

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 30th July, 2019

The House met at 10.56 a.m.

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

PRAYERS

Hon. Speaker: Good morning, Hon. Members. We start the business of today.

COMMUNICATIONS FROM THE CHAIR
PARKING SPACE WITHIN THE ASSEMBLY PRECINCTS

Hon. Members, I have three communications. Hon. Members, it is noted that recently, parking space in the Assembly compound has become a challenge and this has been reported to my office. First, we thank God we all seem to have means of transport and that what we are lacking is ample parking so it is a big blessing but we need to manage it in a way that does not inconvenience others because there are some Members who have been leaving more than one vehicle in the parking lot so that you deny others even just one parking lot.

So, what I wish to communicate and direct is that, every Hon. Member is entitled to one parking lot inside the county Assembly compound. There are other parking lots outside; if you would want to put your vehicles you could do so, of course, without charge. So, it is also a directive that those Members whose vehicles have been in the parking lot for more than one month, you are asked to remove them so that you can create space at least inside the compound for that other Member who doesn't have parking.

SECURITY CHECKS

While I was away, I have information that; occasions have arisen where we need to guard especially on our security and this is not just here, it is every part of the country. So, Hon. Members you are urged to comply with security checks and if I can just add on to this; every time I go in to supermarkets or any other building, I usually spread my arms out and open my bag even without being asked because it is for our own good.

Again, I also learnt a big lesson with case of former DCJ Nancy Baraza; you remember what happened at the Village Market and I happened to be in the committee that was investigating the incident and in the commission that made the decision about that issue so I learnt

a lot. I usually offer, there is nothing, it is not belittling, there is nothing about spreading your hands out and allowing that person to search you because it is for your own good; we are living in times that we didn't have before.

So, we have been meeting as county in a committee that is dealing with anti-terrorism and this is a matter and Hon. Mitaa I think you were there in Gelian with other members and this is a matter that has been brought to our attention that we need to be careful. We cannot take anything for granted so let us allow these checks for our good and for the good of the others that we work with in the Assembly.

ELECTION OF CAF OFFICIALS ON 26TH JULY, 2019

Hon. Members, on 26th July, 2019, the County Assemblies Forum (CAF) held elections for its national office bearers. The following were elected as the National officials in addition to other members who sit in the Executive Committee.

1. National Chairperson- Hon. Ndegwa Wahome, Speaker Nyandarua County Assembly
2. National Vice chairperson- Hon. Florence Mwangangi, who is your Speaker.

(Applause)

3. National Secretary General- Hon. Kipkurui Chepkwony, Hon. MCA, Nandi County.
4. National Organizing Secretary - Hon. Florence Oile, Hon. MCA Migori County.
5. National Treasurer- Hon. Ahmed Ibrahim Abbas, Speaker Garissa County Assembly
6. National Vice Secretary General - Hon. Reba Wawile, Hon. MCA, Bungoma County Assembly.
7. National Deputy Organizing Secretary - Hon. Adamson Lenyasunya, Hon. MCA Samburu County Assembly.

Hon. Members, you will notice that that is the face of Kenya because it has representation from every part of Kenya other than the Coast cluster and because the positions were only seven, these officials have made arrangements to make sure that the Coast cluster is represented. Otherwise, they might stop us from going to Mombasa and I know you love going there so much.

Hon. Members, you may ask at this point, what is the role of CAF. You have heard about CAF in the past but the new officials promise that we are going to take CAF to great heights from now.

(Applause)

What is the purpose of having this association? It is to address the welfare of MCAs. It is also to build the capacity of MCAs, to enable you Members to interact and learn parliamentary practice from jurisdictions which have succeeded in effecting different types of devolved governments for example, USA Canada, Mexico, Australia, South Africa and it is hoped that through interaction of CAF, we will be able to facilitate some of you if not all of you to interact with those jurisdictions to learn better practices.

It is also going to enable you to educate and interact with the people you represent so that they can enable you to serve them well; they need to understand what work you do for them

through civic education for the people you represent. CAF is also going to create a forum for interaction with different arms of the national government between County Assemblies and also agencies of the national government like the CRA which has put ceilings on our finances.

We are going to knock on their doors like tomorrow so that they can address the issue of Assemblies finances; we are going to interact with SRC on your remunerations, we are going to interact with the National Treasury on releases of funds to county assemblies and we are going to interact with the judiciary on all matters that are of interest to County Assemblies.

The purpose of all this is to make sure that you are enabled to serve your people effectively and to make sure that devolution succeeds. Hon. Members, it is the greatest promise that the constitution of Kenya has made to the people; we must keep that promise alive and it must also be fulfilled and that is why your interest, your welfare, your abilities must be addressed by CAF effectively going forward.

For my election as National vice chair, I owe it to all of you Members but allow me to mention a few Members and personalities who went out their way, who committed their resources, their time to make sure that I got this win. I want to start by thanking His Excellency Kalonzo Musyoka, His Excellency Governor Mutua, Governor Machakos County, Majority Leader Hon. Mark Muendo, Deputy Speaker Hon. Museku.

(Applause)

I really want to thank Hon. Pauline Mene and Hon. Peter Mutiso; I am pausing here because these are two Members who sit in the Governing Council and who went out of their way, they spend many woman and man-hours to make sure that I got the win. They left their homes, we stayed with them sometimes overnight and because of their immense contribution including their resources, we got this win. Thank you, so much Hon. Mene and Hon. Mutiso.

I also want to thank Hon. Grace Munini Mutwiwa and Hon. Mitaa; they spent their resources and they traversed the whole of Central Province with me and Hon. Mutiso and Hon. Mene. We were running after each other chasing votes and they made comments before crowds who I was talking to asking for votes and they said; this is an able Speaker, please give her your vote.

I want to thank too Hon. Helen Ndeti, Thank you, very much Hon. Angela Munyasya, Thank you, very much Hon. Dan Mbevi, Thank you, very much, Hon. Betty Nzioki, Hon. Winnie, Hon. Rozina, Hon. Cosmus Ngula, you led the cheering squad and we danced a lot at Laico still in hunt for votes, Hon. Mulatya, I really want to Thank you,. I want to thank Hon. Kiteng'u, I didn't know he could dance so well.

I want to thank Hon. Annastaciah, all through she kept on calling me and wishing me well. Hon. Kiilu, he kept calling me and wishing me well along the journey; Hon. Maitha, he can also pray so much, I did not know you prayed so much for me. Hon. Antony, he is not here but all through he was wishing, texting and calling me and saying thank you Hon. Nziva, you never forgot me and Thank you, so much; Hon. Abdirahman, he said all the prayers that he could think about; Hon. Fred Muthoka, Thank you, so much; Hon. Kisini, I also noted that you could dance so well.

(Laughter)

Hon. Members, if I have not called you by name, it is not that.....Hon. Minority Leader, Thank you very much, you kept the fire; Hon. Johanna you prayed a lot, Thank you, very much.

So, Hon. Members you can see Hon. Jacinta also kept on sending me prayers and I could feel her presence even when she was not there and actually she came to the cheering squad. She traveled all the way. It is almost all of you Hon. Members and I know those who did not come out and Hon. Steve even at a time he was unwell. Those who did not come out is not that you did not wish me well, I know in your spirit you wished me. Hon. Caleb, I haven't forgotten you too, Thank you, very much.

Let me say all the Hon. Members including Hon. Alice and Hon. Mbula who this morning crowned it all by giving me the garland: I really I am very grateful. So what I want to promise is this Hon. Members is I will go out of my way to make sure that you get the benefits of this Assembly being a member of CAF, we will be interacting with donor funders quite often and the national government and other stakeholders. The first benefits of course I will make sure that I direct them to you.

(Applause)

It is when you are able that I am then able and I want to make sure that you are all able. Thank you, very much and God bless you. God bless Machakos County, it is a seat for Machakos County to start with even as we talk of the national level. Be blessed; thank you, very much.

(Applause)

Mr. Clerk, proceed

PAPER LAID

REPORT ON VETTING OF NOMINEES FOR THE POSITIONS OF CEC MEMBER FOR HEALTH AND EMERGENCY SERVICES AND THE CHAIRPERSON AND THE SECRETARY TO THE COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: Hon. Members, under this Order, we have business as listed. The first one is by the Hon. Mark Muendo. Hon. Mark Muendo?

Hon. Muendo: Thank you, Madam Speaker. Let me start by thanking the leaders of.....and Kenyans for electing you as vice-chair of CAF. Let me also congratulate you and assure you this Assembly is going to give you full support in your tenure and also that there is a saying in Kamba that says a neighbor to a well where people fetch water, they can fetch several times at the time they want. So we are the closest neighbor.

Madam Speaker, let me lay this motion. Hon. Speaker, I beg to lay the following paper on the table of the House today Tuesday, the 30th day of July, 2019; the report of the Appointments Committee on vetting of nominees for the positions of CEC Member for Health and Emergency Services and the Chairperson and the Secretary to the County Public Service Board. Thank you, Madam Speaker.

(The Paper was laid on the Table)

Hon. Speaker: Thank you, Hon. Majority Leader. The paper is laid? Thank you, Mr. Clerk proceed

NOTICES OF MOTIONS**REPORT ON VETTING OF NOMINEES FOR THE POSITIONS OF CEC MEMBER FOR HEALTH AND EMERGENCY SERVICES AND THE CHAIRPERSON AND THE SECRETARY TO THE COUNTY PUBLIC SERVICE BOARD**

Hon. Speaker: Hon. Members, under this Order, we have two businesses; the first one is by the Hon. Mark Muendo. Sorry, one business it being by the Hon. Mark Muendo, apologies one business. Hon. Mark Muendo?

Hon. Muendo: Thank you, Madam Speaker. Notice of motion:

Hon. Speaker, that aware that Section 8(1)(a) of the County Governments Act No.17 of 2012 provides that the County Assembly shall vet and approve nominees for appointment to County public offices as may be provided for in the Act or any other law;

Aware that Madam Speaker, Standing Order 184(4) states that the Committee on Appointments shall consider, before approval by the House, appointments of County Executive Committee Members under Article 179(2)(b) of the Constitution; Madam Speaker, noting that the County Secretary and Head of Public Service forwarded to the Hon. Speaker of the County Assembly notifications on nomination of two persons vide letter Ref: GMC/2/CS/CA/Vol.5/13 dated 8th March, 2019, for consideration and subsequent approval by the County Assembly, for appointment as Chairperson and Secretary to Machakos County Public Service Board; and an additional one person vide letter Ref: GMC/2/CS/CA/Vol.V/15 dated 18th March, 2019, for consideration and subsequent approval by the County Assembly, for appointment as the County Executive Committee Member for Health and Emergency services;

Hon. Speaker, I wish to give the notice of motion that this House discusses and approves the report of the Appointments Committee on the vetting of nominees for the positions of CEC Member for Health and Emergency Services and the Chairperson and the Secretary to the County Public Service Board.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Majority Leader you have another notice of motion. Hon. Members, Hon. Majority Leader Mark Muendo has two notices of motion.

PAYMENT OF HOUSE ALLOWANCE TO MEMBERS OF COUNTY ASSEMBLY

Hon. Muendo: Thank you, Madam Speaker.

That aware that the Devolved Governments are a key component of governance in the republic of Kenya established under Article 11 of the Constitution of Kenya; Further aware that the office of Member of the County Assembly has been strongly-

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(Silence)

Sorry Madam Speaker, there are some corrections. I start again the whole notice of motion. Let me read it over, Madam Speaker, notice of motion.

That aware that the Devolved Governments are a key component of governance in the Republic of Kenya established under Article 11 of the Constitution of Kenya;
Further aware that the office of Member of the County Assembly has been strongly anchored as a fundamental component in the county government administrative system;

Cognizant of the remunerative needs of each public and state officer to ensure adequate facilitation for successful execution of their duties and mandate;

Further cognizant of the existence of disparities within the state offices within the Republic on remuneration of the office holders, particularly the payment of house allowances to which the members of the County Assembly have to their detriment been deprived of;

Noting that the High Court in the Republic has in Constitutional Petition No 328 Of 2016; Council of Governors versus Salaries and Remuneration Commission pronounced that denying some state officers similar benefits enjoyed by other state officers is discriminatory, unjustifiably selective and contrary to Article 27 of the Constitution;

Acquiescing that such conduct is a violation of the fundamental rights of the state officers which such conduct is desirous of denunciation by the Members of the County Assemblies *ab initio*;

Whereas the Governing Council of the County Assembles Forum has resolved that the nonpayment of housing allowance for the Members of the County Assembly is a fundamental breach of the rights of the members;

Hon. Speaker, whereas the Governing Council has further resolved and directed that there be effected payment of housing allowance for the Members of the County Assemblies in tandem with the High Court finding;

Whereas the resolution of the Governing Council finds precedence and relative applicability from the Parliament of Kenya's payment of housing allowance to its members despite lack of the Salaries and Remuneration Commission directive in affirmative of the same;

Madam Speaker, I beg to give notice of motion THAT this House does approve and adopt the resolution of the County Assemblies Forum Governing Council that;

- i. The Members of the County Assembly be paid a housing allowance in tandem with the ideal and adequate endowment;
- ii. That the payment of the house allowance be effected and implemented as of the date of issue of the ruling of the High Court in Constitutional Petition No. 328 of 2016 being the 5th day of October, 2018; and
- iii. That the implementation of the payment of the house allowance to the members of the County Assembly be commenced with immediate effect.

Thank you, Madam Speaker.

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

(Applause)

MOTION**REPORT ON VETTING OF NOMINEES FOR THE POSITIONS OF CEC MEMBER FOR HEALTH AND EMERGENCY SERVICES AND THE CHAIRPERSON AND THE SECRETARY TO THE COUNTY PUBLIC SERVICE BOARD**

Hon. Speaker: Hon. Members, under this Order, we have one business by the Hon. Mark Muendo. Hon. Mark Muendo, Majority Leader.

Hon. Muendo: Hon. Speaker, that aware that Section 8(1)(a) of the County Governments Act No.17 of 2012 provides that the County Assembly shall vet and approve nominees for appointment to County public offices as may be provided for in the Act or any other law. Aware that Standing Order 184(4) states that the Committee on Appointments shall consider, before approval by the House, appointments of County Executive Committee Members under Article 179(2)(b) of the Constitution.

Noting that the County Secretary and Head of Public service forwarded to the Hon. Speaker of the County Assembly notifications on nomination of two (2) persons vide letter Ref: GMC/2/CS/CA/Vol.5/13 dated 8th March, 2019, for consideration and subsequent approval by the County Assembly, for appointment as Chairperson and Secretary to Machakos County Public Service Board; and an additional one person vide letter Ref: GMC/2/CS/CA/Vol.V/15 dated 18th March, 2019, for consideration and subsequent approval by the County Assembly, for appointment as the County Executive Committee Member for Health and Emergency services,

Hon. Speaker, I wish to move the motion that this House discusses and approves the report of the Appointments Committee on the vetting of nominees for the positions of CEC Member for Health and Emergency Services and the Chairperson and the Secretary to the County Public Service Board.

I call upon the Minority Leader Hon. Kamitu to second the Motion. Thank you very much.

Hon. Speaker: Minority Leader Hon. Kamitu.

Hon. Kamitu: I stand to second the Motion. Thank you.

Hon. Speaker: Thank you, Hon. Kamitu. Hon. Mark Muendo. Hon. Members, you all have the report either in soft or hard copy. I was looking for a quicker way of doing this report. Hon. Ikusya Kaloki.

Hon. Kaloki: Madam Speaker, we have been having challenges with our iPads; every time we have to get assistance from the Clerks---

Hon. Speaker: So, you are having a challenge because it is not here with you or it does not work?

Hon. Kaloki: I actually almost got bored because every time we to get some assistance.

Hon. Speaker: I think it is because you forgot to bring it.

Hon. Kaloki: I have always carried my iPad with me, Madam Speaker.

Hon. Speaker: Hon. Members, what is your proposal? How many do not have the report because this is a report you must execute and finalize. Can we sit; Hon. Ndawa, because you did not come with your iPad as well. That is the reason.

Hon. Ndawa: Madam Speaker, I have it in my car but it is not working.

Hon. Speaker: No; it does really. How many Members are using their iPads here? Yes; quite a number. Hon. Majority Leader, please proceed and read the report.

Hon. Muendo: Thank you Madam Speaker for allowing me to read this report on the vetting of nominees for the positions of CEC Member for Health and Emergency Services and the Chairperson and the Secretary to the County Public Service Board.

1.0 PREFACE

1.1 The Committee on Appointments

Hon. Speaker, the Committee on Appointments is established pursuant to the Machakos County Assembly Standing Orders 184(1), which provides that the committee will consist of the Speaker as the Chairperson, the Leader of the Majority Party, the Leader of the Minority Party and not more than three other members nominated by the House Business Committee, on the basis of proportional party membership in the Assembly taking into consideration the numerical strength of the parties and interests of Independent members.

1.2 Committee Mandate

Hon. Speaker, Section 8(1)(a) of the County Governments Act No.17 of 2012 provides that the County Assembly shall vet and approve nominees for appointment to County public offices as may be provided for in the Act or any other law. Section 58(1)(a), (b) and (c) of the same Act requires that the Chairperson, members and the secretary to the CPSB be nominated and appointed with the approval of the County Assembly. Further Standing Order 184(4) states that the Committee on Appointments shall consider, before approval by the House, appointments of County Executive Committee Members under Article 179(2)(b) of the Constitution.

1.3 Membership of the Committee

Hon. Speaker, the Committee on Appointments comprises the following Members:

- | | | |
|----|-------------------------------|--------------------------------|
| 1. | Hon. Florence Muoti Mwangangi | - Speaker (Chairperson) |
| 2. | Hon. Mark Kimanathi Muendo | - Leader of the Majority Party |
| 3. | Hon. Alex Peter Kamitu | - Leader of the Minority Party |
| 4. | Hon. Tariq Mulatya Muema | - Member |
| 5. | Hon. Winfred Syonindi Mutua | - Member |
| 6. | Hon. John Brian Kioko Kisila | - Member |

1.4 Message from Office of the County Secretary, Machakos County

Hon. Speaker, pursuant to Article 179(2)(b) of the Constitution, Section 30(2)(d) and (e), 42 and 58(1)(a), (b) and (c) of the County Governments Act No. 17 of 2012 the County Secretary and Head of Public Service forwarded to the Hon. Speaker of the County Assembly notifications on nomination of the following two persons vide letter Ref: GMC/2/CS/CA/Vol.5/13 dated 8th March, 2019 and received on 12th March, 2019 (Appendix 1) for consideration and subsequent approval by the County Assembly, for appointment as Chairperson and Secretary to Machakos County Public Service Board.

1. Ms. Scholarstichah Mueni Mboi, Nominee as Chairperson, County Public Service Board.
2. Mr. Onesmus Mutisya Muia, Nominee as Secretary, County Public Service Board.

An additional nomination one person vide letter Ref: GMC/2/CS/CA/Vol.V/15 dated 18th March, 2019 and received on 19th March 2019 (Appendix 2) for consideration and subsequent approval by the County Assembly, for appointment as the County Executive Committee Member for Health and Emergency services:

1. Dr. Ancent Kituku Nzioka, Nominee for County Executive Committee Member of Health and Emergency Services.

1.5 Committal to the Committee on Appointments

Hon. Speaker, in a sitting of the Assembly held on 12th March, 2019, the Hon. Speaker communicated to the House the message from The County Secretary, the notification on the nominations. Pursuant to Standing Order 42(1) and (2), the matter was committed to the Committee on Appointments on the same day. The Committee was directed to report to the House within 21 sitting days in accordance with Section 9(1) of Public Appointments (County Assemblies Approval) Act, 2017.

Hon. Speaker: Hon. Majority Leader, I tend to believe that the committal on 12th March, 2019 must have been on account of the nominees for Chairperson and Secretary because the nominee for the County Executive Committee member for health was received on 18th March, 2019 which is after 12th March, 2019. So that should be noted. Proceed.

Hon. Muendo: Thank you Madam Speaker for that observation.

1.6 Acknowledgement

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 the Clerk to the County Assembly for the administrative support accorded during the exercise.

Further, the Committee is grateful to the members of the public who found time to attend the proceedings. The Committee also appreciates the media fraternity for having been available to cover the proceedings of the Committee, thus enhancing accountability and transparency in the exercise.

On behalf of the Committee on Appointments and pursuant to the provisions of Section 35(2), (3) and 58(1)(a), (b) and (c) of the County Governments Act No. 17 of 2012; Sections 7, 8, 9 and 10 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 42(1) and (2), it is my pleasure and duty to present to this Hon. House the Committee report on the approval hearings of the nominees. Thank you, Hon. Speaker.

Hon. Speaker: You can continue Hon. majority Leader. There is a glass of water on the table. Let us go on.

Hon. Muendo: Thank you, Madam Speaker.

2.0 BACKGROUND

2.1 Forwarding of the Nominees to the Assembly

Hon. Speaker, the County Secretary and Head of Public Service forwarded to the office of the Speaker of the County Assembly messages from H.E the Governor on nomination of three persons vide letters Ref: GMC/2/CS/CA/Vol.5/13 dated 8th March, 2019 and GMC/2/CS/CA/Vol.V/15 dated 18th March, 2019. The business was committed to the Committee on Appointments for approval hearings pursuant to Standing Order 42(1).

2.2 Notification to the Public

Hon. Speaker, as provided for in Section 7(5) of the Public Appointments (County Assemblies Approval) Act, 2017, by notice in at least one newspaper of national circulation the Committee is required to notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing. The County Assembly placed an advert in the Daily Nation of Friday, 3rd May, 2019 notifying the nominees and the public of the date and place of the approval hearings.

Further, as provided under Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017, the notification invited the public to submit in writing and under oath any relevant information concerning the nominees suitability to hold public office by 18th May, 2019.

2.3 Integrity Verification

Hon. Speaker, for integrity verification and to ensure compliance with Chapter Six of the Constitution and in accordance with Section 4(2), (4) and 44(2) of the Leadership and Integrity Act of 2012, the Clerk of the County Assembly wrote to the EACC vide letter Ref: MKSCA/ADM/VET/Vol.2/28 dated 2nd May, 2019 (see Appendix 3) forwarding the list of the three nominees received by the County Assembly.

2.4 Submission of Documents by the Nominees

Hon. Speaker, the Committee through the office of the Clerk wrote to the nominees requesting them to collect vetting forms under First Schedule of the Public Appointments (County Assemblies Approval) Act, 2017 from his office and submit them, duly filled, to the same office on or before 14th May, 2019. Further, the nominees were requested to submit copies of the following documents and bring the original documents on the day of approval hearing:

- i. ID/Passport.

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

2.6 Criteria for the Approval Hearings

2.6.1 Nominees to the County Public Service Board

Hon. Speaker, the Committee was guided by Chapter Six and Articles 124(4), 179(2)(b), 195, 196(2) of the Constitution of Kenya, 2010, Section 58 of the County Governments Act, 2012 and Sections 7, 8, 9 and 10 of the Public Appointments (County Assemblies Approval) Act, 2017.

Section 8(1)(a) of the County Governments Act No.17 of 2012 provides that the County Assembly shall vet and approve nominees for appointment to County public offices as may be provided for in the Act or any other law.

Section 58(1)(a), (b) and (c) of the same Act requires all members including the Chairperson and the Secretary to CPSB to be nominated and appointed with the approval of the County Assembly. Section 58(2) of the same Act further provides that the appointment of the members of the Board shall be through a competitive process.

Hon. Speaker, Section 58(3) of the County Governments Act provides that a person shall be qualified to be appointed as a member of the Board if that person-

- (a) Satisfies the provisions of Chapter Six of the Constitution;
- (b) Is not a state or public officer;
- (c) In the case of chairperson or vice-chairperson, possesses a minimum qualification of a Bachelor's Degree from a recognized university and working experience of not less than 10 years; and
- (d) In the case of any other members-
 - (i) Possesses a minimum of a Bachelor's Degree from a recognized university and working experience of not less than five years; and
 - (ii) Is a professional, demonstrates absence of breach of the relevant professional code of conduct.

Section 58(1)(c) of the same Act further stipulates that the Secretary to the CPSB should be a Certified Public Secretary of good professional standing nominated and appointed by the Governor, with the approval of the County Assembly.

2.6.2 Tenure of Office of a member of County Public Service Board

Hon. Speaker, Section 58(4) of the County Governments Act provides that a member of the Board shall hold office for a non-renewable term of six years and may serve on a part-time basis.

Hon. (Ms.) Mwikali: Point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Margaret.

PROCEDURAL MOTION EXTENSION OF SITTING TIME

Hon. (Ms.) Mwikali: Thank you, Madam Speaker. Point of Order to request for extension of sitting time.

Hon. Speaker, aware that Standing Order 27(2) provides that the Speaker shall interrupt business at 12.30 p.m. for the morning sitting;

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

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

Hon. Speaker, I beg to move the motion that this House resolves to extend its sitting time until the business is completed.

Thank you, Madam Speaker.

Hon. Speaker: Hon. Margaret, do you have a member to second your motion.

Hon. (Ms.) Mwikali: Thank you, Madam Speaker. I request Mheshimiwa Peter Mutiso to second that motion.

Hon. Speaker: Hon. Peter Mutiso, you have been requested to second the Motion.

Hon. P.J. Mutiso: Thank you, Madam Speaker. I second the Motion.

Hon. Speaker: I believe the importance of this Motion is clear to us all and because it is in our Standing Orders that when it gets to midday we need to extend time 30 minutes before 12.30 p.m. when we stop sitting in the morning, it is only fair we extend the sitting time. Do we have any member who is opposed to the Motion or who thinks to the contrary? No! So, we extend time by resolution of the House. Hon. majority Leader, proceed.

(The House resumed business as per the Order Paper)

Hon. Muendo: Thank you, Madam Speaker. Let me proceed; we are on page 7.

2.6.3 Nominee CEC Member Department of Health and Emergency Services

Hon. Speaker, Article 179(2)(b) of the Constitution provides that the County Assembly shall approve nominees for appointment as County Executive Committee Member. The Machakos County Assembly Standing Order 84(4) states that the Committee shall consider, before approval by the House, appointments of County Executive Committee Members (CECs) under Article 179(2)(b) of the Constitution.

Section 35(2) and (3) of the County Governments Act, 2012 and Sections 7, 8, 9 and 10 of the Public Appointments (County Assemblies Approval) Act, 2017), requires a nominee:

- i. To be a Kenyan Citizen.
- ii. Have at least a first degree from a University recognized in Kenya.
- iii. Satisfy the requirements of Chapter Six of the Constitution; and
- iv. Has knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.

Further, Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017 provides that the issues for consideration by the relevant House in relation to any nomination shall be:

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

2.7 Assessment Criteria

Hon. Speaker, the assessment of the nominees was guided by Section 35 of the County Governments Act, 2012 and Sections 7, 8, 9 and 10 and assessment form set out in the Second Schedule of the Public Appointments (County Assemblies Approval) Act, 2017. The Committee set the pass mark for assessment at 70 out of 100 marks.

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

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

2.8 Integrity

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

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

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.

3.0 THE APPROVAL HEARINGS

Hon. Speaker, the Committee held approval hearings of all the nominees on 30th June, 2019. The hearings were held at the County Assembly Chamber 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 News Papers of 30th May, 2019 Pursuant to Section 7(6) and 7(7) of the Public Appointments (County Assemblies Approval) Act, 2017, all the three (3) nominees were heard in public in the following order:

3.1.0 Ms. Scholarsticah Mueni Mboi, Nominee: Chairperson, Machakos County Public Service Board

Hon. Speaker, the nominee appeared before the Committee on 30th May, 2019 at 9.20 a.m. and testified on oath. On the basis of her oral and written evidence, the following emerged:

3.1.1 Date and Place of Birth

The nominee was born in 1978, in Ikombe Ward, Yatta Sub-county of Machakos County.

3.1.2 Document of Identification

The nominee possesses a National ID. No. 20748275

3.1.3 Net worth

The nominee stated that her net worth is Ksh. 8 Million.

3.1.4 Honors and Awards

Letter of appreciation from the National Police Service Commission.

3.1.5 Potential Conflict of Interest

Hon. Speaker, the nominee did not indicate any potential conflict of interest.

3.1.6 Pro Bono/ Charity Work

Hon. Speaker, the nominee did not indicate having participated in any pro-bono or charity work.

3.1.7 Integrity

Hon. Speaker, the nominee submitted the following;

- i. Self-declaration form from the Ethics and Anti-Corruption Commission (EACC) dated 15th April, 2019
- ii. Acknowledgement receipt for application of Tax Compliance Certificate dated 15th April, 2019.
- iii. Certificate of clearance from the Metropol Credit Reference Bureau (CRB) dated 11th April, 2019 indicating no negative listing.
- iv. eCitizen application invoice dated 15th April, 2019.
- v. The Higher Education Loans Board (HELB) clearance certificate dated 28th April 2018.

3.1.8 Work Experience

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

- i) Marketing and management as she served as marketer and later as manager with Pan Africa life assurance from 2002 to 2012.
- ii) Public service as she has served as Board member of the Machakos County Public Service Board from 2013 and acting Chairperson Machakos CPSB from 2016 to date.

3.1.9 Preliminary Matter arising from Nominee's Position as Board Member and current acting Chairperson of the Machakos County Public Service Board

Hon. Speaker, the committee noting that the nominee was appointed as a board member of the Machakos CPSB from August 2013 a position she has held to date, and aware that she has been nominated for the position of Chairperson to the board, referred to the relevant provisions of the law in which the committee noted that Section 58 of the County Governments Act No. 17 of 2012 on composition of the CPSB provides that,

“(1) The County Public Service Board shall comprise—

- (a) A chairperson nominated and appointed by the county governor with the approval of the County Assembly;
- (b) Not less than three but not more than five other members nominated and appointed by the county governor, with the approval of the county assembly; and
- (c) A certified public secretary of good professional standing nominated and appointed by the governor, with the approval of the county assembly, who shall be the secretary to the board.

(2) The appointment of the members of the Board shall be through a competitive process.

(3) A person shall be qualified to be appointed as a member under subsection (1) if that person—

- (a) satisfies the provisions of Chapter Six of the Constitution;
 - (b) is not a state or public officer;
 - (c) in the case of chairperson or vice-chairperson, possesses a minimum qualification of a bachelor's degree from a recognized university and working experience of not less than ten years; and
 - (d) in the case of any other members—
 - i. possesses a minimum of a bachelor's degree from a recognized university and working experience of not less than five years; and
 - ii. is a professional, demonstrates absence of breach of the relevant professional code of conduct.
- (4) A member of the Board shall—
- (a) hold office for a non-renewable term of six years; and
 - (b) may serve on a part-time basis.
- (5) The members of the Board may only be removed from office—
- (a) on grounds set out for the removal of members of a constitutional commission under Article 251(1) of the Constitution; and
 - (b) by a vote of not less than seventy five percent of all the members of the county assembly.
 - (c) The board shall elect a vice-chairperson from amongst its members.
 - (d) The chairperson and vice-chairperson shall be of opposite gender.”

Hon. Speaker, when asked whether there was a contradiction in her current nomination and the provisions of Section 58(4)(a) as quoted above, the nominee stated that there was no contradiction and that currently she is holding the position of a member of the Board to which she was gazetted. She continued to explain that she is holding the Chairperson's position in an acting capacity.

On her current nomination as Chairperson the nominee said that the positions in the board are distinct in that the position of Chairperson requires one to have 10 years' experience, while for other members, the requirement is five years' experience and for the position of Secretary, one who is a Certified Public Secretary of good standing.

The nominee also made reference to the difference in duties and responsibilities as well as salaries and remuneration for each position in the Board.

The Committee deliberated at length on the aspect as to whether recommendation for appointment as Chairperson of the CPSB would be contrary to the provisions of Section 58 of the County Governments Act No. 17 of 2012 and decided to proceed with the interview and make the necessary decisions after hearing the nominee.

3.1.10 Academic and Professional Qualification

Hon. Speaker,

- i. The nominee has a post graduate Diploma in Human Resource Management from the University of Nairobi, 2016.
- ii. The nominee holds a Masters of Arts in Project planning and management from the University of Nairobi, 2014.

- iii. The nominee acquired a first degree from the Kenyatta University (Bachelor of Science) Family and Consumer Science, 2010.

3.1.11 Past experience in the CPSB

Hon. Speaker, asked to state some of the achievements and challenges experienced during her time serving as a Board member and the acting Chairperson of the CPSB, the nominee listed the addressing of promotions, re-designations, confirmation of human resource and drafting of the County public service charter. On challenges she listed lack of financial independence, and conflict both internal and from the executive arm of the County government.

3.1.12 Staff Establishment

Asked on the existence of a staff establishment framework that can give an indication on the cadres and staffing levels as well as the requirement for staff audit in the County public service, the nominee pointing out that it is the County executive departments that create staff requirements and requisitions upon which the CPSB recruits or designates staff. The nominee said that the current establishment in the County public service stands at 6,614 employees.

3.1.13 Nominee's Responses to Further Questions from the Committee

i) Submission of Reports to the County Assembly

Hon. Speaker, asked on the reasons as to why the CPSB did not forward quarterly reports to the County Assembly, the nominee said she was not aware that it is a requirement to have the reports submitted quarterly since they have been forwarding them on annual basis.

ii) Resolution by the County Assembly General oversight committee to halt the recruitment of Sub-county and Ward administrators

Hon. Speaker, asked why the CPSB ignored a resolutions of the Assembly to stop the recruitment of Sub-county, ward and village administrators, the nominee stated that the CPSB sat down and deliberated on the matter and came up with the resolution that since the process had already started and progressed, a stoppage would lead to lawsuits and therefore it was safe to complete the process. However, that decision was not communicated to the Assembly.

iii) Wrangles at the current County Public Service Board

Asked about reports of wrangles in the board the nominee responded that the reported misunderstandings touched on independence of the board. She explained further that some board members were suspended over the issue after which they went to court. She pointed out that the matter is still before the court.

3.1.14 Awarding of Marks on the Assessment Form: Ms. Scholarsticah Mueni Mboi

Nominee: Chairperson, Machakos County Public Service Board

Particulars	Marks Available	Marks awarded						Total Awarded	Mean
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6		

Work experience (as it relates to the position)	25	20	25	25	24	-	-	94	
Education/training(relevant to the position)	25	25	25	25	25	-	-	100	
Interest in and knowledge relating to specific position	15	10	15	14	14	-	-	53	
Communication skills (written/oral)	10	8	10	10	9	-	-	37	
Presentation (promptness, neatness of resume/application, appearance)	10	10	10	9	8	-	-	37	
Decision making/problem solving skills	15	7	10	15	14	-	-	46	
Total marks	100	80	95	99	94	-	-	368	92

On the above assessment two members of the committee opted not to assess the candidate on the assessment form on the basis that the candidate should have been disqualified for the interviews after the preliminary hearing because the law bars her from being re-appointed to serve in the Board. The other four members opted to assess the candidate on the assessment form above and await a full decision of the committee.

3.1.15 Observations

Hon. Speaker, from the assessment above, the nominee:

- i. Has the necessary academic qualifications.
- ii. Has the necessary experience.
- iii. Exhibited sufficient knowledge on work of the Board.
- iv. Is aware of current affairs.
- v. Is confident and a good communicator.
- vi. Is neat and presentable both in person and resume.
- vii. Has the necessary clearances certificates for purposes of Chapter Six of the Constitution.

However, the committee took note of the following provisions of the County Governments Act, 2012:

Section 58: Composition of the County Public Service Board

(1) The County Public Service Board shall comprise—

- a) A chairperson nominated and appointed by the County Governor with the approval of the County Assembly;
- b) Not less than three but not more than five other members nominated and appointed by the County Governor, with the approval of the County Assembly; and
- c) A certified public secretary of good professional standing nominated and appointed by the Governor, with the approval of the County Assembly, who shall be the secretary to the board.

(2) The appointment of the members of the Board shall be through a competitive process.

(3) A person shall be qualified to be appointed as a member under subsection (1) if that person—

- a) Satisfies the provisions of Chapter Six of the Constitution;
- b) Is not a state or public officer;
- c) In the case of chairperson or vice-chairperson, possesses a minimum qualification of a bachelor's degree from a recognized university and working experience of not less than ten years; and
- d) In the case of any other members—
 - i) Possesses a minimum of a bachelor's degree from a recognized university and working experience of not less than five years; and
 - ii) Is a professional, demonstrates absence of breach of the relevant professional code of conduct.

(4) A member of the Board shall—

- a) Hold office for a non-renewable term of six years; and
- b) May serve on a part-time basis.

(5) The members of the Board may only be removed from office—

- a) On grounds set out for the removal of members of a constitutional commission under Article 251(1) of the Constitution; and
- b) By a vote of not less than seventy five percent of all the members of the county assembly

(6) The board shall elect a vice-chairperson from amongst its members.

(7) The chairperson and vice-chairperson shall be of opposite gender.

From the information provided by the candidate both in writing and oral, she has been serving in the Machakos County Public Service Board from January 2013 as per her Curriculum Vitae and from August 2013 as per her oral submissions before the committee. The January 2013 date shows that the candidate has served as a member of the Board for the full six year term while the August, 2013 date shows that the candidate will complete the full Six year term in August, 2019.

Further, from the candidate's written and oral submission before the committee she has been acting as the Board Chairperson since September, 2016.

The above taken together with the provisions of the Law cited above shows that the candidate is not qualified to be appointed as Chairperson of the Machakos County Public Service Board because she has served as a member of the Board for the full term of Six years if the date of January, 2013 is considered, and she will complete the Six year term in August, 2019 if the August, 2013 date is considered.

It is to be noted that although the candidate in her oral submissions argued that there is a distinction between a member and a Chairperson of the Board in terms of the period of service, Section 58(4)(a) and (5) does not distinguish a member from a chairperson for purposes of the Six year term to be served. The only distinction in the law between a Chairperson and a Member is on qualifications under Section 58(3)(c) and (d) for Chairperson/Vice Chairperson and Members of the Board, respectively and the issue is not on qualifications of the candidate but on the term of service.

It is also noted by the committee that if the August, 2013 date is to be taken as the date when the candidate started serving as a member in the Board, then she can continue to act as Chairperson of the Board up to August 2019. In that case and in view of the short period remaining it will not be prudent to recommend that she be appointed as a substantive Chairperson of the Board when her term in the Board is ending in this coming month of August 2019.

3.1.16 Committee Recommendation

Hon. Speaker, the committee recommends that Scholarsticah Consolata Mueni Mboi is not qualified to be appointed as Chairperson of the Machakos County Public Service Board as Section 58(4)(a) and (5) of the County Governments Act 2012, bars her re-appointment to the Board.

3.2.0 Mr. Onesmus Mutisya Muia Nominee: Secretary, Machakos County Public Service Board

Hon. Speaker, the nominee appeared before the Committee on 30th May, 2019 at 11.20 a.m. and testified on oath. On the basis of oral and written evidence the following emerged:

3.2.1 Date and Place of Birth

Hon. Speaker, the nominee was born in Kola ward, Machakos County on 24th March, 1974.

3.2.2 Document of Identification

The nominee possesses a Kenyan National ID No. 12540174

3.2.3 Net worth

The nominee stated that his net worth is Ksh. 8 Million

3.2.4 Honors and awards

Best Candidate Bursary award – Kalama 1991

3.2.5 Potential conflict of interest

Hon. Speaker, the nominee did not declare any potential conflict of interest.

3.2.6 Pro Bono/ Charity Work

Paid School fees for an orphaned Child, Ksh 20,000.00

3.2.7 Integrity

Hon. Speaker, the nominee submitted the following documents:

- i. Tax compliance certificate valid up to 23rd August, 2019.
- ii. Certificate of clearance issued by Metropol on 27th September 2017 indicating no negative listing.
- iii. Compliance certificate from HELB valid until November, 2019.
- iv. Certificate of Good Conduct issued by the DCI on 21st November 2018 indicating nil offence.
- v. Self-declaration form stamped by the EACC dated 7th November 2018.

3.2.8 Academic and Professional Qualifications

Hon. Speaker the nominee:

- i. Holds a Master of Science degree in Human Resources Management from the Jomo Kenyatta University of Agriculture and Technology (JKUAT) in 2010.
- ii. Holds a Bachelor of Science degree (Education and extension) from the Egerton University in 2001.
- iii. Higher Diploma in Human resources management awarded by KNEC in 2016.
- iv. Is a certified secretary and a member of the Institute of Certified Public Secretaries of Kenya.
- v. Is a practicing member in Human Resource Management and registered with the Institute of Human Resource Management (Reg No. 01908).

3.2.9 Work Experience

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

- i. Public administration as he is currently the deputy director of administration in the office of the CEC, Member Public Service quality management and ICT.
- ii. Human resource administration as he has been a Consultant, Secretarial practice and Human Resource Management.
- iii. Teaching as he was employed by Teachers Service Commission as lecturer at the Kiambu Institute of Science and Technology from 2001 to 2016.
- iv. The nominee was the Acting secretary and CEO of Machakos County Public Service Board from 2018 March to October 2018.

3.2.10 Nomination Process

Hon. Speaker, the nominee stated that there was an advertisement for the position of Secretary, Machakos County Public Service Board and declared that he made an application and was shortlisted and attended an interview conducted by a panel of four members chaired by the CEC Member, Public Service.

3.2.11 Knowledge of Portfolio

Hon. Speaker, when asked to describe the duties and responsibilities of the Secretary to the County Public Service Board, the nominee stated that they includes; day to day administration of

the Secretariat, taking charge of the secretariat staff, undertaking communications in and out of the Public Service Board, and as the accounting officer to the Board ensuring that the procedures on recruitment are followed.

3.2.12 Past experience in the CPSB

Hon. Speaker, questioned on his experience as the acting secretary and CEO of Machakos County Public Service Board from 2018 March to October 2018 and reasons for moving to the office of the CEC Member for Public Service Quality management and ICT as a deputy director of administration. The nominee responded that he acted for a short period of time that might not have been enough to deliver major changes in the Board. He however said that he was able to encourage and train the existing staff on how to deliver effectively and processed quite a lot of backlog that he found including promotions issues.

On reasons why he moved from the Board, the nominee stated that there were challenges that eventually saw him transferred to the office of the CEC, Member public service.

Asked to explain further on the said challenges, the nominee pointed out two specific issues; one, a payment that he said was never handed over to him by the previous CEO and the other involving a promotion that did not meet the Board's threshold. He said that the issues had been resolved before he transferred to the department of Public Service Quality management and ICT

3.2.13 Nominee's Responses to Further Questions from the Committee

i) Recruitment Procedures

Hon. Speaker asked on the difference between external and internal methods of staff recruitment, the nominee explained that, they are all forms of recruitment depended on the situation at hand, he said that internal recruitment is done where some areas of professionalism are flooded with employees in one department while another is lacking. The nominee stated that in such situations internal advertisement becomes necessary so that idle staff can be utilized by other departments and at the same time relieve the cost of paying idle staff.

ii) Bloated work force in the County government

Hon. Speaker, on being asked how he dealt with the challenge of bloated workforce as the acting Secretary and CEO of the CPSB between March and October, 2018, the nominee said that he encouraged transfers instead of new employment and ensured due diligence whenever undertaking promotions and said that he was also keen not to allow any allowance that were not necessary. On recruitment he stated that he only accepted requests submitted together with prove of availability of budget for the departments.

iii) Challenges of Funding the Board

Asked how he will deal with the challenge of funding in the Board, the nominee stated that he will try to best utilize the available resources and allocate them based on priority. He said that he will also lobby and provide reasons for a higher budget and lower cost by eliminating unnecessary allowances.

iv) Resolution of County Assembly General oversight committee to halt the recruitment of Sub-county and Ward administrators

Hon. Speaker, asked why the CPSB snubbed a resolutions of the Assembly to stop the recruitment of ward administrators during his tenure as acting secretary, the nominee stated that it was a resolve of the board to continue with the process and therefore it become a collective resolution and at the that time being the acting Secretary there was little he could do.

v) *Current Affairs*

Asked about the national values and principles of governance and their role in realization of the Big 4 Agenda of the national government, the nominee listed the big 4 agenda has affordable healthcare, food security, housing and industrialization. He said that the national values and principles including transparency and accountability, fairness and public participation will ensure everybody is given an opportunity to participate in building the nation and thus directly result in to achieving of the Big 4 Agenda.

3.1.14 Awarding of Marks on the Assessment Form: Mr. Onesmus Mutisya Muia, Nominee: Secretary, Machakos County Public Service Board

Particulars	Marks Available	Marks awarded						Total Awarded	Mean
		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	24	25	149	
Education/training (relevant to the position)	25	25	25	25	25	25	25	150	
Interest in and knowledge relating to specific position	15	10	15	14	15	14	15	83	
Communication skills (written/oral)	10	6	9	9	10	9	9	51	
Presentation (promptness, neatness of resume/application, appearance)	10	5	9	9	5	7	9	44	
Decision making/problem solving skills	15	10	13	14	5	14	14	70	

Total marks	100	81	96	97	85	93	92	544	91 (90.6)
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3.1.15 Committee's Observations

Hon. Speaker, from the assessment above, the nominee:

- vi. Has the necessary academic qualifications.
- vii. Has the necessary experience.
- viii. Exhibited sufficient knowledge on work of the Board.
- ix. Is a registered certified public secretary in line with the County Government Act section 58 (1)(c).
- x. Is aware of current affairs.
- xi. Is confident and a good communicator.
- xii. Is neat and presentable both in person and resume.
- xiii. Has the necessary clearances certificates for purposes of Chapter Six of the Constitution.

3.2.0 Committee Recommendations

Hon. Speaker, in view of the above, the committee recommends Mr. Onesmus Mutisya Muia be appointed to the position of Secretary, Machakos County Public Service Board.

3.3.0 Dr. Ancent Kituku Nzioka, Nominee: County Executive Committee Member Department of Health and Emergency Services

Hon. Speaker, the nominee appeared before the Committee on 30th May, 2019 at 12.30 p.m. and testified on oath. On the basis of his oral and written evidence the following emerged:

3.3.1 Date and Place of Birth

The nominee was born on 7th July, 1977 in Kangundo, Machakos County.

3.3.2 Document of Identification

The nominee presented copies of National ID card No. 20145453.

3.3.3 Net worth

Hon. Speaker, the nominee stated that his net worth is Ksh. 16 Million

3.3.4 Honors and Awards

Fellow of the College of Pathologists for East, Central and Southern Africa.

3.3.5 Potential Conflict of interest

Hon. Speaker, the nominee did not declare any potential conflict of interest.

3.3.6 Pro Bono/ Charity work

- a. Paid school fees for needy students, Ksh, 100,000.00 annually.
- b. Free medical camp, seven (7) days in a year.

3.3.7 Integrity

Hon. Speaker, the nominee submitted the following documents:

- i. Self-declaration form from the EACC dated 25th April 2019.
- ii. Tax Compliance Certificate valid up to 25th April 2020.
- iii. Certificate of clearance issued by CREDITINFO dated 28th March 2019 indicating no negative listing.
- iv. Certificate of Good Conduct issued by the DCI dated 6th April 2019 indicating nil offence.
- v. Provided a letter from HELB ref: HELB/REC/01/CLEARANCECERT/47/99 indicating completion of repayment of undergraduate loan.

3.3.8 Academic and Professional Qualifications

Hon. Speaker, the nominee;

- i) Has a Masters of Medicine in Anatomic Pathology from the Aga Khan University, 2010.
- ii) Holds a Bachelor of Medicine and Bachelor of Surgery from the Moi University acquired in 2003.
- iii) Is member of the Kenya Medical Practitioners and Dentists Board registration No. A5204.

3.3.9 Work Experience

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

- i. Advisory on Health issues as he is currently Advisor to H.E the Governor of Machakos on Health sector matters.
- ii. Public health and medicine as he has been a Medical doctor and practitioner from September 2003 2017.
- iii. Medical lecturer as he has been a lecturer in clinical pathology from 2017 to date.
- iv. Medical Research as he has published several articles and papers in medical research journals.

3.3.10 Nominee's Appreciation of Challenges facing the Health sector in the County.

Hon. Speaker, when asked to name at least three major challenges that affect the health sector in Machakos County and how he would you address them if appointed, the nominee listed inadequate access to health facilities, lack of adequate health care workers and provision of drugs and commodities in the established health facilities.

To address these, the nominee declared that the County government is in the process of ensuring each of the eight Sub-counties has a level four hospital which will be done through upgrading the existing health centers in the densely populated areas. The process would also have dispensaries in the 40 wards upgraded to level 3 health centers.

On health care workers and community health volunteers, the nominee said the county has formed 250 community health units and recruited 10 community health volunteers in each unit translating to 2,500 community health volunteers across the County.

3.3.11 Staffing Level in Health care facilities

Hon. Speaker, asked about the existence of gaps in staffing levels in health facilities within the County, the nominee stated that the County government is currently undertaking a staff audit in the health facilities upon which the data will be analyzed to establish the gaps. The nominee however mentioned the lack of surgeons and several other specialists. To address these gaps, the county government has rolled out advertisements for recruitment to fill these positions.

3.3.12. Managed Equipment Service

Asked about his opinion on the Managed Equipment Service (MES), the nominee stated that when the scheme was rolled out there was a lot of opaqueness and that the contracts were not very clear on costing. He however said that some of the equipment such as the renal dialysis and the magnetic resonance imaging (MRI) equipment are in use and benefitting the public.

3.3.13 Health Sector Legislative Proposals

Hon. Speaker, asked about the legislation he would like to see enacted in the health sector, the nominee listed legislation on emergency and disaster preparedness, regulations on private health facilities, pharmacies, and laboratories proximity to public health facilities, legislation on drug and substance abuse, public health legislation to give guidance framework on food handling.

3.3.14 Nominee's Responses to Further Questions from the Committee

i. Grading of Health facilities

Hon. Speaker, asked to explain the grading of health facilities within the County, the nominee stated that they include the lowest in the cluster as level one which is basically a community health unit served by community health volunteers, level two which are dispensaries mainly served by nurses and offering basic curative services, wound dressing, treatment of minor conditions and family planning.

Level three which are health centers giving more enhanced curative services, staff here are nurses, clinical officers and laboratory technologists, they offer services including maternity care. The highest in grade are the Level four hospitals which are mainly the former district hospitals currently within the sub-counties. Staff includes; medical officers, clinical officers, nurses, physiotherapist and occupational therapists.

ii. Loss of Drugs in Health facilities

Hon. Speaker, on being asked what measures he would take to curb the loss of drugs in the health centers if appointed, the nominee said that he would encourage frequent transfers to make sure health workers do not stay at same workstation for a long time which will address issues of familiarity. He also stated that he would adopt appropriate digitization software to ensure the tracking of drugs issuance and management of stores re-order levels.

iii. Negligence in Private Hospitals

Asked how he would deal with reports about negligence in private health care facilities, the nominee said that if appointed, he will ensure the health department undertakes adequate

supervision of all health facilities through the deployment of surveillance teams who will go around the County ensuring minimum health standards are met.

iv. Universal Health Care

Hon. Speaker, when asked about the status of the Universal health care initiative, the nominee stated that it is expected that the scheme will improve delivery of health services within the County.

He further continued to explain that UHC was rolled out to support the following key pillars; strengthening of public health including sanitation, food inspection and handling, primary community health care through the provision of funds to support and train community health volunteers, strengthening of health systems including the referral system and specialized services, bringing on board KEMSA as the single agency mandated to supply all commodities to public health facilities.

He however pointed out teething problems including registration at distant health facilities and the requirement to pay upon being transferred to referral hospitals. He said that these matters were under consideration at the highest level of the National Cabinet Secretary for Health.

v. State of the Ambulance Service

Hon. Speaker, asked on the state of the County ambulance service and the measures he will take to ensure the service is reliable, the nominee said if appointed, he will streamline operations through a well-coordinated fueling system utilizing fuel cards, and to curb corruption he will take stern action against drivers and care givers found culpable. He further stated that he would ensure the upgrading of existing ambulances to offer critical life support and also station trauma support enabled ambulances at main highways.

Awarding of Marks on the Assessment Form: Dr. Acent Kituku Nzioka, Nominee: CECM-Department of Health and Emergency Services

Particulars	Marks Available	Marks awarded						Total Awarded	Mean
		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	24	149	
Education/training(relevant to the position)	25	25	25	25	25	25	24	149	
Interest in and knowledge relating to specific	15	14	14	15	15	15	14	87	

position									
Communication skills (written/oral)	10	10	10	10	10	10	10	60	
Presentation (promptness, neatness of resume/application, appearance)	10	10	9	10	10	8	10	57	
Decision making/problem solving skills	15	15	14	13	15	15	14	86	
Total marks	100	99	97	98	100	98	96	588	98

3.3.15 Committee Observations

Madam Speaker, from the assessment above, the nominee:

- i. Has the necessary academic qualifications.
- ii. Has the necessary experience.
- iii. Exhibited sufficient knowledge and interest in the department.
- iv. He is aware of what is happening in the National Government.
- v. He is confident and a good communicator.
- vi. He is neat and presentable both in person and resume.
- vii. He has the necessary clearances certificates for purposes of Chapter Six of the Constitution.

3.3.16 Committee Recommendations

Hon. Speaker, in view of the above, the committee recommends that the candidate Dr. Ancia Kituku Nzyoka be appointed as the Machakos County Executive Committee Member, Department of Health and Emergency Services.

4.0 ADOPTION OF THE REPORT BY THE COMMITTEE

Hon. Speaker, the undersigned members of the Committee on Appointments have hereby appended their signature to adopt the report.

1. Hon. Florence Muoti Mwangangi - Speaker (Chairperson)
2. Hon. Mark Kimanthi Muendo - Leader of the Majority Party
3. Hon. Alex Peter Kamitu - Leader of the Minority Party

4. Hon. John Brian Kioko Kisila -Member
5. Hon. Tariq Mulatya Muema -Member
6. Hon. Winfred Syonindi Mutua -Member

Hon. Speaker, I therefore present the report of the committee on appointments on the vetting of the nominees for the positions of CEC Member for Health and Emergency Services and the Chairperson and the Secretary to the County Public Service Board to this Hon. Assembly for consideration and approval. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Mark Muendo, Majority Leader, for being on your feet for nearly two hours and you made it very well.

(Question proposed)

Hon. Members, I now invite you to debate the motion. I saw the hand for Hon. Fredrick Muthoka; I will come back to you Hon. Mitaa.

Hon. Muthoka: Thank you, Madam Speaker. I also let me take this opportunity I congratulate you being elected the vice chair CAF. I stand here also to support this report and I say it's fair and as a house of law we have to follow the law. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Fred Muthoka Hon. Mitaa.

Hon. Mitaa: Thank you Madam Speaker for the opportunity. I also wish to thank you, upon your election as the vice chairman County Assemblies Forum. I also take this opportunity, when I came after sometime, I realize we have some changes in the assembly hall and it is only recently when this issue was raised as much as I have realized it has been sorted. My concern is only one because it was made to serve the people at the gallery; I don't know those people who mounted the TV sets whether they considered that, Madam Speaker.

On the issue of the report by the committee, I thank the Majority Leader for taking that time and going through the report; it reached a point actually I was raising on a point of order to request you to allow him to read the report while seated but it has really given some us some challenge which we have taken positively, Madam Speaker.

The report is well done; it has taken care of our interests because for the position of Madam Scholarstica, it has been noted that the law is very clear that it is a six year term non-renewable. It might have been oversight at that level that people didn't realize that she didn't qualify to run for a second time and we have so many positions in this county. I know that she is qualified; I have gone through the report and she has the qualifications, she has interests of this county and I know she will be able to serve the county in another position, Madam Speaker.

My humble request to His Excellency the Governor, because this is a key position, I hope they will be able to give a replacement, do the necessary vetting and bring the name to this Hon. House.

On the issue of the health department Madam Speaker, it is sad the country is continuously mourning on issues relating to health problems and in this county we have decided to take care of our people health wise, Madam Speaker. This menace of cancer was addressed recently in this

Hon. House and there has been vacuum on the issue of CEC health department; the report is timely it has come at the right time because I hope this Hon. House will pass it and Dr. Ancent Kituku will be approved to serve not in an acting capacity but as a confirmed CEC for Machakos county since we need to establish cancer center for Machakos people.

It is overdue and we need to have the right facilities to take care of our people here within Machakos County so that we save them the cost and time factor which they have been going through. Madam Speaker, on that small note, I thank the committee for the good job they have done and I wish other pending issues because we have other pending issues, I wish the committee would go back again and bring any other pending report which needs to be discussed in this house so that we move forward. Thank you, Madam Speaker.

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

Hon. Ndawa: Thank you, Madam Speaker, before I comment on the report I want to congratulate you Madam Speaker for the position which you have been elevated to. In fact, that is our win, the position you are holding is ours and we want to declare that the vice chair, the word vice is going to be silent so we confirm you as the chair of CAF, Madam Speaker.

(Applause)

Those who did not come to Nairobi to cheer you, we were with you in prayers and we support you in that position. Madam Speaker before coming again to this report, I want to go back to your communication in the morning that you gave this Hon. House. Madam Speaker, it was very okay; to me I felt that the issue of.....no let me not go that let me go straight to the report because I believe there is a motion which is coming in the afternoon concerning the house allowances for the MCA so I will reserve that for that time.

Madam Speaker, the report is quite elaborate. The issue of the secretary, I agree with the report totally. Madam Speaker, the issue of the CEC member for health, I also agree with the report totally. The only area that I have reservations is on the issue of the Chair, County Public Service Board Madam Speaker and I am citing my argument on the resolution of the full House during the time when the House was stopping a recruitment of the ward administrators and the sub county administrators.

Madam Speaker, I do recall very well that the House made it clear that it could not recognize the appointment of the County Public Service Board. So, Madam Speaker, we need your interpretation. If the House said that the appointment of the County Public Service Board was not valid, we want your interpretation; did this lady serve the second term if the House said the appointment of that County Public Service Board was not proper because it was not approved by the House?

Do we go ahead and say the lady served for two terms? Madam Speaker, we need your guidelines.

Hon. Speaker: Hon. Ndawa, please read page 16 of the report through page 18 and you will be informed accordingly. Hon. Ikusya.

Hon. Kaloki: Thank you, Madam Speaker. I stand here to congratulate you for the election as a vice chair, as Ndawa said although you didn't appreciate me on the long list of those who participated. I want---

Hon. Speaker: I said others were with me in spirit and I know your spirit was supporting me.

Hon. Kaloki: I want to finish, Madam Speaker. I want to congratulate you and also pass some warm congratulations from Hon. David Mbaya from Tharaka Nithi County with whom I spent the better part of Friday and Saturday preparing for a funeral of a close relative whom we shared. He told me that he really supported you that is actually the reason why you never saw me so I also deserve some appreciation.

The other point is that I am happy that we have one of the senior-most positions in this country here in this Assembly so count on our support.

(Applause)

On the issue of the report, Madam Speaker, I want to say that the committee did a very good job and especially when it comes to the CEC member for health Dr. Ament Kituku. I think is one person who is up to the task and someone who has whatever it takes to bring reforms in the health department of our county so I think Kituku definitely we are going vote for him.

Now the issue of Scholarstica that is the County Public Service Board, I see some contradiction in the report and there are some other areas that need to be clarified and especially where one acted as a chair, we just want some interpretation whether that actually means that she served a full term as a chairperson or as a chair on an acting capacity because you remember at the very beginning when she was being interviewed---

Hon. Speaker: Point of information from the Chair. Hon. Kaloki, the issue of service of madam Scholarstica is not as a Chair, it is as a member and if you take time to read the report you will understand that the consideration particularly Section 58 on composition of County Public Service Board and I want to refer you to Sub-section 1, and I am doing this because chaired that committee. You are told the County Public Service Board comprises of:

1. Chairperson nominated and appointed by the County Governor with the approval of the County Assembly;
(b) not less than three but not more than five other members and if you take that word 'other members,' it means that the person who is in (a) above chairperson is also a member of the County Public Service Board.

If you come to the same Section 58(4), a member of the Board shall hold office for a non-renewable term of six years; member including chairperson.

If you come to sub section (5) it talks of removal of members of the board and it give the reasons;

(a) Grounds set out for the removal of members of constitutional commissions.

(b) By a vote of not less than seventy-five percent of all the members of the County Assembly.

You notice under subsection (5) there is no there is no distinction on the removal of a Chairperson from that of a Member. All of them are classified as Members. The distinction between a Chairperson and a Member in the Act is only on qualifications. You notice that, the Chairperson is given different qualifications from that of an ordinary Member and what the

Committee was considering is not qualification because those who assessed the candidates, the four assessors found that she is qualified and that is in the report.

But then there is the law which you cannot ignore that she has served for six years by August 2019, if you take the dates she gave, she gave two days. The date of August 2013 would give her up to August 2019 to complete her service but the date of January she also gave herself, 2013; we are sure that she has already served six years. So, why do you want to interpret the law differently?

Hon. Kaloki: Thank you, Madam Speaker. I thought it was the other way round like if I serve as a Member of a Board and the term expires and the following term they advertise for the position of a Chairperson, I thought I would still apply and qualify because I did not serve in the previous term as a Chairperson---

Hon. Speaker: You cannot because the law bars you from doing that.

Hon. Kaloki: Well, I think this, Madam Speaker, requires some serious constitutional interpretation but now that you are a lawyer---

Hon. Speaker: It is not a constitutional; it is just a statutory interpretation and it is clear.

Hon. Kaloki: Okay. It is a bit complicated, Madam Speaker.

(Laughter)

Hon. Speaker: Hon. Members, let us go on with the debate.

Hon. Kaloki: But I rest my case but I am still not very much satisfied but now that you are the legal advisor and the expert in that area and I am an expert in a different field, I will rest my case. Thank you, Madam Speaker.

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

Hon. Museku: Thank you Madam Speaker for giving me this opportunity to address the House. Again congratulations to Hon. Madam Speaker, on the great achievement of being elected the Vice-Chair of CAF; it is a position we as Members of the Assembly of Machakos shall cherish forever. Madam Speaker, I thank the Committee for the good report they have presented before this House. I thank them first of all for the thorough way they went through their duty; Hon. Madam Speaker and your Committee, when I look at the issues which were raised or which were being considered, the Committee went to great lengths in ensuring that all the evidence which was required in terms of making sure the nominees received fair hearing and determination was done.

On the issue of the Chair of the County Public Service Board, Madam Speaker, as you have explained and as the report does explain, the law is clear that any Member of the County Public Service Board, will only be able to sit for a one-term, six years non-renewable. So, so long as you have been elected or you have been passed and served as a Members of the County Public Service Board for a term of six years, then the law bars you from going back again for a second term in whatever capacity because a Member is a Member.

The law also seems to suggest that, you are first of all a Member and then from being a Member you become a Chairman of the Committee. So, I think it is very clear and I do agree with the Committee on the recommendations that although Madam Scholarstica is qualified in other areas, I am very sure that she will be able to serve the County in any other capacity but not in this one. The people who made the Constitution had a reason why they said it should be a six-year, one term.

There was a reason behind the thinking of those people which I do presume meant that they intended there to come fresh blood with fresh ideas in the County Public Service Board, so that the policies of employment, labour being a very key aspect of any Government, you need to get new people with fresh ideas and new ways of doing things so that they can be able to take care of the labor force and that is the reason why they said one-term, six years then we bring in somebody different to be able to take the Country or the County forward.

On the issue of the Secretary, I agree with the report because he is very qualified, based on the qualifications which I have seen here, he is very much qualified to hold that position. The issue of Dr. Ancent Kituku who the other day was actually awarded a doctorate degree in law and now he actually PhD degree holder in medicine. So, we are proud to say that, we will be having one of the most qualified and accomplished CECs in the field they have been selected to. You can imagine we will be having a CEC of Health who has a PhD on health matters.

(Applause)

There is nothing much better than a Committee would have done other than to give us such a highly-qualified person. Madam Speaker, I am very sure the issues that have been raised especially on the concerns on cancer which has become a national disaster right now with Dr. Ancent Kituku there and with the Motions which this Hon. House passed of us being able to create a Cancer and Palliative Care Centre in Machakos, the foresight which we had and actually came out with that Motion and it was approved by this House, we hope that now by electing such a qualified person in the medicine area, we will be able to move forward on that field and assist our people in this issue which is really affecting our lives.

It is not easy for a Country like Kenya, to lose three high-ranking people in a period of two months to that disease called cancer. That tells you the kind of attention needs to be given. We lost Bob Collymore, we lost Lorna Laboso and we also lost Ken Okoth, MP for Kibra and coming closer to home, we also lost the father on one of our Clerk Assistants, Dennis; he is called Kikanyi, he also passed away last week also of cancer.

So, you can see it is coming closer and closer to us and I am very sure that this report has come in very timely so we put Ancent in office so that he can be able to take up the mantle now and run with it. Thank you, Madam Speaker.

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

Hon. Kisini: Thank you, Madam Speaker. I want to first applaud you for the good work you have done for that post. I was there when you really seriously trounced your opponent. You almost over doubled her by the votes you got. So, congratulations.

(Applause)

Coming to the report, I also want to applaud the Committee for the good work they have done; this is a very elaborate report and more especially when we also talk about this Dr. Kituku who scored 98 percent in the scores you were awarding. Why am I saying so? In the report, in one of the sections, the Committee said that he is one of the advisors of the Governor and of recent we have seen the Governor acting on several departments.

He started by visiting the hospital which was very unhealthy and not clean, he secondly visited and closed the pharmacies and on the public health, he visited the factories in Athi River and closed some of them so to me I think there was a hand of this Dr. Kituku who is acting and if now given or confirmed, I think he is going to do a very commendable job and we congratulate him and I think we might be lucky in the sector of health in Machakos.

Just to go on the other two aspects more especially on the County Public Service Board, I also want to commend the Committee for the good report they have brought to us. I have seen they have highlighted serious concerns which as Members we have been asking. One of them was the bloated labor force; there was that question which was asked on how if they are confirmed, they are going to handle the issue of labor force which is amounting to 6,614 employees.

They have also touched on the issue of the Ward administrators who were employed by the County against our will and I do not think they gave some serious answers but all the same, I think since they have seen those questions and they have seen the concerns of the Members, if we confirm them, I think now they have seen this is a House of honour, this is a House which knows what is happening there, this is a House where if you try to break any of the laws or the rules, you will be in for it.

Madam Speaker, this was a very good report, it was worth it, it is very elaborate and I want to say a big thank you, to you as the Chair and the other Members and lastly, I still want to touch on your Chair; we have started to see the fruits because if it is going to go as said, we are soon going to get our house allowances. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kisini. You want to make me a Mister?

(Laughter)

Alright, it is okay. A Mr. includes a Mrs. or a Miss? The ladies may not agree. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. First, I want to congratulate you for getting the seat but when I heard you were vying, I knew that you are going to get because you are a very hardworking woman. I knew you cannot follow something that you cannot get.

(Laughter)

Mine is to support the report by saying that the Committee has done a good job but Scholarstica who was the Chair, of the Board, is a very hardworking lady so I beg the Governor to give her another duty because she has been doing that work when it was very hard, when it was the start of the County and she has been trying so hard and so I ask the Governor not to throw her out and instead give her another duty. Thank you.

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

Hon. Masesi: Thank you, Madam Speaker. Madam Speaker, first and foremost I would like to appreciate and thank you for capturing that seat. In fact, Madam Speaker, we have a charter for the Health Chairpersons countrywide and I had a challenge with the chair Health Committee, Vihiga County Assembly who is Alisha Amara. Madam Speaker, I challenged her when I told her to look at the profile of both candidates.

Madam Speaker, when I go through your profile, in most cases you are the Chair and I want to believe you are still capable of getting the Chair only that Madam Speaker you are a God-fearing woman that you agreed that the neck should always be below the head and I wish the other Hon. Members could imitate your character, Madam Speaker.

Hon. Speaker: Hon. Cosmos, I did not agree that. I chose to be vice chair because I wanted to be more often with my Assembly. If I went for the Vice-chair you would hardly see me and my first duty is to this Assembly.

Hon. Masesi: Yes, Madam Speaker. Madam Speaker, my point was that you are still able to be the chair of County Assemblies Forum (CAF). Madam Speaker, coming back to the report, I would like to first and foremost to thank and comment our able Majority Leader for taking us through well-analyzed report. Madam Speaker, the County Public Service Board is a key department whereby all our employees pass there for analysis, for screening before they occupy the offices within our County.

Madam Speaker, even if we say that we did not approve the nominee for chair, County Public Service Board, there is a proof that she has been earning money as the Member of the Board and Madam Speaker that is enough. So I wish our governor could do the needful and bring another name to the Assembly for vetting and I wish we could move very fast.

Madam Speaker, on the health department, bearing in mind that we have able chair in Health department, I am happy to receive someone who is equal to the task. Dr. Kituku, if you look at the way he analyzed the questions, the challenges which we have in our---

Hon. Munguti: Point of correction, Madam Speaker.

Hon. Speaker: Point of correction, Hon. Jeremiah. But we have only point of information and point of order in our Standing Orders.

Hon. Munguti: Thank you, Madam Speaker. I want to correct the Hon. Member.

Hon. Speaker: You want to inform him?

Hon. Munguti: Yes. When he is talking of Mister when the gentleman he is talking about is a doctor. Those are two different things. He must address the person with the title that he holds. Thank you, Madam Speaker.

Hon. Speaker: What happens another on top of that, Hon. Jeremiah, when somebody has read so much like Dr. Kituku, he becomes a Mister; so you see? Proceed, Hon. Cosmos.

Hon. Masesi: Thank you, Madam Speaker. It is good for the Hon. Member to know that as learned friends, we address---

(Laughter)

Hon. Speaker: Now, Hon. Cosmus you are not a learned friend. You are a Hon. Member of the Assembly.

Hon. Masesi: Hon. Speaker, very soon I will be doing my Masters. Madam Speaker, coming back to the report, I was saying that in fact within the health sector, we have got enormous challenges. I am happy the way Dr. Kituku answered the issues starting with the lack of adequate healthcare workers which is very key. I want to believe that if we allow the health committee, we will have to look at the number of skilled healthcare workers which are missing within our health facilities and if it is possible we allow the department of health to recruit so that we can have adequate skilled health worker within our facilities.

Madam Speaker, the report also tells us that we are still working on the issue of having a Level III within each and every ward which is one of the key items being handled by the department. Madam Speaker, again we have been enlightened on the meaning of Level I, II, III and IV within the report. I have seen again how the nominee would deal with the issue of loss of drugs.

Madam Speaker, we have realized and noted with a big concern that our employees are overstaying in their current station which makes our doctors and clinical officers to give them time to have business within the locals. Madam Speaker, I will support fully the issue of frequent transfers to the same to make sure that the people or those doctors and clinical officers do not stay long time within the working stations.

Madam Speaker, he has also said that we will have digitization software to ensure the tracking of drugs issuance and management of the same in terms of the stores and re-order levels. In our hospitals, we realized we do not have drugs and it normally looks like the end result of the expectations within our patients when they go to the hospitals.

Madam Speaker, we need to look very well and we have been on the matter with the department through the Chief Officers to get to know how much is our UHC doing, the amount we have been receiving for the Universal Health Care so that we can compare with the kind of budget given to the same department. Madam Speaker, I am sure that if we get this nominee, a big change will be felt within the department.

To my fellow Hon. Members, I just want to echo the sentiments of our Deputy Speaker, that cancer has become a menace within our country bearing in mind that in less than two weeks we have lost both MP Kibra Ken Okoth and Bomet Governor, Joyce Laboso. Madam Speaker. I would like to register my condolences to the families of both leaders. Cancer is a condition that can be managed and treated if detected early enough.

Madam Speaker, on this I would urge our Hon. Members to do screening on regular basis if there is something can be done to be done in advance otherwise Madam Speaker, we know that there are so many people who are suffering in silence in cancer illness maybe in fear of stigma but we know the department will work very closely to make sure that our residents get the care needed to keep them health. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Cosmus. Hon. Majority Leader of the motion, please reply.

Hon. Muendo: Thank you, Madam Speaker. Let me say first I thank your office being a chairman of this committee and I also like to thank the Members for the independence they showed across and Madam Speaker, let me urge the House to pass the motion on basis that we have Dr. Nzioka who is a very experienced doctor. This is the first time have seen a CEC who knows the health sector well.

I would also like to tell Members that in the County Public Service Board, the person who normally perform duties most is the CEO; we have given Mr. Mutisya the job and there will not be going to be vacuum. Let me say, for those who have doubts, this time since we had handshake, we did consultations, our Speaker did consultations with the Governor before about the issue of Madam Scholarstica so we are not competing. We did this time the consultations and he agreed that she is going to give Scholarstica another position because he was not aware of that law.

(Applause)

Therefore, for Members, this time it is not like those days; we did consultations and our Minority Leader Hon. Kamitu is aware of what we did therefore we know she is going to get job. What I would like to say is, Madam Speaker, the composition of the appointment committee has got good brains and I would urge the His Excellency Governor Mutua to give us somebody else qualified very soon to position that position of chairmanship because we have no malice, we have no interest; if we get a qualified person, even if it means tomorrow from the His Excellency the Governor, we are going to sit down and pass it and also Hon. Members, remember that the law is very important for us.

Let us not forget our work, let us do our work according to the law, this is a House of law. Therefore, as far as am concerned, the Majority Leader and the Minority Leader, we consulted so we had no ill-motive on Scholarstica and therefore Madam Speaker, with those remarks, I will urge the Members is their work to do necessity of supporting my motion. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Majority Leader Mark Muendo.

(Question put and agreed to)

(Applause)

ADJOURNMENT

Hon. Speaker: Hon. Members, at this point the sitting of the House adjourns to resume on the Tuesday 30th July, 2019 at 2.30 p.m. today afternoon. Hon. Members, it is noted by the Chair that because of the extension of time that we have been sitting and eaten into the hour of lunch; can we agree that you resume at quarter to 2.45 p.m. instead of 2.30 p.m.? Thank you, very much, Hon. Members.

The House rose at 1.40 p.m.

