Hon. Ndawa, we need to agree that this law, the basis is the Constitution.....the basis of every law is the Constitution. So, the Section 46, yes we have

read many times and we know what it says; whatever it is saying here must agree with what the Constitution says. That is all I want to hear from you so proceed.

Hon. Ndawa: Thank you, Madam Speaker. I have never compared the two books but I will do so. Madam Speaker, the other point that I want to bring to your attention or to the attention of the House, is that when the Committee is given names of nominees to vet, when they are coming up with their reports, they are not supposed to include other names which were not given to them for vetting.

In this matter Madam Speaker, I am now concerned about this person by the name Jacinta Masila. Jacinta Masila was not handed over to this House for nomination. So, I do not expect a report which was vetting nominees to bring other names. I think that is not proper; it is just my observation which we also need your guidance.

The other issue Madam Speaker is about the nominee for the County Secretary. Madam Speaker, in that Department we were only given one nominee and according to the report, that nominee also scored above 70.

Hon. Museku: Madam Speaker, are we discussing the County Secretary here?

Hon. Speaker: I was going to ask Hon. Ndawa the same. The County Secretary report is yet to come. Isn't it? It is with a different Committee.

Hon. Ndawa: I withdraw that point Madam Speaker.

Hon. Speaker: Proceed.

Hon. Ndawa: Thank you for informing me. So, Madam Speaker what I would request and urge the House is that Machakos has to get service and we have to do our duty but when we are doing our duty, I would request that we have the interest of Machakos first then our interest second.

Madam Speaker, it is long overdue the County has been running without Officers and now the Officers have been brought to this Hon. House for vetting. I am very happy because out of the reports we have received since morning, no Nominee has gone below 70 which is the pass mark. So, I would request the Hon. House to accept and approve these nominees so that Machakos can move forward. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ndawa. Hon. Ndawa, when you were submitting you asked for some guidance from the Speaker asking whether it is the requirement of the law that the highest scoring candidate gets the position. I just want to refer you to the Constitution Article 232, principles of public service and that one should be your Bible. When you are asking the question I was just seeing that Article in mind, I did not even need to look for it, it is there. So you look at Article 232(1)(g).

It is about employing, putting people into public service; there are several considerations that one should take and several of them involvement of the people accountability and transparency and so 1(g) talks of fair competition and merit. Merit, academic qualifications is about merit so that if it is the highest scoring person, just like in procurement, the Government

would want to get the lowest quoted price unless there are other reasons like I might quote so low, yet I cannot deliver.

For merit, if it is the highest scoring person, you are bound to give the position to that person unless there is another reason, you may find the person has scored 90 but on integrity they are zero.

The other one you were asking is about is whether Committee report should be able to...or should refer to persons who are not in the letter referring the work to the Committee. It does no harm for the Committee to make a finding on a person whose performance is related to the matter that they are interrogating.

(Applause)

You appreciate that this report is about vetting a Chief Officer to be appointed in a Department that is already being served by somebody who has not been vetted by the Assembly and guided also by the finding of the courts that the Committee has referred to, it was quite in order for the Committee to say look, so and so who is serving there, who has not been vetted by the Assembly should cease if that is the view of the Committee. So, there is nothing wrong with bringing in the name of somebody else in the report as long as it has a relevance to what the Committee is doing.

Then you also asked the House to expedite on the reports and that is commendable but remembers the House even as you expedite your reports, you must be guided by the law. Every time we have sung that song and I think this House is doing very well particularly on being guided by the law and remember you start with the Constitution and then the laws that are made outside arising from the Constitution and then up to your Standing Orders. Hon. Members, we can proceed. Hon. Museku.

Hon. Museku: Thank you, Madam Speaker for giving me this opportunity. I would like to congratulate the Member who has presented a very lengthy and detailed report on behalf of the Finance Committee and recommend the entire Committee and its Chairmanship and everybody, all the Members for a job very well done and researched. I agree with their recommendations which they have come up with here based on their criteria which they have given us there.

Madam Speaker, I have noted that the Committee went to great lengths in as far as trying to arrive at the candidate of choice considering that both candidates scored exactly the same number of marks 79.8, 79.8 in as far as the scoring is concerned but the Committee was guided by the law again. The law talks about academic qualifications and talks about knowledge and experience.

So, although they scored the same, one candidate has higher qualifications in terms of professional qualification and in terms of experience in work. Romana Mwendu Kamene is a Member of the Institute of Certified Public Accountants of Kenya which is a key in professional qualifications for people running matters finance because it means that she is a qualified Public Accountant. She also has over five years' experience in Finance which will give her a boosted advantage in terms of management of Financial matters in the County is concerned.

One thing I would like to point out to the Member who had pointed out a few issues before, when you look at that page which he was talking about page 16, the item he was talking about was not related to.....that item is related to Mr. Kibaya, page 18, Committee

Observations. These observations here are related to the Officer who had been nominated Mr. Patrick Voni Kibaya and they are not related to either Romana Mwende or Ngarachu.

So, we are talking about a very different person who has been given a very different verdict from the other two. So, it was just a correction that the report is not inconsistent. Actually if you look at the recommendation on the lady, Ms. Ngarachu on page 11, item number 2, you will find the Committee actually observed that she does not have the necessary work experience in Finance and Accounting.

So, the recommendation of the report I am just saying a consistent with what they have finally come out to conclude in the conclusions and that was referring to a different person. Matters Finance again Madam Speaker, as I go ahead and recommend the other observation of one Ms. Jacinta Masila who the Committee has rightfully pointed out that she has been acting...not acting, she has been actually performing the duties of a Chief Officer in this specific Department contrary to the law.

The ruling which the Committee has pointed out to which was brought by the Judge in the High Court of Machakos, ruled clearly and gave directions that, even if you were vetted in the previous Assembly, you need to be vetted in the current Assembly and therefore, any Officer who will be seating or who is occupying a position by virtue of the fact that the Governor said they were vetted in the last Assembly, that judgment by the High Court, says that they should not be seating in those offices because they should have been brought a fresh for vetting before this Assembly and therefore, I agree with the recommendation of the Committee that one Ms. Jacinta Masila needs to vacate the office of the Chief Officer and she needs also.....it is important for her to note that, anything which she is signing for and any remuneration she might be getting by virtue of occupying that office illegally will be at her own risk as to being able to be recovered when, at last, if she does not leave and the law catches up with her. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Museku. Hon. Majority...I will come to you Hon. Mueni. Hon. Majority Leader.

Hon. Muendo: Thank you, Madam Speaker. Let me also applaud Hon. Kasyoki of Kyeleni for reading that lengthy report and being the first time in front here reading; I think this House should also applaud him.

(Applause)

Madam Speaker, I do not want to talk much about this report; this report is very clear and when I compare the three nominees, I can see clearly why the Committee said it should be Mwende Kimende---

Hon. Speaker: Hon. Majority Leader.

Hon. Muendo: Pardon.

Hon. Speaker: Do not compare the three; you compare two and then one on their own.

Hon. Muendo: Alright. Thank you, for that guidance.

Hon. Speaker: That is per as the report and not me.

Hon. Muendo: Okay. Let me talk about Mwende here because the Committee recommended Mwende. Madam Speaker, when you go to page 12 and 3.2.5, the work experience. Madam Speaker, this lady has worked with the UNDP, this is one of the serious organizations which do not take people with street papers. This is one of the serious organizations which will give a good experience to any person who is working under them.

Also when you see, Mwende has worked with the Ministry of Trade. Madam Speaker, these are the people we need actually to revive Machakos because most of the people in Machakos who have been employed from 2013-2014 most of them were employed under certificate and now is when they are in the University trying to gather some education for them to be confirmed.

Madam Speaker, you can see also she worked with CARE Somalia Programme, that means this is an iron lady. If she has worked in Somalia, this lady can deliver because the conditions in Somalia are not very good. She also worked with Ministry of East African Community. Madam Speaker, what I am trying to say here is we need such kind of Officers in Machakos County. These are the people who will guide the newly-employed ones, these are the people who will guide the Government to the right direction and Madam Speaker, if this Assembly could have been receiving such kind of people who need employment with such a kind of qualifications and experience, Madam Speaker, this County cannot be losing money. This is a person who has a wealth of experience on financial matters. Therefore, I also urge the House to pass and adopt this report and recommend Mwende Kimende to be actually in that office.

Madam Speaker, as my colleague Hon. Museku has said, there is no problem with this report and this House to talk what is actually happening in the County. We know that there are some appointees who are in the office and the law is very clear that, these people should be vetted before they get into that office by this House.

We have one Jacinta who is working there as CO and she has not been brought into this House for vetting. This is against the law Hon. Ndawa.....sorry, Madam Speaker to say...this is again the law, we have no problem with Jacinta coming here to be vetted but that is what the law says that she must be vetted.

So, if she is nominated and she wants to be there, she can be brought to this House, we look at her papers and then we vet. If she is fit, we have no problem but she is in the office illegally. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Majority. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I support the words of Majority Leader, the nominee Romana Mwende is qualified and the Committee has seen it. So, by saying that because Catherine was brought by the Governor, I do not see having any right for the Executive to be giving us the names which will be working with the Ministry because if they give us the failures, I do not know whether we will go anywhere in this County and Machakos Assembly which is seated here now, I congratulate you; you are doing a good job, you are standing firm.

(Applause)

Even when you do not have the salary. You can do your work and you are showing your people there outside who have brought you here, what you are doing is what they have elected you for. Do not sing the song of someone; do your work, show that Mwende is qualified and she be given the job straight and I think she will bring a very big.....you can see her papers, she will bring a very big difference in this County. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Mueni. Hon. Members, I call upon the Mover of the Motion to reply. Hon. Kasyoki.

Hon. Kasyoki: Thank you, Hon. Speaker. I hope Members you will support this Motion. One, because having one Chief Officer in the Ministry or in the Department of Finance, will assist this Committee. If others could be appointed as Directors of revenue collection and mobilization, then we will have one Chief Officer answerable to this County Assembly.

(Applause)

So, I am urging you to support the Motion and let us please try to stop this habit of moving money from Department A to B without authority. Thank you, so much, thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Kasyoki.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Hon. Members, at this point we will take a short break, remember this is still the morning sitting. We are going to resume the sitting on the 27th day of November 2018 at 3.30 p.m; 27th day of November is today. Hon. Members, thank you so much for your patience but remember you are doing a duty to the public and particularly the people who put here. Thank you.

House rose at 2.38 p.m.

