

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 27th November, 2018

The House met at 3.50 p.m.

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

PRAYERS

Hon. Speaker: Good afternoon, Hon. Members. We agreed in the morning that we have a lot of work and we are strong and up to the task. So we need to start our afternoon sitting.

PAPERS LAID

REPORT OF LABOUR, PUBLIC SERVICE AND ICT COMMITTEE OF THE SECOND ASSEMBLY ON VETTING OF NOMINEES FOR THE POSITION OF CHIEF OFFICERS

Hon. Speaker: We have four by Hon. Kalumu, Hon. Kamulu, Hon. Kiilu and Hon. Maitha. Hon Kamulu?...Hon. Katumo.

Hon. Katumo: Madam Speaker, I want to stand in for Hon. Kalumu. I am a Member of this committee. I beg to lay the following paper on the table of the House today, 27th November, 2018: the report of the Labour, Public Service and ICT on vetting of nominees for the appointment to positions of Chief Officers and office of the County Secretary. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Katumo.

REPORT OF YOUTH, WOMEN, SPORTS AND PWDs COMMITTEE OF THE SECOND ASSEMBLY ON VETTING OF NOMINEE FOR THE POSITION OF CHIEF OFFICER

Hon. Kamulu: Hon Speaker, I beg to lay the following paper on the table of the House today 27th November 2018: the report of the committee of Youth, Women, Sports and PWDs on the vetting of Mr. Henry Carlos Kioko, nominee for the position of Chief Officer for directorate of youth ,sports, department of tourism, youth sports and culture. Thank you Hon. Speaker.

Hon. Speaker: Thank you Hon. Kamulu.

REPORT OF EDUCATION COMMITTEE OF THE SECOND ASSEMBLY ON VETTING OF NOMINEE FOR THE POSITION OF CHIEF OFFICER

Hon. Kiilu: Thank you Madam Speaker. I beg to lay the following paper on the table of the House today 27th November 2018: the report of the committee of Education on the vetting of Ms. Zuhura Rajab Khamisi for the position of the Chief Officer. Thank you Hon. Speaker.

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Hon. Speaker: Thank you Hon. Kiilu.

REPORT ON VETTING OF NOMINEES FOR CHIEF OFFICER BY JOINT COMMITTEE OF TRADE AND JUSTICE

Hon. Maitha: Madam Speaker, I beg to lay the following paper on the table of the House today 27th November 2018, the report of joint committee of Justice legal affairs and Trade, Economic planning and Industrialization on the vetting of two nominees for the position of Chief Officers to the department of decentralized units and urban areas. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Maitha.

NOTICES OF MOTION

Hon. Speaker: Hon. Members, we have four businesses by Hon. Kalumu and the house presumes that Hon. Katumo will stand in for Hon. Kalumu, Hon. Kamulu, Hon. Kiilu and Hon. Maitha. Hon. Katumo for Hon. Kalumu.

Hon. Katumo: Thank you, Madam Speaker.

REPORT OF LABOUR, PUBLIC SERVICE AND ICT COMMITTEE OF THE SECOND ASSEMBLY ON VETTING OF NOMINEES FOR THE POSITION OF CHIEF OFFICERS

Hon. Katumo: Thank you, Madam Speaker. I am standing in for Hon. Kalumu, the chairperson of Labour, Public Service and ICT committee.

Madam 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 five nominees were committed to the committee on Labour Public Service and ICT 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, 3rd and 4th October, 2018 and that it has compiled a report;

Hon. Speaker, I wish to give a notice of motion that, this Hon. House discusses and approves the Report of committee on Labour, Public Service and ICT on the vetting of nominees for appointments of position of Chief Officers and office of the County Secretary.

Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Katumo. You are still standing, you still want something more? This is a notice of motion you did not need to be seconded. Hon. Kamulu.

REPORT OF YOUTH, WOMEN, SPORTS AND PWDs COMMITTEE OF THE SECOND ASSEMBLY ON VETTING OF NOMINEE FOR THE POSITION OF CHIEF OFFICER

Hon. Kamulu:

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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 the nominee for the Chief Officer directorate of youth ,sports, department of tourism, youth sports and culture was committed to committee of youth, women, sports and PWDS 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 3rd October, 2018 and that it has compiled a report;

Hon. Speaker, I wish to give a notice of motion THAT, this Hon. House discusses and approves the Report of committee on youth, women, sports and PWDS on the vetting of Mr. Henry Carlos Kiiko, nominee for the position of Chief Officer for directorate of youth, sports department of tourism, youth sports and culture.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Kamulu. Hon. Kiilu.

REPORT OF EDUCATION COMMITTEE OF THE SECOND ASSEMBLY ON VETTING OF NOMINEE FOR THE POSITION OF CHIEF OFFICER

Hon. Kiilu: Thank you, Madam Speaker.

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 the nominee was committed to the committee of Education on 7th August, 2018 pursuant to Standing Order No. 42 (1) for vetting and approval;

Noting that the Committee conducted approval hearings of the nominee on 4th October, 2018 and that it has compiled a report;

Hon. Speaker, I wish to give a notice of motion that, this Hon. House discusses and approves the Report of Education committee on the vetting of the nominee for the position of Chief Officer.

Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Kiilu. Hon. Maitha.

REPORT OF THE JOINT COMMITTEE ON JUSTICE AND LEGAL AFFAIRS AND TRADE AND ECONOMIC PLANNING ON THE VETTING OF TWO NOMINEES FOR THE POSITION OF CHIEF OFFICERS

Hon. Maitha:

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 the two nominees was committed to the Joint committee of Justice legal affairs and Trade, Economic planning and Industrialization on the vetting of two nominees for the position of Chief Officers to the department of decentralized units and urban areas 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 2nd and 3rd October, 2018 and that it has compiled a report;

Hon. Speaker, I wish to give a notice of motion that, this Hon. House discusses and approves the Report of the report of joint committee on Justice legal affairs and Trade, Economic planning and Industrialization on the vetting of two nominees for the position of Chief Officers to the department of decentralized units and urban areas.

Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Maitha.

MOTIONS

Hon. Speaker: Hon. Members under this we have three businesses by Hon. Mitaa, Hon. Musau and Hon. Mutiso.

REPORT OF AGRICULTURE COMMITTEE OF THE SECOND ASSEMBLY ON VETTING OF TWO NOMINEES FOR THE POSITION OF CHIEF OFFICER

Hon. Mitaa: Thank you, Madam Speaker. I am here to read a report of Agriculture committee on vetting of officers for the appointment as Chief Officers in November, 2018.

Madam Speaker, on behalf of the Committee on Agriculture and pursuant to Standing Order 192(5)(f), it is my duty and pleasure to present to this House, the Committee's report on the vetting of nominees for appointment of Chief Officers in the Department of Agriculture and food security together with Dept. of Cooperative Development and Marketing. The Committee on Agriculture is one of the Sectoral committees established under Standing Order 190 and Second Schedule of Standing Orders---

Hon. Speaker: Hon. Mitaa, you will read the report but start by moving the motion.

Hon. Mitaa: Thank you Hon. Speaker.

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 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 Agriculture on 7th August, 2018 pursuant to Standing Order No. 42 (1) for vetting and approval;

Noting that the Committee conducted approval hearings of the nominees on 1st and 3rd 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 Agriculture on the vetting of two nominees for the position of Chief Officer.

Thank you Madam Speaker and I wish to request Hon. Agatha to support the motion.

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

Hon. Speaker: Thank you Hon. Agatha. Hon. Mitaa.

Hon. Mitaa: Thank you, Madam Speaker. I am here to present a report of Agriculture committee on vetting of officers for the appointment as Chief Officers.

Madam Speaker, on behalf of the Committee on Agriculture and pursuant to Standing Order 190(5)(f), it is my duty and pleasure to present to this House, the Committee's report on the vetting of nominees for appointment of Chief Officers in the Department of Agriculture and food security together with Department of Cooperative Development and Marketing. The Committee on Agriculture is one of the Sectoral committees established under Standing Order 190 and Second Schedule of Standing Orders. It is therefore one of the relevant Committees mandated to vet and report on approval by the County Assembly nominations as provided under Section 45(1) (b) of the County Governments Act, 2012.

Madam Speaker, the Sectoral Committee on Agriculture, derives its mandate from the provisions of Standing Order 190 (5) and the Second Schedule of the Standing Orders which defines the functions of the Committee among others as;

- To investigate and inquire into all matters relating to the assigned Departments as may be deemed necessary, and as may be referred to it by the County Assembly;
- To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 184 (Committee on appointments)

Madam Speaker, the committee on Agriculture comprises of the following Hon. members:

1. Hon. Moses Mitaa - Chairperson
2. Hon. Michael Mutiso– V/Chairperson
3. Hon. Agatha Mutunga- Member
4. Hon. Benedette Musyoka
5. Hon. Eric Musembi
6. Hon. Geoffrey Kamulu
7. Hon. Joshua Nzuki Muli
8. Hon. Constance Nzioki
9. Hon. Moffat Maitha
10. Hon. Nicholas Mutuku
11. Hon. Paul Nyanzi
12. Hon. Rozina Kanini
13. Hon. Tariq Mulatya

Madam Speaker, pursuant to Section 45(1)(a) of the County Governments Act, 2012, the Governor forwarded to the Speaker of the County Assembly, the names of Ms. Damaris Nthenya Mativo and Mr. Stephen Nguli Kilonzo for vetting and approval in the Departments of Agriculture and food security and that of Cooperative Development and Marketing respectively. The nominees were then committed to the Committee on Agriculture, to conduct vetting and report to the Assem-

bly as provided under the Public Appointments (County Assemblies Approval) Act, 2017. The nominees were notified of the time and place for holding the approval hearing through an advert in the print media as provided under Section 7 (4) of the Public Appointments (County Assemblies Approval) Act, 2017.

Madam Speaker, on 24th and 26th September, 2018, the committee held its sittings to lay procedures for handling the vetting exercise. The committee agreed to rely on provisions of Second Schedule of Public Appointments (County Assemblies Approval) Act, No. 5 of 2017 as the criteria for awarding marks

In conducting the approval hearing, the Committee was guided by Article 73(2)(a)(b)(c) and (e) of the Constitution, Section 7(8) and Section 8 of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017.

Section 8 of the Public Appointments (County Assemblies Approval) Act provides that the issues for consideration by the relevant County Assembly in relation to any nomination shall be—

- (a) The procedure used to arrive at the nominee including the criteria for the short listing of the nominees;
- (b) Any constitutional or statutory requirements relating to the office in question; and
- (c) The suitability of the nominee for the appointment proposed having regard to whether the nominee's credentials, abilities, experience and qualities meet the needs of the body to which the nomination is being made.

The committee received the following documents from the nominee;

- i. Curriculum Vitae, personal credentials and academic certificates.
- ii. Online Compliance Certificate from Kenya Revenue Authority (KRA)
- iii. Clearance Certificate from the Ethics and Anti-Corruption Commission (EACC).

(A cellphone rung)

Hon. Speaker: Hon. Mitaa... Serjeant-at-arms, if there is any phone that is ringing, I expect it to be with me. And Hon. Members please, we have talked about this for long, you are even interfering with reading of a report; it is not right. Going forward the phones that are going to read in this chamber, I will confiscate them; because I think I have given too many notices.

Hon. Mitaa: Thank you, Mr. Speaker

- iv. Clearance Certificate from the Higher Education Loans Board (HELB)
- v. Police Clearance Certificate from the Criminal Investigation Department (CID).
- vi. Clearance Certificate from Credit Reference Bureau (CRB)

Madam Speaker, the Committee was guided by the assessment form set out in the second schedule to the Public Appointments (County Assemblies Approval) Act, 2017 and Section 35 of the County Government Act, 2012. The Committee set the pass mark for assessment at 70 out of 100 marks. The marks were awarded as follows.

Madam 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' experience was awarded zero marks. Any nominee with five years' experience unrelated to the position was awarded zero marks.

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

Madam 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 range 14 to 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.

Madam 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.

Madam Speaker, a satisfactory presentation of content by the nominee was awarded 10 marks. The marks were broken as follows: 2 ½ marks in responding to questions promptly, 2 ½ marks in neatness of resume, 2 ½ marks in a dully filled application form and 2 ½ marks in appearance of the candidate. Punctuality was also taken into account.

Madam Speaker, a mark of 15 was awarded to a nominee who demonstrated ability in decision making/problem solving skills and passed the integrity test. The marks were broken down as follows:

- 5 marks for displaying the ability to make right decisions, identify problem, ability to offer a solution, ability to deal with causes rather than symptoms.
- 10 marks was awarded for integrity.
- If the nominee did not display the ability to make choices, identify problems, offer a solution or to deal with causes rather than symptoms she/he was awarded zero mark.

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

- Selection on the basis of personal integrity, competence and suitability, or election in free 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.

Further, Section 7(8) of Public Appointments (County Assemblies Approval) Act, 2017 requires that an approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background. In addition, Section 35 (3) (c) of the County Governments Act, 2012, provides that a person to be appointed as a county executive Committee member, he/she should satisfy the requirements of chapter six of the Constitution.

Vetting of Ms. Damaris Nthenya Mativo

Madam Speaker, upon appearing before the committee on Monday 1st October, 2018 at 10.00 a.m. On the basis of her oral and written evidence the following emerged:

Position applied

Ministry of Agriculture, food security and Cooperative Development
Chief Officer, Dept. of Agriculture and Food Security

Date and Place of Birth

The nominee was born in 03/10/1963 in Makueni County

Pin Number: A000103697N

Document of Identification

The nominee possesses a National ID card No. 5719609

Education Background

The Nominee holds;

- Msc. Livestock Production Systems, SEKU (Ongoing)
- MA, Community Development and Project Management, Egerton University (Ongoing)
- Bsc. In Agriculture from University of Nairobi (1987)
- A Level certificate from Alliance Girls High School(1982)
- O Level Certificate from Precious Blood, Kilungu (1980)
- Certificate in Computer Application to Data Management from Embu College (2003)

Professional Certificates

- The Nominee holds a Certificate in;
- Project Management, (2000)
- Quality Management, KARI (2013)
- Performance Management, Embu Agricultural Training Centre (2008)
- Certificate of Recognition of Exemplary Performance in NALEB (2005)
- Senior Management, Kenya Institute of Administration, (2004)
- Strategic Leadership, Kenya Institute of Administration,(2011)
- Project Planning, Kenya Institute of Administration,(2002)
- Financial Administration and Management, Institute of Administration, (2000)

Experience in Agricultural field

Madam Speaker, the Nominee has work experience of 31 years in the field of Agriculture in the following portfolios;

- Acting Chief Officer, Department of Agriculture and Food Security, Machakos County, from April 2016 To Date
- County Director of Livestock Production,Machakos County, from March 2013 to April 2016
- Senior Assistant Director of Livestock , Machakos District, 2002 – FEB 2013
- District Livestock Production Officer, Taita Taveta District, 1999-2002
- District Animal Production Officer, Taita Taveta District, 1997 – 1999
- Provincial Animal Production Officer, Western Province, 1991-1997
- Provincial Livestock Extension Coordinators, Western Province, 1989 – 1991
- Divisional Livestock Extension Officer, Vihiga Sub District, 1987 – 1989

Integrity

Madam Speaker, the Nominee had no integrity issues, hence she had been cleared by EACC.

Process of Assessment and Awarding of Marks

Madam Speaker, in the process of engagement, the committee used questions which were directed to the Nominee after which response was received. Marks were awarded using the guideline in the Second Schedule of Public Appointments (County Assembly approval Act). The pass mark was set at 70%. Below is a summary of marks awarded by individual assessors.

Candidate: Ms. Damaris Nthenya Mativo

	Marks	Marks awarded	ASS	TOTAL

Particulars	Available	ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6	7	
Work experience (as it relates to the position)	25	25	25	25	25	25	25	25	175
Education/training(relevant to the position)	25	25	25	25	25	25	25	25	175
Interest in and knowledge relating to specific position	15	15	14	12	14	15	13	13	96
Communication skills (written/oral)	10	10	10	10	8	9	8	8	63
Presentation (promptness, neatness of resume/application, appearance)	10	10	10	9	10	10	9	9	67
Decision making/problem solving skills	15	12	10	14	13	12	11	10	82
Total marks	100	97	94	95	95	96	91	90	658
No. of Assessors	-	-	-	-	-	-	-	-	7
Mean Mark	-	-	-	-	-	-	-	-	94%

Vetting Of Mr. Stephen Nguli Kilonzo

Madam Speaker, upon appearing before the committee on Wednesday 3rd October 2018 at 2.30 pm and on the basis of his oral and written evidence the following emerged.

Position applied

Ministry of Public Service, Quality Management and ICT
Chief Officer, Dept. of Cooperative Development and Marketing).

Date and Place of Birth

The nominee was born on 02/07/1972 in Machakos County
Pin Number:A002649614Y

Document of Identification

The nominee possesses a National ID card No. 11397531

Education Background

The Nominee holds;

- MA in Leading Innovation and Change, York St. John University (UK) (Ongoing)

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- Bachelor of Science Horticulture, Egerton University (1996)
- KCSE, Moi Forces High School, (1990)

Professional Certificates

- The Nominee holds a Certificate in;
- Strategic Management, UNISA (2008)
- Business and Financial Management, Centre for promotion of Imports, Netherlands (2002)
- Sales Negotiation and Motivation, Red Cherry Organization, (2006)
- Participatory Project Planning, Primarosa, (2003)

Experience in Agricultural field

Madam Speaker, the nominee has work experience of 21 years in the field of public service and Marketing in the following portfolios;

- Director, Sports, County Stadia & Sporting Facilities, County Government of Machakos, Feb 2014 to date
- Director, Business Development & Marketing ,Department, of Agriculture, Livestock Fisheries & Cooperative Development, County Government of Machakos, Feb 2014- 2016
- Director, Sales & Marketing, Craft Silicon Ltd, 2012 -2013
- Chief Commercial Officer, Cellulant (k) Ltd, 2012 – 2012
- Director, Business Development, Africa Rural Trainers Trust, 2009 – 2011
- Head, Sales & Marketing – Flower Division, East African Growers Ltd, 2007 – March 2009
- Marketing & Export Manager, Gold Fields Ltd, 2004- 2007
- Marketing & Export Manager, Primarosa Flowers Ltd, 2002 –2004
- Marketing & Quality Manager, Red Hill Gardens Ltd, 2000 – 2002
- Marketing & Quality Manager, Sophia Roses ltd, 1998- 2000
- Sales Executive & Production Assistant, Karen Roses Ltd, 1997 – 1998

Integrity

Madam Speaker, the Nominee had no integrity issues, hence she had been cleared by EACC.

Process of Assessment and Awarding of Marks

Madam Speaker, In the process of engagement, the committee used questions which were directed to the Nominee after which response was received. Marks were awarded using the guideline in the Second Schedule of Public Appointments (County Assembly Approval) Act. The pass mark was set at 70%. Below is a summary of marks awarded by individual assessors.

Candidate: Mr. Stephen Nguli Kilonzo

Particulars	Marks Available	Marks awarded						ASS 7	SUM
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6		
Work experience (as it relates to the position)	25	25	25	25	25	25	25	25	175
Education/training(relevant to the position)	25	25	25	25	25	25	25	25	175

Interest in and knowledge relating to specific position	15	10	8	11	15	9	9	10	72
Communication skills (written/oral)	10	7	9	10	8	9	8	8	59
Presentation (promptness, neatness of resume/application, appearance)	10	10	10	9	10	10	9	9	67
Decision making/problem solving skills	15	12	10	9	10	12	11	10	74
Total marks	100	89	87	89	93	90	87	87	622
No. of Assessors	-	-	-	-	-	-	-	-	7
Mean Mark	-	-	-	-	-	-	-	-	89%

General Observations For The Nominees

Ms. Damaris Nthenya Mativo

- Had been nominated in the Department of Agriculture and Food Security In the Ministry of Agriculture, food security and Cooperative Development.
- Holds a Bsc. In Agriculture from University of Nairobi (1987). This is relevant to the Department the Nominee was appointed to serve.
- Posses 8 professional certificates from different institutions on matters of Planning, Management, Strategic Leadership and Financial Administration
- Demonstrated a 31 years' experience in the field of Agriculture, whereby the Nominee has worked in Western Province, Vihiga and Taita Taveta regions. Further the Nominee has served Machakos County as Director and as Chief Officer Department of Agriculture from 2013.
- No integrity issues had been reported
- Demonstrated to have sufficient knowledge on matters relating to the Department on Agriculture.
- Scored a mean mark of 94 per cent above the pass mark which had been set at 70 per cent hence passed the interview.

Mr. Stephen Nguli Kilns

- Had been Nominated in the Department of Cooperative Development and Marketing in the Ministry of Public Service, Quality Management and ICT
- Holds a Bsc. Horticulture from Egerton University (1996)
- Possesses 4 professional certificates from various institutions in the fields of Strategic Management, Business and Financial Management, Sales and Marketing, Participatory Project Planning.
- Demonstrated a 21 years' experience in the field of marketing majorly in the flower industry.
- No integrity issues had been raised on the Nominee

- Demonstrated to have knowledge majorly in the field of in marketing. However the Nominee seemed NOT to possess adequate information on matters of Departmental performance specifically on Agronomy, Livestock and Budgetary issues.
- Scored a mean mark of 89 per cent, hence passed the interview whose pass mark was set up at 70%.

Recommendation

Ms. Damaris Nthenya Mativo

Madam Speaker, considering the marks scored (94%), good academic and professional qualifications, exemplary knowledge and experience in the field of Agriculture, clear understanding and appreciation of the role of County Chief Officer as established under the relevant law. and pursuant to Section 9(2) of Public Appointments (County Assemblies Approval) Act No.5 of 2017, the committee recommended Ms. Damaris Nthenya Mativo, suitable for the position of Chief Officer, Department of Agriculture and Food Security in the Ministry of Agriculture, food security and Co-operative Development.

Mr. Stephen Nguli Kilonzo

Madam Speaker, considering the marks scored (89%), the academic and professional qualifications provided, response on issued questioned around the Department of Agriculture, the Nominee PASSED the vetting process. The committee noted that the nominee is well informed in the field of Cooperatives and Marketing.

However it was noted that the Department of Cooperative Development and Marketing which the nominee had applied for is already duplicated in the Ministry of Agriculture, food security and Cooperative Development which Ms. Damaris Nthenya Mativo had been appointed in. Further, the Ministry the nominee is appointed in that is Public Service, Quality Management and ICT relates to the Ministry of Public Service, quality management and ICT that is already in existence. This symbolizes a duplication of roles already existing in the Department of Labor, Public Service and ICT. The committee noted that by considering the stated nominee for the appointed Department of Cooperative Development and Marketing amounts to unnecessary ballooning of Wage Bill and that the Ministry of Agriculture requires only one Chief Officer.

The committee therefore recommended that Mr. Stephen Nguli Kilonzo should be considered for appointment in the Department of Labor, Public Service and ICT but not as a Chief Officer in the Department of Cooperative Development and Marketing.

Conclusion

Madam Speaker, Chief Officers form part of the accountability chain which is the most critical driver for improving financial management in the public sector. The PFM Act places a clear responsibility on Accounting Officers to ensure that the department's revenue, expenditure, assets and liabilities are efficiently and effectively managed. This requires appropriate systems and procedures.

Accounting Officers are expected to act as managers in ensuring that mechanisms for management of resources are effective. They must monitor progress on the Department's operational plan (which includes the budget), and produce, consider and act on monthly and quarterly reports. They must therefore ensure that they put in place best practice controls, and have quality financial staff in order to achieve best performance in the Department.

It is therefore my privilege and pleasure on behalf of the Committee on Agriculture to table before this Hon. House the report on vetting of two officers for appointment as Chief Officers for discussion and adoption. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon Mitaa. Hon. Members I will propose the question so that you can debate on the motion.

(Question proposed)

Hon. Members the motion is open for debate. Hon Museku.

Hon. Museku: Thank you, Madam Speaker. First of all I would like to thank the chair Agriculture and his team for a well presented report. The report is self-explanatory, the report seems to be straight and to the point, the committee has clearly explained the criteria they used and has gone into great lengths to award the marks and to show the differentiation between the two officers and the reason why they have reached on Ms. Damaris Nthenya Mativo to be offered this position and the reason why they have said the other gentleman, Mr. Stephen Nguli Kilonzo should have been offered a position in another department where his experience is more relevant.

So Madam Speaker, with such a smooth report and with such clear evidence on how the committee has gone, I would suggest that we move ahead and recommend that Madam Damaris Nthenya Mativo be approved by this Hon. House for the position of Chief Officer in the department of Agriculture. Thank you Madam Speaker.

Hon. Speaker: Thank you Hon. Museku. Hon Kamitu.

Hon. Kamitu: Thank you very much Madam Speaker. I have gone through and I was following the report and I really stand to support the report and echo the sentiments of the committee for Agriculture and more so, the chair Hon. Mitaa who is my neighbour at home and who is my young brother, and on a very serious note say the committee sat down and all the members were in agreement that the report in regard to Damaris Nthenya Mativo as the Chief Officer for Agriculture is a self-explanatory and Madam Speaker, I do not want to say that because we have many more coming. This is a report Madam Speaker that we do not have to take time; it is a self-explanatory report and I really support and say that is the mood and that should be the mood of the House and the cooperation of the House in regard to good issues. Otherwise thank you Madam Speaker I stand also to be supported by another member. Thank you, Madam Speaker.

(Applause)

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

Hon. Muendo: Thank you Hon Speaker. I think this House is doing very well. This is a good job and this is the time we are going to get, Madam Speaker, the right people. Look at Page 8, the experience with this lady; the experience. I was a bit worried about the age, 1963, but Hon Museku told me---

Hon. Speaker: Why would you be worried about the age?

(Laughter)

You know you do not touch....

Hon. Muendo: Because it is only five years then she will retire.

Hon. Speaker: No, no, even those who have retired can serve.

Hon. Muendo: Okay, on contract. Thank you Madam Speaker. I was just---

Hon. Speaker: And I think you may be in that category.

Hon. Muendo: I am being a bit happy when I see committees doing this work; committees coming with the best, comparing two, comparing three and then they pinpoint the best. This is good work chairman, Agriculture so Madam Speaker I do not think we should debate much on this; we cannot deny The Nairobi University, The Nairobi, and you can see those are the days when degrees were degrees and I am saying with this kind of wealth of experience from different counties; Taita Taveta, Western Province, western you know Vihiga, you know this is somebody who can transform the Ministry of Agriculture; this is an officer who knows as a Chief Officer, what it takes and she has a wealth experience from Government. Thank you Madam Speaker. This one should be employed straight away. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you Hon Majority. Hon Agatha.

Hon. (Ms.) Mutunga: Thank you Madam Speaker. I stand to support this report. I happen to be a member of this committee and I will go straight to page 8 as the majority has said. I was so excited when I see such ladies prove to be or to transform this county, and I wish this county would appoint all ladies through because they seem to perform better in this county and I can attest to that if asked to. So Madam Speaker, I support and for sure we have to give this lady Mativo this job because she is among the ladies that we desire to have in Machakos and when they work with the Hon Speaker and expected Governor to come in this county...

Hon. Speaker: Hon. Agatha, do not be out of order. The first part was okay but the last part was not okay. Please address the matters on the table.

Hon. (Ms.) Mutunga: Thank you Madam Speaker I stand guided, so I stand to support. Thank you.

Hon. Speaker: Thank you very much Hon. Members I will call upon the mover of the motion to reply.

Hon. Mitaa: Thank you Madam Speaker. I take this opportunity to thank my Hon. Members my colleagues for appreciating our work. Indeed I must commit myself that we are here to serve the Machakos people diligently and I am not seeing us failing them. I wish and I pray that all departments can have the same urge to serve the Machakos people and to deliver because we are earning and we should show the reason why we are here to earn. I appreciate in advance Madam Speaker. I have read the mood of the House that there is no opposing voice on this report. Thank you Madam Speaker.

(Applause)

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

(Question put and agreed to)

And just an off the cuff Hon Members, I was just waiting for you to vote in favour of this lady; I do not know her but we went to the same school, Alliance Girls, so when Hon Agatha is saying you should put more women and then I hear Majority Leader grumbling, I get a bit worried and tomorrow we are voting on the two thirds gender rule in the National Parliament.

(Applause)

Let us put women in positions of leadership; they can deliver. I can also see like not so much an approval on the face of the Deputy Majority. Hon. Members alright, let us go on with the business of the House. The next business under the same order is by the Hon. Musau. Hon. Musau.

REPORT OF ENVIRONMENT, LANDS, ENERGY AND NATURAL RESOURCES COMMITTEE OF
THE SECOND ASSEMBLY ON VETTING OF THREE NOMINEES FOR THE POSITION OF CHIEF
OFFICER

Hon. Wambua: Thank you, Madam Speaker. It is my hope that the House is going to pardon me on my sore throat and my running nose.

Madam Speaker, I would wish to move the motion on report on the vetting of nominees for appointment the position of Chief Officer in committee on Environment, Lands, Energy and Natural Resources;

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 Environment, Lands, Energy and Natural Resources 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 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 Environment, Lands, Energy and Natural Resources Committee of the Second Assembly on the vetting of three nominees for the position of Chief Officer.

Madam Speaker, I implore Hon. Koki to second this motion. Thank you Madam Speaker.

Hon. Speaker: Thank you, Hon Musau, Hon You called who? Hon who? To support your motion?

Hon. Wambua: Hon Christine Koki.

Hon. Speaker: Hon. Christine Koki, are you willing?

Hon. (Ms.) C. Koki bowed.

Hon. Speaker: Alright I can see you are teaching many of us something, but we have all been attending trainings. She has seconded you.

Hon. Wambua: Thank you Madam Speaker and thank you Madam Christine Koki. Hon. Speaker, the Environment, Lands, Energy and Natural Resources Committee is a Sectoral Committee established pursuant to Standing Order 192(3) of the Machakos County Assembly Standing Orders.

Hon. Speaker, this committee is mandated to deal with all matters related to the implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor advertising; land survey and mapping; boundaries and fencing; electricity and gas reticulation; energy regulation; water management systems in built up areas and water sanitation services.

Further, Standing Order 192(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 Appointments*)

1.3 Committee Membership

Hon. Speaker, the Committee is comprised of the following members:-

1. Hon. Robert Kisini - Chairperson
2. Hon. Christine Koki - V/Chairperson
3. Hon. Alex Kamitu - Member
4. Hon. Brian Kisila
5. Hon. Cosmas Kieti Muia
6. Hon. Jeremiah Munguti
7. Hon. George King'ori
8. Hon. Hellen Ndeti
9. Hon. Jacqueline Nziva
10. Hon. Jane Nyawira
11. Hon. Joseph Musau
12. Hon. Mark Muendo
13. Hon. Michael Mutiso

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.

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 Committee on Environment, Lands, Energy and Natural Resources are:-

1. Eng. Newton Musyoka Muinde - Nominee for the position of Chief Officer. Department of Energy and Electrification.
2. Mr. Jackson Wambua Muthini - Nominee for the position of Chief Officer. Department of Water and Irrigation.

3. Dr. Stephen Nzioki Mailu - Nominee for the position of Chief Officer, Department of Environment and Natural Resources.

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.

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.

Madam 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)

Madam Speaker, the committee met for the approval hearings of the nominees on 1st, 2nd and 4th 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.

Hon. Speaker, the Committee was guided by Chapter Six & Article 124(4) of Constitution of Kenya, 2010 and Sections 7 & 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.

Madam 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.

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 any experience in the related field was awarded zero marks.

Hon. Speaker, any nominee who had a first degree was awarded 25 marks. If the nominee did not have a first degree was awarded zero marks.

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.

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.

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.

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.

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.

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 three (3) nominees.

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:

Eng. Newton Musyoka Muinde - Nominee For The Position of Chief Officer, Department Of Energy And Electrification.

Hon. Speaker, the nominee appeared before the Committee on 1st 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 on 11th February, 1985 in Machakos County

Document of Identification

The nominee possesses a National ID. No. 24789724

Academic and Professional Qualifications

Hon. Speaker,

- i. The nominee holds a bachelor's degree in Electronic Engineering, from Jomo Kenyatta University of Agriculture and Technology (Kenya) (2010)
- ii. The nominee further has a Masters degree in Strategic Management from Saint Paul University (Kenya) (2017)
- iii. He is a registered Engineer (ERB).

Nominee's Knowledge of the Department

Asked on his knowledge of the Department, the Nominee responded that he understood well and the task ahead of him.

Work Experience

Hon. Speaker, the nominee stated that he has five years' experience in the department of Energy and Natural Resources and other fields as business development manager.(2013 -2017).

Net worth

The nominee stated his net worth to be 1.4M

Honours and Awards

Madam Speaker, the nominee informed the committee that he did not have any Honors and Awards.

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

Integrity

Hon. Speaker, the nominee submitted the following;

- i. Self-declaration form- EACC (30.08.2018)
- ii. Tax Compliance Certificate valid (24.05.2018)
- iii. Credit Reference Bureau Certificate of clearance issued by Metropol on 06.09.2018
- iv. Police clearance certificate issued by DCI indicating Nil offence (05.09.2018)
- v. HELB clearance certificate issued (07.09.2018)

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.

Nominees' Response to further Questions by the Committee

The nominee when asked on his achievements in current appointment he said that he is currently carrying out bid evaluation and project management for construction of National Tourism Fund, Nairobi.

The nominee when asked on experience he has in regards to the docket applied for he responded that when he worked at the county he was able to impact and support many people to lit their markets with *Mulika Mwizi* hence making a difference in their lives.

Reasons for quitting the current job and how to improve the department

In response to the above issue the nominee informed the committee that he needed to serve in a new and more challenging department.

Challenges in current career

The nominee in response to challenges in current career he informed the committee that management of the Human resources is a challenge especially the demotivated staff however through team work he has been able to overcome such.

Knowledge of County Government and the department he has been nominated

In response to the above he informed the committee that the county government is headed by the Governor who is assisted by the Deputy Governor. County Executive Members assists them in the running of the county. The department of Environment and Natural Resources will be coordinated by Chief Officer who will be responsible to the County Executive Member in charge of the department.

New changes to be brought on board

The nominee was asked on the changes he intended to bring on board when given the job and he informed the committee that he will do skill development for technical staff so that they are able to handle projects professionally. He further said he will initiate partnership with Rural Electrification Authority to power all homes with electricity and also partnership for private public investments in areas of solar farm development. He will pay all suppliers after verification that goods and services were procured and delivered.

Application of Innovation

The nominee was asked to highlight on innovation skills to be brought on board and in response he informed the committee that he will change sodium vapour streetlights to LED streetlight. The same will save 70% of utility bills.

Relating with Subordinates

The nominee was asked to explain how will related with his subordinates and in response he said that his career grew exponentially as he joined the senior management team. There he learnt to work as a team and being able to delegate without losing control.

Role of a Chief Officer in management of finances

In response to the above question the nominee informed the committee that the Chief Officer is the accounting officer in the department. He is in charge of preparing budget estimates, annual plans and programmes. He is further in charge of developing and implementation of strategic sector plans and performance management. He formulates and implements policies and plan that conform to county strategic plans. Lastly he said promoting national values and principles of good governance as outlined in article 10 and 232 of the Constitution.

Adequate Electric or Solar Power

The nominee was asked on how he intended to provide adequate electric or solar power in all Households and he informed the committee that he will form partnership with international solar alliance so as to fund renewable energy in the county. He will further partner with Rural Electrification Authority and Kenya Power in enhancing the last mile connectivity. He will also lobby for funds to distribute solar home lighting kits to the very poor people.

Committee observations

Hon. Speaker, the nominee:

- i. Has the necessary academic qualifications
- ii. Has necessary experience as related to the portfolio to which he has applied for .
- 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.

Awarding of Marks on the Assessment Form:

Eng. Newton Musyoka Muinde: Nominee, Chief Officer for the Department of Energy and Electrification on 1st October, 2018

Particulars	Marks Available	Marks awarded							
		A SS 1	AS S 2	AS S 3	ASS 4	A S S 5	AS S 6	ASS 7	AS S 8
Work experience (as it relates to the position)	25	25	20	23	25	25	25	25	25
Education/training(relevant to the position)	25	25	25	25	25	25	25	25	25
Interest in and knowledge relating to specific position	15	12	10	15	14	15	10	15	10
Communication skills (written/oral)	10	08	10	10	09	10	08	10	08
Presentation (promptness, neatness of re-sume/application , appearance)	10	08	10	10	09	10	08	09	08

Decision making/problem solving skills	15	13	10	13	13	13	14	14	5
Total marks	100	91	85	96	95	97	90	98	81
GRAND TOTAL MARKS	733								
MEAN	91								

The nominee attained 91% having been assessed by eight (8) Hon Members.

Mr. Jackson Wambua Muthini - Nominee For The Position Of Chief Officer, Department Of Water And Irrigation.

Hon. Speaker, the nominee appeared before the Committee on 2nd October 2018 at 10.20 a.m 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 20th May, 1993 in Machakos County.

Document of Identification

The nominee possesses a National ID card No. 23276232.

Academic and Professional Background

Hon.Speaker;

- The nominee holds a bachelor's degree in Mathematics and Physics from Kenyatta University (Kenya). (2007)
- He further holds a Masters degree in Human Resource Management from Jomo Kenyatta University of Agriculture and Technology. (2009)

Work Experience

Hon. Speaker, the nominee stated that he has more than five years' experience in the field applied for and to date he is the Ag. Chief Officer Water and Irrigation. He was attached at Nairobi Water and Sewerage Company where he gained some experience prior to his current position.

Net worth

The nominee stated that he depends on a monthly salary

Integrity

The nominee submitted a tax compliance certificate issued by the KRA valid until 18.12.2018
The nominee has been cleared by the Metropol Credit Reference Bureau limited dated 10.9.2018
The nominee presented a clearance certificate from the HELB dated 30th July, 2013
The nominee presented a police clearance certificate dated 7.09.2018
The candidate presented a self-declaration form from the EACC dated 7th September. 2018.

Nominee's response to further questions by the committee

On achievement in the previous appointments the nominee said that he oversaw successful implementation of various water projects in Yatta e.g drilling of Kalukuni, Kithimani market and Naivasa boreholes among other water projects. As a sub-county administrator Yatta the nominee said that he brought order & cleanliness in Matuu, Kithimani and Katangi markets. As a sub county administrator Machakos town sub county the candidate brought order in Machakos Bus Park & cleanliness in Machakos town.

On current achievements the nominee said that within a year he had increased the number of functional boreholes from 214 to 325, Dams/water pans from 192 to 219 and Weirs from 104 to 173. He has also helped the department come up with a water policy 2018 that never existed in addition to laying HR system that set the department at a level of achieving more results. On experience in the career, the candidate has dealt with matters of water since 2011 (On attachment at the Nairobi water & Sewerage company) and later from 2014 to date.

The nominee informed the committee that some of the challenges are; inadequate financing (Low budgetary allocation by the Assembly), vandalism of boreholes power parts as well as breakage on boreholes capping and inserting stones, poor public participation in project implementation.

The nominee informed the committee that to mitigate some of the challenges, the candidate will involve members of public in every aspect of the project i.e from conception to implementation as well as creating awareness on the need to protect projects. The world is dynamic and every day a new idea emerges, he would be open to new ideas both internally within staff and externally through benchmarking on the best practices.

The nominee said that his relationship with subordinate is good and for him to realize success there has to be synergy. Always involving in decision making particularly in areas that affect them directly.

Role of Chief Officer

The nominee said that the role of Chief Officer as outlined in the County government Act, 2012 and Public finance Act, 2012 are: General administration in respect of budgets of the assigned County Department, Provision of strategic policy direction for the effective delivery of services by the department, Development and implementation of county strategic plans and sector development plans, Ensuring promotion and compliance with National values and Principles of Governance as outlined in Articles 10 and 232 of the Constitution of Kenya 2010.

Application of Innovation Skills

The nominee informed the committee that first, there is need to appreciate efforts made so far in provision of clean, portable water; however, if appointed to the position he will greatly focus on increasing storm water harvesting through construction of dams/pans, weirs and roof catchments

Dealing with particular water related cases and vandalism

The nominee informed the committee that conflicts are common in the water field and he has dealt with many of this – just to note a case of conflict between Masai and Kamba community on the use of Konza Community borehole (*During the dry period of last year due to water shortage for livestock on the Kajiado side the pastoralist crossed over to quench thirst for their livestock at our borehole hence denying our people their full right on the source use*).

He further informed the committee that Milaani borehole vandalism, with support from local community he managed to arrest the culprit and recovered the stolen parts. The culprit was charged in a court of law and sentenced to two (2) years imprisonment.

If appointed to the position, he will greatly focus on construction of dams/pans, weirs and roof water harvesting. The reason is because people can tap adequate water from this natural source at little cost/simple techniques and in addition these sources also help re-charge the underground.

Committee's Observations

Hon. Speaker, the nominee:

- i. Has the necessary academic qualifications
- 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.

Awarding of Marks on the Assessment Form:

Particulars	Marks Available	Marks awarded by Assessors												
		1	2	3	4	5	6	7	8	9	10	11	12	
Work experience (as it relates to the position)	25	25	20	25	25	25	25	25	25	24	25	25	25	25
Education/training(relevant to the position)	25	20	25	25	24	25	25	25	25	24	25	25	25	25
Interest in and knowledge relating to specific position	15	15	15	15	15	14	15	14	15	15	15	13	15	14
Communication skills (written/oral)	10	10	10	9	10	9	10	9	10	9	10	10	10	8
Presentation (promptness, neatness of resume/application, appearance)	10	10	10	10	10	9	10	8	10	9	10	10	10	8
Decision making/problem solving skills	15	10	10	15	15	13	15	12	15	15	15	15	13	13
Total marks	100	90	90	99	99	95	100	93	98	98	98	98	98	93
Grand Total	1151													

Mean	96
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The candidate scored 96% out of 12 assessors.

Dr. Stephen Nzioki Mailu – Nominee For The Position Of Chief Officer, Department Of Environment And Natural Resources.

Hon. Speaker, the nominee appeared before the Committee on 4th 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 informed the committee that he was born on 23rd April, 1983 and brought up in Mbitini Ward, Nzau Sub County, Makueni Constituency, Makueni County. Currently he resides in Katumani, Machakos County.

Document of Identification

The nominee possesses a National ID. No.22758067

Academic and Professional Qualification

Hon. Speaker,

- He pursued Bachelor's degree in Mathematics and Chemistry from Kenyatta University (Graduated with a First Class Honours)(2003)
- He has MSc. (Environmental Chemistry) and PhD (Environmental Chemistry) – University of the Western Cape in South Africa.(2010)
- He has Phd in Environmental Chemistry (2013)

Work Experience

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

- As a lecturer of Environmental Chemistry, he is versed with environmental matters. In addition, his research is on water purification and aims at making the environment clean.
- He has a huge experience in sand conservation and Utilization – He has served as a board director, Makueni County Sand Conservation and Utilization Authority.
- Coordination of departmental activities is well known to him having served as a chairman of Department and currently being the Dean of Machakos University.

Net worth

The nominee stated his net worth to be Kshs 4,000,000.00 (4M)

Honours and Awards

Madam Speaker, the nominee has attended several international conferences on environmental related matters. He has also attracted several research grants i.e project on soap and detergent production award (Kshs. 1M), Research grant award (Kshs.450,000) Seeding labs equipment access award USD 170,690 etcetera and has a wide experience in sand conservation and value addition to sand.

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

Integrity

Hon. Speaker, the nominee submitted the following;

- i. Self declaration form- EACC (Dated 3rd September, 2018)
- ii. Tax Compliance Certificate valid till 06/06/2019
- iii. Credit Reference Bureau Certificate of clearance issued by Metropol on 03.09.2018 indicating no negative listing.
- iv. Police clearance certificate issued by DCI on 31.08.2018
- v. HELB clearance certificate issued on 07.09.2018

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.

Nominees' Response to further Questions by the Committee

Achievements in Current Appointment

The nominee when asked on his achievements in current appointment he said that he is currently the Dean, School of Pure and Applied Sciences, Machakos University and as a dean he coordinates the smooth running of the school; He further ensures materials are available for use in the school. Proper management of the allocated school budget and ensures that the Human resources required for the school to run smoothly are availed. Under his leadership, the school has grown from a staff population of 9 to the current 44. Besides being a dean, he is also a researcher in Environmental matters which have attracted several research grants.

Experience

The nominee when asked on experience he has in regards to the docket applied for he responded that as a lecturer of Environmental Chemistry, he is versed with environmental matters. In addition, he has done research on water purification and aims at making the environment clean.

He further informed the committee that he has experience in sand conservation and utilization as he serves as a board director, Makueni County Sand Conservation and Utilization Authority.

Reasons for quitting the current job and how to improve the department

In response to the above issue the nominee informed the committee that he needed to serve in a new and more challenging department and his vision in the next five years is to have a green Machakos County; all towns and market centres in the county should be clean and environmentally well managed and no or minimal pollution to the environment from industries.

Challenges in current career

The nominee in response to challenges in current career he informed the committee that management of the Human resources is a challenge especially the demotivated staff however through team work he has been able to overcome such.

Knowledge of county government and the department he has been nominated

In response to the above he informed the committee that the county government is headed by the Governor who is assisted by the Deputy Governor. County Executive members assists them in the running of the county. The department of Environment and Natural Resources will be coordinated by Chief Officer who will be responsible to the County Executive Member in charge of the department.

New changes to be brought on board

The nominee was asked on the changes he intended to bring on board when given the job and he informed the committee that as the first Chief Officer of the Department, he will ensure all the relevant policies are in place, he will form a team to come up with proposals for funding; this will go along in getting more resources to drive the green county initiative. He will prudently utilize the allocated fund for green Machakos County Activities and proper utilization of the Natural Resources.

Application of Innovation

The nominee was asked to highlight on innovation skills to be brought on board and in response he informed the committee that with his huge experience in sand utilization and his strong background in Environmental Chemistry, he would initiate an establishment of a production plant close to sand rich zones. The plant would involve value addition of sand and will produce/manufacture products such as glass, concrete blocks, fencing posts and sand for packaging which will be the first plant of such a kind in Kenya.

He further informed the committee that he will form several proposal writing teams to write and submit proposal for funding from donors on environment and climate change.

Relating with Subordinates

The nominee was asked to explain how will related with his subordinates and in response he said that treatment of all persons with respect and dignity has been his leadership style and he would equally embrace it. He further said he will create avenues for motivation as resources may allow and work for each individual will be appreciated.

Role of a Chief Officer in management of finances

In response to the above question the nominee informed the committee that the Chief Officer is the accounting officer in the department. He is further said that preparation of the annual budget and the implementation/proper utilization of the allocated funds in the department lies under the docket of Chief Officer.

Curbing Environmental Pollution

The nominee informed the committee that Monitoring and Evaluation of all the environmentally affected areas will be done. Necessary control and prevention measures will be employed and stake holders participation will be very key.

Handling sand and mining issues

The nominee in response on sand and mining issues he responded that the County Assembly passed the Sand harvesting Act of 2014 and his task will be to implement and operationalize the act. He will initiate the establishment of a Sand Authority to manage sand harvesting which will go along in ensuring that sand is well conserved and utilized.

Further he said that all the quarry mines will be closely monitored; those that are affecting the environment negatively will be closed. He said he will initiate tree planting activities to all the deforested areas and building of sand dams and gabions will be part of the activities to be undertaken. Disposal of solid wastes will be closely monitored to ensure a clean Machakos County.

Committee's Observations

Hon. Speaker, the nominee:

- vii. Has the necessary academic qualifications
- viii. Has necessary experience as related to the portfolio to which he has been nominated.

- ix. Has exhibited knowledge and interest in the department.
- x. He is aware of the requirements and has the necessary clearances for purposes of Chapter Six of the Constitution
- xi. He is confident and has good communication skills.
- xii. He is neat and presentable both in person and resume.

Awarding of Marks on the Assessment Form:

Dr. Stephen Nzioki Mailu – Nominee for the position of Chief Officer, Department of Environment and Natural Resources.

Particulars	Marks Available	Marks awarded								Total awarded
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6	ASS 7	ASS 8	
Work experience (as it relates to the position)	25	25	23	25	15	24	25	25	24	
Education/training(relevant to the position)	25	25	25	25	25	25	25	25	25	
Interest in and knowledge relating to specific position	15	13	14	15	15	15	15	15	14	
Communication skills (written/oral)	10	08	10	10	10	10	10	10	10	
Presentation (promptness, neatness of resume/application, appearance)	10	09	10	10	10	10	10	10	09	
Decision making/problem solving skills	15	14	11	15	10	14	13	15	14	
Total marks	100	94	93	100	85	98	98	100	96	764
Mean										9

The candidate scored 96% out of the 8 assessors.

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General Observations

- The three candidates the committee vetted are under three Ministries i.e (1) Ministry of Decentralized Units, County Administration, *Environment and Solid Waste Management*, (2) Ministry of Agriculture, Livestock, Fisheries, *Water and Irrigation* and (3) Ministry of Land, Urban Development, *Energy and Natural Resources*.
- Dr. Stephen Nzioki Mailu attained 96% out of the eight assessors for the position of Chief Officer, Department of Environment and Natural Resources
- Mr. Jackson Wambua Muthini attained 96% out of the twelve assessors for the position of Chief Officer, Department of Water and Irrigation
- Eng. Newton Musyoka Muinde attained 91% for the position of Chief Officer, department of Energy and Electrification.

Recommendations

In the spirit of Article 179 (3) of the Constitution of Kenya 2010, section 45 (3) of the County Governments Act, 2017, a motion limiting the number of Chief Officers to ten (10) was approved in the House on 6th November, 2018.

1. That Dr. Stephen Nzioki Mailu is APPROVED for appointment as the Chief Officer in the Department of Environment and Natural Resources. This decision was arrived after members agreed that Dr. Mailu had the highest qualification and also his credentials cut across other fields e.g Water and Energy which are both natural resources and therefore he can handle all the dockets.
2. That the departments of Water & Irrigation and that of Energy and Electrification can be headed by directors and therefore Eng. Newton Musyoka Muinde and Mr. Jackson Wambua Muthini are not approved for the positions nominated for.

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 Environment, Lands, Energy and Natural Resources Committee to table this Report on the Vetting of Three (3) Nominees for the Position of Chief Officer in this Hon. House for consideration and approval. Thank you Hon. Speaker.

(Applause)

Hon. Speaker: Thank you very much Hon. Musau.

(Question proposed)

Hon. Members the Motion is open for debate. Hon. Rozina.

Hon. (Ms.) Kanini: Thank you, Madam Speaker. Madam Speaker the credentials of one Dr. Stephen Nzioki Mailu are neither debatable nor questionable and I think it is up to the task and I beg this Hon. House to adopt the report. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Rozina. Hon. Kiilu.

Hon. Kiilu: Allow me to more sincerely first of all thank Hon. Musau, I never knew that he could read that first. Allow me also to thank the Committee for the job well done. Indeed when I was perusing through the papers, I realized that the work that they did is thorough and has no mistakes and I sincerely want to recommend whatever the Committee has said and actually is also my pleas to this House that we recommend that one Dr. Stephen Nzioki should be approved for that docket. Actually the work is good. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kiilu. Hon. King'ori.

Hon. King'ori: Thank you. I want to recommend something which is not here that because I am aware that there is somebody in the office assuming the role of Chief Officer, we should also recommend that he should vacate the office immediately after this report has been adopted because I can see somebody forgot Article 179 (7), that stimulates that, when the vacancy of the Governor and the Deputy Governor is declared vacant, the Executive who had been elected by the same Governor or the Deputy Governor should vacate the office also. That is Article 179 (7) of the Constitution of Kenya, 2010. So, I think anybody who is on the office is in the office illegally and they should all vacate and they should be recommended to vacate immediately. Thank you, Madam Speaker.

(Applause)

Thank you, Hon. King'ori. Hon. Members, allow me to call upon the mover of the Motion to reply. Hon. Musau.

(Applause)

Hon. Musau: Thank you once again. Madam Speaker, I would wish to appreciate the close following of these Hon. Members and I do thank you for appreciating our good work. Thank you.

Hon. Speaker: Thank you, Hon. Musau.

(Question proposed and agreed)

(Applause)

Hon. Members, we still moving forward on the business on the table we have under the same order Hon. Mutiso.

REPORT OF HEALTH COMMITTEE OF THE SECOND ASSEMBLY ON VETTING OF TWO NOMINEES FOR THE POSITION OF CHIEF OFFICER

Hon. P.J Mutiso: Thank you, Madam Speaker.

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 Health and Emergency Services 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 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 Health Committee of the Second Assembly on the vetting of two Nominees for the position of Chief Officer.

Thank you, Madam Speaker. I wish to call upon Hon. Paul Museku Nzai to second my Motion.

Hon. Speaker: Thank you, Hon. Mutiso. Hon. Museku.

Hon. Museku: Thank you, Madam Speaker. I stand to second the Motion. Hon. Peter Mutiso proceed. Thank you, Hon. Museku.

Hon. P.J Mutiso: Thank you, Madam Speaker, the report is here with me on Health and Emergency Services.

Hon. Speaker, the Committee on Health and Emergency Services 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 County Health services including in particular county Health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, cemeteries, funeral parlors and crematoria and refuse dumps and solid waste disposal; fire- fighting services and disaster management.

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*)

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

- | | |
|---------------------------|-------------------|
| 1. Hon. Cosmus Masesi | -Chairperson |
| 2. Hon. Pauline Munguti | -Vice Chairperson |
| 3. Hon. Daniel Mbevi | -Member |
| 4. Hon. Daniel Kiilu | “ |
| 5. Hon. Annastacia Mutuku | “ |
| 6. Hon. Patrick Kituku | “ |
| 7. Hon. Jacqueline Nziva | “ |
| 8. Hon. Ikusya Kaloki | “ |
| 9. Hon. Jeremiah Munguti | “ |
| 10. Hon. Johana Munyao | “ |
| 11. Hon. Paul Museku | “ |
| 12. Hon. Jacinta Luka | “ |
| 13. Hon. Peter Mutiso | “ |

Hon. Speaker, Pursuant to Section 45 (1) of the County Government Act, 2012 H.E. the Governor, forwarded to the Speaker of the County Assembly the following two (2) 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 (see Appendix 1)

1. Dr. Jacks Ngala Nthanga- Nominee for the Position of Chief Officer, Department of Health and Emergency Services (Directorate of Medical Services)
2. Mr. Lucas Mulinge Mwove- Nominee for the Position of Chief Officer, Department of Health and Emergency Services (Directorate of Public Health and Community Outreach)

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 Health and Emergency Services 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

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.

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 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)

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.

Hon. Speaker, the Committee was guided by Chapter Six & Article 124(4) of COK, 2010 and Sections 7 & 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.

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.

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.

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.

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.

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.

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

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.

Hon. Speaker, on the assessment of the nominees on matters of integrity the Committee was guided by Article 73(2) of the COK, 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.

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.

Dr. Jacks Ngala Nthanga- Nominee for the Position of Chief Officer, Department of Health and Emergency Services (Directorate of Medical Services)

Date and Place of Birth

The nominee was born on 5th January, 1968 in Machakos.

Document of Identification

The nominee possesses a National ID card No. 10581626

Education Background

Hon. Speaker:

- The nominee holds a master's degree from the University of Nairobi (Masters of Public Health) awarded in 2007.
- The nominee further acquired a first degree from the University of Nairobi (Bachelor of Medicine and Surgery) in 1995.
- The nominee attended Kangundo High School for Kenya Certificate of Education.

Experience in the field nominated to serve (Directorate of Medical Services)

Hon. Speaker, the nominee has twenty three (23) years of experience in the Medical field both as practicing Medical Doctor and an Administrator. The experience is as listed

- The nominee served as an Acting Chief Officer in the Department of Health and Emergency Services from February 2017 to date
- The nominee served as the County Director in the Department of Health and Chairperson of the Health Advisory Committee from 2013 to 2017.
- The nominee also has served as a medical officer in various public health facilities from 1997 to 2011.

Net worth

The nominee stated that his net worth was forty five (45) million Kenya shillings.

Integrity

- a) KRA- The nominee submitted a tax compliance certificate issued by KRA dated 13th September, 2018.
- b) CRB- The nominee has been cleared by Metro Pol Credit Reference Bureau limited. The Certificate No MCRB/C568316 dated 29th September 2018
- c) HELB- the nominee presented a clearance certificate from the institution dated 7th December 2009
- d) Good conduct- The nominee has a police clearance certificate dated 20th September 2017
- e) EACC- The candidate presented a self-declaration form received from EACC dated 28th September, 2018.

Hon. Speaker, the Committee had received a response from EACC dated 13th September 2018 which had recommended prosecution of Dr. Jacks Nthanga for obstruction of investigations and failure to provide documents in an ongoing investigation. (Letter attached). The Committee interrogated the Nominee further on this matter. The response from the nominee was that;

1. The bank accounts under EACC investigation ref. WHO KCB MACHAKOS-1165160307, DANIDA- KCB MACHAKOS 1167795113, when they were being operated he was not the accounting officer and therefore not the signatory to the accounts.
2. When he took over as the Acting Chief Officer, the accounts had long been closed hence no handing over was done.
3. No document to support the operations of the accounts had been handed over to him hence the nominee did not have any document to present to EACC.

Hon. Speaker, the nominee attached correspondences from EACC.

The Committee clearly noted that the funds from the accounts in question were withdrawn between 2nd February and 15th August 2015. The nominee was appointed to act as the Chief Officer on 14th February 2017.

*Nominee's Responses to Further Questions from the Committee***Knowledge of current Challenges in the Department of Health and Emergency Services**

Hon. Speaker: Point of order Hon. Museku?

PROCEDURAL MOTION
EXTENSION OF SITTING TIME

Hon. Museku: Thank you, Madam Speaker.

I stand on a procedural point of order under Standing Order 27 to request for extension of sitting time.

Hon. Speaker, that aware that standing orders number 27 (2) provides that the Speaker, shall interrupt business at 6.30 p.m. for the afternoon sitting;

Aware that standing order number 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 time be moved 30 minutes before the time appointed for adjournment, Hon. Speaker, I beg to move the motion that this House resolves sitting time until the business in the Order Paper is completed.

I call upon Hon. Katumo to second my motion.

Hon. Speaker: Hon. Katumo, do you know what motion it is? I noted you were just walking in.

Hon. Katumo: Yes, extension of time.

Hon. Speaker: Alright.

Hon. Katumo: Yes, I stand Madam Speaker, to second and support that motion that of course we extend until we finish the business. The business before us is very important and we need to finish, time cannot be a hindrance.

Hon. Speaker: Thank you, Hon. Museku and Hon. Katumo. Hon. Members again we keep on reminding ourselves again that this is a procedural motion, it is being moved at the right time. Do we have any member who may want to make a comment? Hon. Mueni?

Hon. (Ms.) Mueni: Mine is a concern of not knowing what the Serjeant-at-Arms, do when we extend the motion. Whether they multiply the sitting or they do what I have not understood, Madam Speaker.

Hon. Speaker: So what I get from Hon. Mueni is that she is supporting the motion. Now the other question, I am not able to answer. Hon. Members because of the importance of the business on the table, we will extend time until the business at the moment is finalized. Proceed, Hon. Mutiso.

(The House proceeded with business in the Order Paper)

*Nominee's Responses to Further Questions from the Committee***(i) Knowledge of current Challenges in the Department of Health and Emergency Services.**

Hon. Speaker, the nominee highlighted non- implementation of the Machakos Health regulations, 2015 as the main challenge in operationalization of Hospitals in the County. In a bid to actualize the utilization of the facility improvement funds in the hospitals he informed the Committee that there was need to have a consultative meeting with the key stakeholders (Department of Health and Emergency Services, Department of Finance and Economic Planning and the County Assembly, Committee oh Health)

(ii) 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 programmes he would initiated in the directorate in the first 100 days of office, given the opportunity;

- a) Organize for a consultative meeting with the Department of Health and Emergency Services, Department of Finance and Economic Planning and the County Assembly, Committee oh Health with a view of operationalizing the Machakos County Health Regulations, 2015
- b) Create a system that tracks the drugs and non- pharmaceuticals in all the Public Health facilities.
- c) Ensure that support staff in all public health facilities are included in the payroll to evade situations of non- payment and delay of salaries.
- d) Work in collaboration with the national Government to ensure that the Universal Health Coverage programme being piloted in the County is successful.

(iii) 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;

- a) Accounting Officer of the Department.
- b) In-charge of assets and Liabilities of the Department
- c) Reporting to the County Assembly on the operations of the Department pursuant to Article 183(3) of the Constitution of Kenya, 2010

(iv) 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, Universal health and Housing.

Committee Observations

Hon. Speaker, the nominee;

- (i) Has the necessary academic qualification.
 - (ii) Has the necessary work experience in the Medical Field since he is a practicing doctor.
 - (iii) Has exhibited good knowledge and interest in the department.
 - (iv) Is fully aware of the Big 4 Agenda.
 - (v) Is confident and has good communication skills.
 - (vi) Is neat and presentable both in person and resume.

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

Awarding of Marks on the Assessment Form: Dr. Jacks Ngala Nthanga - Directorate of Medical Services

		Marks awarded
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Particulars	Marks Available												
		AS 1	AS 2	AS 3	AS 4	AS 5	AS 6	AS 7	AS 8	AS 9	AS10	AS 11	
Work experience (as it relates to the position)	25	25	25	24	25	25	24	25	25	25	25	25	25
Education/training(relevant to the position)	25	25	25	24	25	25	24	25	25	25	25	25	25
Interest in and knowledge relating to specific position	15	15	10	10	12	13	13	15	13	14	14	14	13
Communication skills (written/oral)	10	10	10	8	10	9	9	8	8	10	9	10	9
Presentation (promptness, neatness of re-sume/application, appearance)	10	10	10	8	10	8	8	10	8	8	8	9	9
Decision making/problem solving skills	15	15	5	10	10	10	12	10	13	14	14	10	10
Total marks	100	100	95	84	92	90	90	93	92	96	95	92	92

Mr. Lucas Mulinge Mwove: Nominee- Chief Officer, Department of Health and Emergency Services (Directorate of Public Health and Community Outreach)

Hon. Speaker, the nominee appeared before the Committee at 2.45p.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 25th November, 1976 in Machakos.

Identification

The nominee possesses an ID No. 20409790

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Academic and professional qualifications

Hon. Speaker, the nominee holds;

- a) Bachelor's degree in public health from Jomo Kenyatta University of Agriculture and technology, graduated in June 2014.
- b) Diploma in Clinical Medicine and Surgery from Kenya Medical Training College, graduated in 2001
- c) Kenya Certificate of Secondary Education from Nairobi School, 1995

Experience related to the position

The nominee has Sixteen (16) years' experience in the field of public health working under different positions as follows;

- a) Chief Executive Officer; Machakos Community Health Organization from 2007 to date.
- b) Coordinator of pro-poor community Outreach programs, Radiant Hospital from 2005- 2007
- c) Officer in charge of the Outpatient Department, Kangundo Level 4 Hospital from 2004- 2005
- d) Participated in Community Outreach programs, Machakos Level 5 Hospital from 2002- 2004

Net worth

The nominee stated his net worth as Fifty (Kshs.50) million.

Honors and awards

The nominee stated that he has neither honors nor awards.

Pro Bono/ Charity work

The nominee informed the Committee that he was involved in public health Education and supply of medical equipment and drugs to health facilities in slums worth Kshs. 200,000

Integrity

- KRA- The nominee possesses a tax compliance certificate issued by KRA dated 1st September, 2018.
- CRB- The nominee has been cleared by Metro Pol Credit Reference Bureau limited. The Certificate No. MCRB/C443410 is dated 28th August, 2018
- HELB- the nominee is not a beneficiary of University Loan Scheme.
- GOOD CONDUCT- The nominee has been issued with a police clearance certificate Ref. No PCC-AAAGCEI3, dated 31st August 2018.
- EACC- The candidate presented a self- declaration form stamped as received by EACC dated 4th September, 2018

Nominee's Responses to Further Questions from the Committee

(i) Knowledge of current Challenges in the Department of Health and Emergency Services and specifically Public Health.

Hon. Speaker, the nominee stated lack of County policies on public Health as the greatest challenge facing the directorate. In order to counter that he informed the Committee that there was need to come up with legislation to be enacted by the County Assembly on matters on public Health and Community Outreach. Further he highlighted limited resources as a challenge in conducting Community Outreach programmes.

(ii) 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 programmes he would initiated in the directorate in the first 100 days of office, given the opportunity;

- a) Proposing legislation to the County Assembly on matters of Public Health and Community Outreach
- b) Mobilizing resources from donors to fund Community Outreach programmes in the County.

(iii) **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;

- a) Management of the Departmental Budget
- b) Implementation of Projects
- c) Monitoring of Projects
- d) Taking Assignments from the CEC
- e) Promoting National Values.

(iv) **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, health and Housing.

Committee Observations

Hon. Speaker, the nominee:-

- i. Has the necessary academic qualification.
- ii. Has the necessary work experience
- iii. Has exhibited fairly knowledge and interest in the department.
- iv. Is fully aware of the Big 4 Agenda.
- v. Is confident and has good communication skills.
- vi. Is neat and presentable both in person and resume.
- vii. Hon. Speaker, the nominee attached letters of appointment in his previous employments.

Awarding of Marks on the Assessment Form: Mr. Lucas Mulinge Mwove - Directorate of Public Health and Community Outreach

Particulars	Marks Available	Marks awarded											
		AS 1	AS 2	AS 3	AS 4	AS 5	AS 6	AS 7	AS 8	AS 9	AS10	AS 11	
Work experience (as it relates to the position)	25	20	21	24	25	25	24	25	25	25	25	25	25
Education/training(relevant to the position)	25	20	25	24	25	25	24	25	25	25	25	25	25

Interest in and knowledge relating to specific position	15	15	14	15	12	13	13	15	13	14	14	13	1
Communication skills (written/oral)	10	10	9	9	10	9	9	8	8	10	9	10	9
Presentation (promptness, neatness of re-sume/application, appearance)	10	10	9	10	10	8	8	10	8	8	8	9	9
Decision making/problem solving skills	15	10	14	14	10	10	12	10	13	14	14	10	1
Total marks	100	85	92	96	92	90	90	93	92	96	95	92	9

Committee Recommendations

Hon. Speaker, Article 179 (3) (b) of the Constitution of Kenya provides for the appointment of ten (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 ten 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 the twenty three to ten. The Committee in the spirit of embracing this resolution of the Assembly and the provisions of the Law agreed to recommend one nominee to serve in the portfolio of Chief Officer, Department of Health and Emergency Services

Hon. Speaker, the Committee having vetted the two nominees found Dr. Jacks Ngala Nthanga suitable to be appointed as the Chief Officer for Department of Health and Emergency Services for the following reasons:

1. 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.
2. 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.
3. The candidate scored 92.8 % against his colleague who scored 92.3%.

Acknowledgement

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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 Health and Emergency Services 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.

Hon. Speaker: Thank you, Hon. Mutiso. Again yours was also another long report but you have done very well. Hon. Members I now propose the question.

(Question proposed)

Hon. Members the motion is open for debate. Hon. Jucinta.

Hon. (Ms.) Luka: Asante sana, Madam Spika. Mheshimiwa Spika, nikiwa mmoja ama memba wa hii kamati ya health, tuliweza kufanya kazi nyingi sana kwa ajili ya kuangalia mwenye anafaa kuchukua hiyo nafasi, kwa ajili tukiangalia, hii ni kamati ambayo iko na umuhimu sana kati-ka maisha ya kila mmoja wetu na pia katika maisha ya watu ambao ni wa Machakos County, na tukaweza kuchunguza hao ambao walikuwa wameteuliwa kwa ajili ya hiyo nafasi mpaka mwenye ambaye ameweza kupita Nthanga.

Aliweza kurudishwa tena kwa maana alionekana hafai kwa sababu kuna certificate hakuwa nayo, akaenda akatengeneza mambo na akakuja tena. Na tukaangalia pamoja na mwenzake tukaona anafaa kwa hiyo nafasi, kwa vile tukiangalia yale ambayo yalikuwa yanahitajika kwa ajili ya hiyo nafasi, alikuwa ameweza kutimiza, kwa hivyo akaweza kupata hiyo nafasi. Kwa hivyo tukaweze kupitisha hii ripoti kumpatia Nthanga hiyo nafasi ili akaweze kuendelea kuhudumia watu wa Machakos County. Asante.

Hon. Speaker: Thank you, Hon. Jacinta. Hon. Katumo

Hon. Katumo: Thank you Madam Speaker for this opportunity given to me to contribute to this report. First I want of course to commend the committee for good work done. This committee has been very active in giving us information concerning our health facilities in the county and this report is so good. When you go to the recommendations, you see this is what we need especially to be given that of course at the end of the whole process, the nominees have the necessary academic qualifications as per the law then secondly, they have the necessary work experience especially in the docket they have been nominated, and of course they have proper knowledge and interest in the department.

Normally, I say merit is rewarded going by the work of the committee through the process of questioning and tabulation. We find that this Hon. Jacks, I do not know whether he is Jackson or Jacks I have never heard that name Jacks, but Jacks has scored more than the other nominee and therefore he deserves to be given the opportunity.

Machakos County of course we need to give people opportunities and positions in which they can serve efficiently for the people of Machakos and therefore I support this report that of course Dr. Jacks Ngala Thanga should be appointed and approved to be the Chief Officer in the ministry of health and emergency services and that this other nominee, Lucas Mulinge Mwove, did not qualify and therefore he is not approved to serve in that department. Thank you, Madam Speaker. I support.

Hon. Speaker: Thank you, Hon. Katumo. Hon. Kamulu.

Hon. Kamulu: Thank you, Madam Speaker. I want to applaud the committee for the good work which has been done. Madam Speaker, when I hear of Dr. Nthanga, I always recall of hospitals without drugs, but maybe it is because he was in acting capacity, this time we support that he gets the post so that he can have full mandate. There are few things which have actually drawn my attention to recommend him.

One is on consultation that is page nine he is talking of consultation and actually he is appreciating the health committee in this Assembly I think actually which we had been crying for. He is also appreciating the Assembly that he will be collaboratively working with it in planning and doing a lot of activities.

Madam Speaker, we are aware of the issues concerning payments and strikes in fact when I was looking at his report from the committee I was moved by page 20, 10 (c) where he is saying that he will ensure that the support staff in all public health facilities are included in the payroll to avoid situation of non-payment and delay of salaries.

Actually that is a very good move, I was also moved by another number there on knowledge of the role of Chief Officer in management of public funds that is (c) where he is saying he will be reporting to the County Assembly on the operations of the department pursuant to article 183 (3) of the constitution of Kenya 2010. That is a thing we had been crying for and I think Dr. Nthanga here is actually on the right move so I support the report. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kamulu. Hon. Kiteng'u.

Hon. Kiteng'u: Thank you, Hon. Speaker. Madam Speaker, let me start by thanking the committee for the good job they have done on vetting the CO health and came up with the right one. I do support the report 100 percent Hon. Speaker noting that Hon. Nthanga has been acting Chief Officer health department and Hon. Speaker, I must attest that I personally I have interacted with Hon. Nthanga and legally speaking and even the health committee he always handle everything black and white.

For example, when the health committee visited level five hospital Hon. Nthanga explained to us the difficulties he is facing to implement his duties as a Chief Officer. Hon. Speaker, Hon. Nthanga is not afraid of his master or whoever is his boss and 100 percent I am sure if we pass Hon. Nthanga as Chief Officer health Hon. Speaker, the nominee will do his best and I am sure he will implement everything to the letter so thank you, Hon. Speaker, I do support the report.

Hon. Speaker: Thank you, Hon. Kiteng'u. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. For giving this opportunity, I wanted to talk and say that tis Dr. we have to give him because he is a Dr. We will be fools giving somebody who is not a Dr. in the hospital and we have our son there who is a Dr. And this man...

Hon. Speaker: Hon. Mueni, you must withdraw that statement, all of it.

Hon. (Ms.) Mueni: Yes, I have withdrawn.

Hon. Speaker: Thank you, proceed.

Hon. (Ms.) Mueni: But I support him to be given the docket.

Hon. Speaker: That is much better are you through?

Hon. (Ms.) Mueni: No

Hon. Speaker: Alright proceed

Hon. (Ms.) Mueni: The other thing is that those officers who have been appointed by their boss have to be very careful because when they are signing money, they have to know that the person they are giving the money has not signed. I do not want them to be imprisoned because of signing county money which they do not know how it is going to be used.

You know Madam Speaker, now is almost Christmas and they may be treated to give the money to be used in a way that they do not know. I ask them where they are to hear that. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mueni. Hon Members I call upon the mover of the motion to reply.

Hon. Mutiso: Thank you, Madam Speaker. Mine is just to thank this Hon. House for the good work that they have done. What I can say is that as far as I know Mr. Nthanga is a person who does not lie. Last time Madam Speaker, when we went to the hospital he is the one who taught us everything. He took us all the way to hostels and what you heard from the main store he is the one who took us there.

It is only that, that is where the cancer is because when we went there that is why you heard us being called names. Women in this country, even men in this country, were called names by the Governor because of that. So Madam Speaker, I just urge this house if they can pass the report and adopt it. Thank you, Madam Speaker.

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

(Question put and agreed to)

(Applause)

Hon. Members personally I do not know Dr. Nthanga but from what the members are saying on the floor, it appears that if you do good deeds in public service, even in private the good deeds will follow you. I had been taken aback when I saw a report from the EACC but I saw on the report an explanation and from the support the particular nominee is getting from the floor of the house, I have no doubt he will be able to give proper services in that department to the people of this county.

ADJOURNMENT

Hon. Speaker: At this point Hon. Members, we shall adjourn our sitting. It has been a very long day and the sitting of the House will resume on the 28th day of November 2018 at 10:00 a.m. Have a good evening.

The House rose at 6.28 p.m.