

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Wednesday, 28th November, 2018

The House met at 10.42.m.

[The Deputy Speaker (Hon. Museku) in the Chair]

PRAYERS

Hon. Deputy Speaker: Good morning Members. Mr. Clerk do we have quorum? Ring the bell please, Serjeant-at-Arms, could you ring the bell for 10 minutes we call for quorum.

(Quorum bell rung)

I think we have quorum now. Mr. Clerk, proceed.

PAPER LAID

REPORT OF THE AUDITOR GENERAL ON FINANCIAL STATEMENTS OF MACHAKOS
COUNTY ASSEMBLY CAR LOAN SCHEME FOR THE YEAR ENDED 30TH JUNE, 2016

Hon. Deputy Speaker: Hon. Members, we have one paper to be laid by Hon. Joseph Musau, chairperson, Public Accounts and Investments committee.

Hon. Wambua: Thank you, Mr. Speaker, Sir. Mr. Speaker, I beg to lay the following paper on the table of House today, Wednesday 28th November 2018: the report of The Auditor General on Financial Statements of Machakos County Assembly car loan scheme for the year ended 30th June 2016. Thank you, Mr. Speaker.

Hon. Deputy Speaker. Thank you, Hon. Musau.

NOTICES OF MOTION

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

Hon. Deputy Speaker. Hon. Members, under this Order, we have two notice of motion the first one by Hon. Justus Kiteng'u and the second one is by Hon Joseph Musau. Hon Justus.

Hon. Kiteng'u: Thank you, Hon. House.

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

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

Aware that Dr. Mary Mumbua Mutisya- Chief Officer nominee for Department of Tourism and Culture was committed to the Tourism, Culture and Social Welfare Committee on 7th August, 2018 pursuant to Standing Order No. 42 (1) for vetting and approval;

Further aware that Section 7(12) of the Public Appointments (County Assemblies Approval) Act, 2015 stipulates that “a candidate may at any time by notice in writing addressed to the Clerk, withdraw from the approval process and the Candidate’s nomination shall thereupon lapse;” Acknowledging that the aforementioned nominee through a letter dated 6th August, 2018 and received at the Office of the Clerk on 7th August, 2018 withdrew from the approval process.

Hon. Speaker, I wish to give notice of motion that this Hon. House discusses and approves that H.E the Governor of Machakos forwards to the County Assembly another nominee for vetting in the portfolio of Chief Officer, Ministry of Tourism, Youth, Sports and Culture.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Justus Kiteng'u. Hon. Joseph Musau.

REPORT OF THE AUDITOR GENERAL ON FINANCIAL STATEMENTS OF MACHAKOS COUNTY ASSEMBLY CAR LOAN SCHEME FOR THE YEAR ENDED 30TH JUNE, 2016

Hon. Wambua: Thank you, Mr. Speaker once again.

Mr. Speaker, that aware that article 229 (7) of constitutional states that “Audit Reports shall be submitted to Parliament or the relevant County Assembly;”

Further aware that pursuant to Article 229 (8) of the constitution, within three months after receiving an Audit Report, the Parliament or the County Assembly shall debate and consider the report and take appropriate action;

Cognizant that the committee on public account and investment standing order 185 and is mandated to examine reports, accounts workings County Public Investments;

Remembering in June, 2018 the committee undertook interrogation exercise Of Audit Report on Financial Statement of Machakos County Assembly car loan scheme of the ended 30th June, 2016;

Mr. Speaker, I wish to give notice of motion that this Hon. House discusses and approach the report of Auto General on Financial Statement of Machakos County Assembly Car Loan Scheme for the year ended 30th June, 2016.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Joseph Musau.

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

(Hon. (Ms.) Mwendu on 27.11.2018)

(Resumption of Debate on the Motion tabled on 27.11.2018)

Hon. Deputy Speaker: Hon. Members, under this order number, we have three businesses to transact, time allowing. We shall start with Hon. Irene Mbivya who is the Vice Chair, Transport. Yesterday, there was a report which was presented before the House and was taken back to the committee because of some issues which were raised. We need to finalize with that report that will be followed by Hon. Kiilu on Education and time allowing, we shall be able to look at the report by Hon. Moffat Maitha chairperson Justice Legal .Hon Irene.

Hon. (Ms.) Mwendu: Mr. Speaker I would request that we read the recommendations since the report was read yesterday to avoid monotony.

Hon. Deputy Speaker: Continue am all hears don't worry.

Hon. (Ms.) Mwendu: I had request if we could have read the recommendations because the report was read yesterday to avoid monotony if it is okay with you, Mr. Speaker.

Hon. Deputy Speaker: I think we will need to understand what changes have been made in the report because remember I think it had been brought two candidates yesterday who were from different departments so if you have managed to consolidate and come up with one report, then there will be need for us to understand. I think if you would be able quickly read through the report, because it is a new report, it would be better that way. Read the report.

Hon. (Ms.) Mwendu: Thank you, Mr. Speaker. This is the report on vetting of nominees for appointment to the positions of Chief Officers, and now straight to page 3 where we have the committee mandate.

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

Further Standing Order 192(5)(f) stipulates that the functions of a sectoral Committee shall be to- vet and report on all appointments where the constitution or any law requires the Assembly to approve, except those under Standing Order 184 (*Committee Appointments*)

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

1. Hon. Daniel Mbevi -Chairperson
2. Hon. Irene Mbivya -Vice Chairperson
3. Hon. Grace Mutwiwa -Member
4. Hon. Antony Mulu “
5. Hon. Pauline Munguti “

- | | |
|---------------------------|---|
| 6. Hon. Patrick Kituku | “ |
| 7. Hon. Tariq Mulatya | “ |
| 8. Hon. Caleb Mule | “ |
| 9. Hon. Margaret Mwikali | “ |
| 10. Hon. Cosmus Masesi | “ |
| 11. Hon. Justus Kiteng’u | “ |
| 12. Hon. John Musyimi | “ |
| 13. Hon. Margaret Ndalana | “ |

Hon. Speaker, pursuant to Section 45(1) of the County Government Act, 2012 H.E. the Governor, forwarded to the Speaker of the County Assembly the following two (2) persons as Chief Officers for vetting and consideration for approval by the County Assembly. This was vide letter ref MCG/GOV.COS/01/18 dated 31st July, 2018 and received on 1st August, 2018 (*see Appendix 1*)

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

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

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

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

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

- (1) ID/passport;
- (2) Curriculum Vitae, personal credentials and academic certificates;
- (3) Current Tax Compliance Certificate from the Kenya Revenue Authority (KRA);
- (4) Current Compliance Certificate from the Higher Education Loans Board (HELB);
- (5) Current Clearance Certificate from the Credit Reference Bureau (CRB);

- (6) Current Valid Certificate of Good conduct from the Departure of Criminal Investigation;
- (7) Current Clearance from Ethics and anti-Corruption Commission (EACC);
- (8) Current Clearance certificate from respective professional bodies.
- (9) Accreditation from Commission of University Education for foreign degrees (where applicable).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Committee did not receive any statements from Members of the public against the approval of appointment of the two (2) nominees.

APPROVAL HEARINGS

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

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

Date and Place of Birth

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

Document of Identification

The nominee possesses a National ID card No. 12992404

Education Background

Hon. Speaker:

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

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

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

- a) The nominee is currently servicing as the Deputy Site agent in a project of constructing a B4 road to bitumen Standard. Project was initiated in 2011
- b) The nominee served as the Materials Engineer in Stirling Civil Engineering Ltd from March 2007 to August 2011
- c) Further the nominee served as the Project Engineer in Pearl Engineering Ltd Company from July 2004 to February 2007
- d) The nominee also worked as the Assistant Resident Engineer in Gibb Africa Consulting Engineering Joint Venture from August 2001 to July 2004.

Net worth

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

Integrity

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

Nominee's Responses to Further Questions from the Committee

(i) Knowledge of the Steps in tarmacking road

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

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

(ii) Role of a Chief Officer

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

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

(iii) Knowledge of Challenges faced in the Department

Hon. Speaker, the nominee mentioned inadequate of resources as the major challenge especially during grading of roads because of fueling of graders. This is because occasional delays in

disbursement of funds from the exchequer. Further maintenance of graders was also cited as a challenge in the Department.

(iv) Nominee's Knowledge on Current Affairs

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

Committee Observations

Hon. Speaker, the nominee;

- (i) Has the necessary academic qualification.
- (ii) Has exhibited fair knowledge and interest in the department.
- (iii) Is fully aware of the Big 4 Agenda.
- (iv) Is confident and has good communication skills.
- (v) Is neat and presentable both in person and resume.
- (vi) Has all clearance certificates for purposes of Chapter Six of the Constitution.

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

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

Particulars	Marks Available	Marks awarded									MEAN
		AS 1	AS 2	AS 3	AS 4	AS 5	AS 6	AS 7	AS 8	TOTAL	
Work experience (as it relates to the position)	25	24	25	25	25	25	25	25	25	199	24.9
Education/training (relevant to the position)	25	20	25	25	25	25	23	25	25	193	24.1
Interest in and knowledge relating to specific position	15	13	10	15	14	15	14	12	10	103	12.9

Communication skills (written/oral)	10	8	10	10	10	7	9	10	10	74	9.3
Presentation (promptness, neatness of resume/application, appearance)	10	10	9	10	10	10	9	10	10	78	9.8
Decision making/problem solving skills	15	10	10	10	13	15	11	15	12	96	12
Total marks	100	85	89	95	97	97	91	97	92	743	92.9

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

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

Date and place of birth

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

Identification

The nominee possesses an ID No. 10409790

Academic and professional qualifications

Hon. Speaker, the nominee holds;

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

Experience related to the position

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

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

Net worth

The nominee stated his net worth as Twelve (Kshs.12) million.

Honors and awards

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

Integrity

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

Nominee's Responses to Further Questions from the Committee

(i) Knowledge of current Challenges in the Department of Housing and Urban Development

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

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

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

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

(iii) Knowledge of the Role of Chief Officer in Management of Public Funds

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

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

(iv) Nominee's Knowledge on Current Affairs

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

Committee Observations

Hon. Speaker, the nominee;

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

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

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

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

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

Committee's Recommendation

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

Hon. Speaker, guided by the above provisions of law and observations, the Committee recommends the following;

1. The Committee found Eng. Michael Muturi Maina SUITABLE to be appointed as the Chief Officer for Ministry of Roads, Transport and Public Works for the following reasons:
 - a) The nominee has satisfied the requirements of five (5) years' experience in the field nominated to serve as stated under Section 8 (c) of the Public Appointments (County Assemblies Approval) Act, 2017.
 - b) The nominee has a first degree related to the portfolio nominated to serve as required in Section 8 (c) and 7(9) of the Public Appointment (County Assemblies Approval) Act, 2017.

- c) The candidate scored 92.8 % which is way above the set cut mark of 70%
Hon. Speaker, Eng. Michael Muturi Maina is therefore approved for appointment as the Chief Officer in the Ministry of Roads, Transport and Public Works
2. That the County Executive Committee should Consider Housing and Urban Development as Directorates of the Department of Ministry of Energy, Lands, Housing and Natural Resources headed by a Director.
 3. That Mr. Thomas Mutinda Kavivya is therefore not approved as the Chief Officer in the office for which he had been nominated to serve.

Acknowledgement

Hon. Speaker, I wish to take this opportunity to thank the Members of the Committee for their dedication and contributions during the entire vetting exercise. The Committee also appreciates the Office of the Speaker and that of the Clerk of the County Assembly for the logistical support accorded during the vetting exercise. The Committee is also grateful to the Members of the public who found time to attend and listen to the proceedings. On behalf of the Committee on Transport, Roads, Housing and Public Works and pursuant to Article 124(4) (b) of the Constitution of Kenya, 2010, section 45(1) of the County Governments Act, 2012 and Sections 7(8), (9) and (10) of the Public Appointments (County Assemblies Approval) Act, 2017, it is my pleasure and duty to present to this Hon. Assembly this report for adoption. Thank you.

Hon. Deputy Speaker: Thank you Hon Irene. Before I propose the question, I think there is an amendment I would like done. I think yesterday when Madam Speaker was the chair, she made it clear that what we have are Departments; Ministries are only in National Government so in the recommendation which you are making there, the recommendation needs to read, before I but the question, it needs to read that the committee found engineer Michael Muturi Maina suitable be appointment as chief officer for the Department of Roads ,Transport and Public Works and Engineer Muturi is therefore approved as the Chief Officer in Department of Roads Transport and Public Works. Okay?

Hon. (Ms.) Mwende: Thank you Mr. Speaker. Question do I read all the recommendation again or just the two.

Hon. Deputy Speaker: Just the recommendations of the committee.

Hon. (Ms.) Mwende: Thank you Mr. Speaker. Committee recommendation; we are on page 15, 3.2.10. Hon. Speaker, guided by the above provisional of law and observation, the committee recommend on following:

1. The committee found engineer Michael Muturi Maina suitable to be appointed as a chief officer for department of roads transport and public works for the following reasons:

(a).The nominee has satisfied the requirement of five years experience in the field nominated to serve as stated under section 8 (c) of the public appointments county Assembly approval act 2017.

(b) The nominees has a first degree related to the portfolio nominated to serve as required in section 8 (c) and 7 9 of public appointment county Assembly approval act 2017.

(c)The candidate code 92.8% which is where above the set cut mark of 70%

Hon speaker engineer Michael Muturi Maina is therefore approved as a Chief Officer in the department of Roads, Transport and public works. Thank you Mr Speaker.

Hon. Deputy Speaker: Thank you Hon. Irene for the correction. Hon. Members I now propose the question.

(Question proposed)

You may debate in the motion. Hon. Mark Muendo.

Hon. Muendo: Thank you, Hon. Speaker. Let me first congratulate the committee on Transport, Roads, Housing and Public Works and also congratulate the Vice Chair for reading the report. Let me say Hon. Speaker here are two candidates and Hon. Speaker, you know when you talk about roads and housing department, you know the requirements of that portfolio. Most roads are done by engineers, Houses are done by engineers and when you look at the qualification of Michael Muturi Maina, as an engineer, he qualifies for that department.

Thomas Mutinda Kavivya, Hon. Speaker, if the Governor wants to get him a job, he can fit as Director or road overseer under Engineer Michael Muturi. Also Hon. Speaker and Members of the Assembly, you know there is 30% which is a requirements in every county.

You should not employ 100% one tribe so since we started this exercise Hon. Speaker, we have not got somebody to fit in that that percent, so in my view, I urge the House to pass this report and Engineer Michael Muturi Maina qualifies actually to be the Chief Officer of this department. Thank you, Hon Speaker

Hon Deputy Speaker: I don't see any other hand I request... Hon. Johanna.

Hon. Munyao: Thank you Mr. Speaker. I want to start by saying that the Committee on Transport, Roads and Housing and Public Works has always been doing a good job. It is only this time I don't know whether it was oversight or something. Going by the report, the committee has set out so clearly the requirements and again also came up with an assessment tool and even set a pass mark of 70% and going by the candidates presented for the approval hearings, I can see the report indicates that Mr. Michael Muturi Maina was nominee for the department of roads transport and public works.

On the other hand, Mr. Thomas Mutinda Kavivya was a nominee in department for the Energy, Lands Housing and Urban Development. In other words Mr. Speaker, the committee is comparing candidates for two different departments. It is equivalent to giving an exam for Chemistry and another exam for Biology; one scoring 70 and the other 60 and then you try to rank the two. I don't know how that is possible.

Fortunately, the reports indicate that both passed because Thomas scored 89% and Muturi 92.9%. But my concern was that we are comparing officers who are not sitting for the same position, for the same department and ranking; one to be better than the other one so I agree that---

Hon. Deputy Speaker: Point of information from Hon. Mark Muendo.

Hon. Muendo: Thank you, Hon. Speaker. I think the Member is out of order completely.

In this County of Machakos we don't have a department known as Ministry of Energy, Lands, Housing and Urban Development. It is not available in our county so that is one of the reasons why you find even Kavivya could not be nominated. Thank you Hon. Speaker.

Hon. Deputy Speaker: Thank you Majority Leader. Let me give some guidance here as I am entitled to give you guidance. It is important to attend committee meetings right from the beginning when things are being done so that Hon. Members can be able to appraise themselves with the process which is at hand.

When the committee sat at Weston Hotel, they came up with criteria of reducing the number based on a motion which was passed in this House of reducing the number of Chief Officers from the ones which had been presented by the Governor 23 to 10 and what was agreed in that committee is that when we have got two officers in one department for various options, look at the officer who has skills which cut across so that they can be able to manage that ministry with skills that cut across.

Hon. Mark Muendo, in his submission earlier, said that for you to construct roads and for you to build houses, you need to have civil engineering and engineering in place, so that is why the committee compared the two and came out with Mr. Maina Muturi as the preferred candidate because he has skills which cut across. So, that is the guiding factor which had been given at the committee level which made that committee arrive at the decision they did. I think with that you may continue with another point. Thank you.

Hon. Munyao: Mr. Speaker, I wish also to state that the statement implies that I may not have been attending committee meetings but I have. I was in Weston and I am discussing the report Mr. Speaker. I need your protection, I do not know whether---

Hon. Deputy Speaker: Point of information from Hon Winnie. Be informed, it is okay. Hon Winnie please.....just go ahead.

Hon. (Ms.) Mutua: Thank you Mr. Speaker. I think this Member is still having hangovers from Dubai, that is why he is not making conclusive decisions, so I think he should be well informed what happened when he was away. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Munyao, please kindly conclude.

Hon. Munyao: I was just about to conclude but when points of information to state where we go after the Assembly arise, I think that is not allowed. I am not dictated on where I should go after Assembly and that has nothing to do with the report which we are discussing so Mr. Speaker, I was just shedding some light on that inconsistency which is in the report whether there is another meeting which came up with what we are seeing in the report. There is no link—

Hon. Deputy Speaker: Hon. Munyao I have given guidelines on that and I have told you to speak on a different point. Please proceed on a different point. I have already said why the committee did that; I don't know why you are going back there. Please just proceed to another point.

Hon. Munyao: Thank you, Mr. Speaker for ruling. I want to conclude and say that I find that as an inconsistency and I support that the committee on Transport has been doing a good job but there seems to be an oversight which was done according to me based on this report. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Irene, could you please respond?

Hon. (Ms.) Mwende: Thank you Mr. Speaker and thank you Members for your silence. It means you are satisfied with this report.

(Applause)

And thank you Majority for supporting. So the report is very clear that Engineer Michael qualifies for this job and that is it from me. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Members, allow me to put the question.

(Question put and agreed to)

(Applause)

Now, we move on under the same Motion and we call Hon. Daniel Kiilu, Chairperson, Committee on Education.

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

Hon. Kiilu: Thank you, Mr. Speaker.

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

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

Aware that one nominee was committed to the Education Committee on 7th August, 2018 pursuant to Standing Order No. 42 (1) for vetting and approval; Noting that the Committee conducted approval hearings of the nominees on 4th November, 2018 and that it has compiled a report;

Hon. Speaker, I wish to move the motion THAT, this Hon. House discusses and approves the Education Committee of the Second Assembly on the Vetting of Mrs. Zuhura Rajab Khamisi for the Position of Chief Officer.

Thank you, Mr. Speaker. I do request Hon. Angela to support my Motion.

Hon. Deputy Speaker: Hon. Angela.

Hon. (Ms.) Munyasya: Thank you, Mr. Speaker. I stand to second the Motion.

Hon. Kiilu: Mr. Speaker, I seem not to have the report. I do not know whether the other Members have.

Hon. Deputy Speaker: Hon. Members, do you have the report with you?

Hon. Members: Yes.

Hon. Deputy Speaker: Please proceed.

Hon. Kiilu: Okay, we may continue. Thank you, Mr. Speaker. The Education Committee executes its mandate in accordance with the provisions of Standing Order No. 190 (5) (f), from which it draws its mandate to consider for approval by the County Assembly, appointments of County Chief Officer under Article 45(1)(b) of County Government Act.

Further, Section 45(2, 3, 4, 5 and 6) of the county government act 2012 provides that the functions of a Chief Officer are;

- (1) The office county Chief Officer shall be an office in the county public service.
- (2) A county chief officer shall report to the respective county executive committee member for the administration of a county department as provided under section 46 of County Government Act 2012.
- (3) The county Chief Officer shall be the authorized officer in respect of exercise of delegated power.
- (4) The governor may re-assign a county Chief Officer
- (5) A county Chief Officer may resign from office by giving, in writing, to the Governor.

Mr. Speaker, the County Assembly Education Committee who participated in the vetting exercise comprises the following members:

1. Hon. Daniel Kiilu –Chairperson
2. Hon. Jane Nyawira - Member
3. Hon. Angela Munyasya
4. Hon. Geoffrey Kamulu
5. Hon. Benedette Mueni
6. Hon. Ikusya Kaloki
7. Hon. Joseph Musau
8. Hon. Alice Nzioka
9. Hon. George Kingo’ri
10. Hon. Margaret Ndalana

Mr. Speaker, the Education Committee Executes its mandate in accordance with provisions of standing order No. 190 which mandates the committee to handle all matters related to pre-primary education, village polytechnics, home craft centers and childcare, children and social welfare.

Standing Order 192(5)(f) provides that a Sectoral committee shall, vet and report on all appointments where the constitution or any law requires the county assembly to approve, except those under Standing Order 184 (Committee on Appointments).

Hon. Speaker, Pursuant to Section 44 and 45 of the County Government Act, 2012, H.E. the Governor, Dr. Alfred Mutua through a letter Ref MCG/GOV.COS/01/18 dated 31st July, 2018 and received on 1st August, 2018, forwarded to the Speaker of the County Assembly a notification on nomination of the County Secretary and Chief Officers for different Departments in Machakos County Government for consideration and subsequent approval by the County Assembly.

Hon. Speaker, on 7th August, 2018 during a plenary sitting, a communication from the Chair notified members of the nominations from H.E the Governor. From the list of nominees forwarded, Ms. Zuhura Rajab Khamisi was committed to the Committee on Education as the nominee for the position of Chief Officer, Department of Education (Directorate of County Social Welfare and Civic Empowerment) pursuant to Standing Order 42(1). The Committee was required to come up with a work plan on how the approval hearings will be conducted in line with the Public Appointments (County Assemblies Approval) Act, 2017.

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

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

Hon. Speaker, the Committee wrote to the nominee requesting her to avail the following clearance documents;

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

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

- i. The procedure used to arrive at the nominee;

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

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

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

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

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

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

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

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

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

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

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

Hon. Speaker, section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017, provides that any person or persons may, prior to the approval hearing, by written

statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

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

Approval Hearings

Mr. Speaker, the hearing was open to the public in line with the provisions of Article 196 (1) (a) and (b) of the Constitution. The Committee held approval hearing of Ms. Zuhura Rajab Khamisi on 4th October, 2018 at 10.00 a.m. and testified on oath. On the basis of her oral and written evidence the following emerged:

Date and Place of Birth

The nominee was born on 14th July 1959 in Machakos County

Document of Identification

The nominee possesses a national ID card No. 0917158

Academic and Professional Qualifications

- i. Madam Speaker, the nominee acquired a first degree from the University of Nairobi in Bachelor of Education (Art) in the year 1985
- ii. The nominee holds a Diploma in Educational Management from Kenya Education Management in the year 2013

Work Experience

The nominee stated that she has experience in education sector where she served for 33 years as follows;

- i. Principal Maina Wanjigi secondary school – Nairobi
- ii. Principal Song’eni mixed Secondary School Mbooni East-Makueni District
- iii. Teacher Machakos Girls high School
- iv. Teacher Mumbuni Mixed Secondary School

Potential Conflict of Interest

The nominee declared that she currently does not have any persons or matter that would present a potential conflict of interest should she assume the position of Chief Officer for Directorate of Social Welfare and Civic Empowerment. Should a conflict of interest arise, the nominee stated that she would declare the interest in writing to the appointing authority in accordance with the law.

Pro-bono/Charity Work

The nominee was involved in charity work through supporting education of disadvantaged children.

Integrity:

- i. The nominee has neither been charged in a court of law nor been mentioned in any investigatory report in the last three years. She has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

- ii. She has fully complied with her tax obligations with Certificate valid until 30th August 2018.
- iii. She is fully cleared by the Higher Education Loans Board with certificate valid until 12th November 2010.
- iv. The Director of Criminal Investigations issued the nominee with police clearance certificate indicating nil offences.
- v. The Ethics and Anti-Corruption Commission cleared her confirming that there are no outstanding issues or ongoing investigations against the nominee.
- vi. The nominee has also been cleared by Metro Pol Credit Reference Bureau via CRB Certificate dated 5th September 2018

General And Sector Specific Questions To The Nominee

The Committee posed several questions to the nominee on her past work experience and knowledge of the Education sector and she responded effectively to the satisfaction of the Committee. The nominee elaborated her vast experience in the education field with her broad consultancy with major donors that are likely to link the County to the outside world.

Committee Observations on suitability of Ms. Zuhura Rajab Khamisi

The Committee having considered the nominee's filled Questionnaire pursuant to Section 7(8) of Public Appointments (County Assemblies Approval) Act No. 5 of 2017, her Curriculum Vitae and having heard her oral submission during the vetting exercise/interview, made the following observations on her suitability for appointment as Chief Officer Directorate of Social Welfare and Civic Empowerment

1. THAT, she satisfies the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau.
2. THAT, she has no potential conflict of interest.

Hon. P.J. Mutiso: Point of order Mr. Speaker.

Hon. Deputy Speaker: Point of order Hon. Mutiso.

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

Hon. Deputy Speaker: You may sit down Hon. Kiilu.

PROCEDURAL MOTION
EXTENSION OF SITTING TIME

Hon. P.J Mutiso: As you know Mr. Speaker it is approaching noon and according to the law, I seek to move a Motion on extending time as per Standing Order 27(3)(a), which provides that the House may resolve to extend sitting time Mr. Speaker. So, I wish to move the Motion that the House resolves to extend sitting time until business in the order paper is completed. Mr. Speaker, I call upon Hon. Katumo to second my Motion.

Hon. Deputy Speaker: Hon. Katumo.

Hon. Katumo: Thank you, Mr. Speaker, Sir, I stand to second the Motion by Hon. Peter Mutiso that, we extend this sitting to make sure that we finish the business before us. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Members, this is a procedural Motion for extension of time considering that it is about mid-day and our Standing Orders dictates that we stop at about 12.30 p.m. so, thirty minutes before that Motion is normally moved. Is there anybody who wants to make a comment on this or do we continue?

Hon. Members: We continue.

Hon. Deputy Speaker: We continue?

Hon. Members: Yes.

Hon. Deputy Speaker: Being a procedural Motion, I think we just go ahead and extend the time. Continue Hon. Kiilu.

Hon. Kiilu: Thank you, Mr. Speaker, thank you, Mheshimiwa Mutiso. I have also taken a breath. Let me start from exactly where I had stopped, that is number 3.

(The House resumed business in the Order paper)

3. THAT, she has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers.

4. THAT, she exhibited impressive knowledge of topical issues touching on the docket of Education and has the requisite abilities, qualifications and experience. Therefore, the Committee found the nominee suitable for appointment as the Chief Officer Department of Education and Social Welfare.

Hon. Deputy Speaker: Please Hon. Members may remind you, all your phones need to be put off. Kindly let me not have to confiscate your phones. Put your phones off. Thank you.

Hon. Kiilu: Let us continue.

Awarding of Marks on the Assessment Form

Particulars	Marks available	Marks awarded							
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6	ASS 7	ASS 8
Work experience (as it relates to the position)	25	20	23	25	20	25	20	25	20

Education/training(relevant to the position)	25	25	24	25	21	25	17	25	20
Interest in and knowledge relating to specific position	15	10	10	14	13	14	10	13	15
Communication skills (written/oral)	10	8	8	10	8	7	8	10	5
Presentation (promptness, neatness of resume/application, appearance)	10	7	10	10	9	10	8	10	10
Decision making/problem solving skills	15	10	10	13	13	14	9	13	15
Total marks	100	80	85	97	84	95	72	96	85

Committee Recommendation

Mr. Speaker, following the motion which was approved on 6th November, 2018 limiting the number of the Chief Officers to ten (10) pursuant to Article 179 (3) of the Constitution of Kenya 2010 and section 45 (3) of the County Government Act, 2017, the Committee noted that the pronouncement of the Judge in Petition No. 12 of 2017 in the Court of Kenya at Machakos dated 5th November, 2018 between Hon. Faith Syokau Wathome (MBS) & Others vs. Machakos County Assembly & Another 3 that the Assembly should vet County Executive Committee Members and that those in office having not been vetted were in office illegally

Mr. Speaker, aware that the Department of Education has an existing Chief Officer namely Mr. Kilonzo who was not among the nominees forwarded to the Assembly for vetting instead he was appointed directly by H.E the Governor, In this case the Committee does not have credentials to confirm his suitability in that portfolio and therefore he should cease to act in such capacity with immediate effect 30 days after adoption of this report

Pursuant to Article 45(1) (b) of the County Government Act and Standing Order 42(4), the Committee on Education recommends that the County Assembly approves the nomination of Ms. Zuhura Rajab Khamisi having scored 88.1% and in addition to possessing relevant experience in the field for 33 years as the Chief Officer department of Education and Social Welfare.

Hon. Speaker, I do therefore recommend this report to this Hon. Assembly for consideration and approval. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you very much Hon. Kiilu for a report that reporting on the vetting of the Department of education and Hon. Members allow me now to propose the question.

(Question proposed)

You may debate on the Motion. Hon. Winfred.

Hon. (Ms.) Mutua: Thank you, Mr. Speaker. I want to applaud the Committee for the good work they did. I think the lady is qualified according to what the Committee has read, I think personally I am contented. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Rozina.

Hon. (Ms.) Kanini: Thank you, Mr. Speaker. I personally know Ms. Rajab, she was my teacher in Machakos Girls...

(Applause)

And she is up to the task. So, I support her and she should be given the job. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Member. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. The nominee is too qualified. I am a Member of that Committee, Education. I wish when she comes everybody goes to her office, she is too down to earth and she can explain herself and the way she will do her work. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you. Hon. Peter Mutiso.

Hon. P.J. Mutiso: Thank you, Mr. Speaker. I support the Committee of Education under Chairmanship of Hon. Kiilu. So, as far as I know the nominee, she can deliver because she has been in many Institutions, many schools and she started from a teacher to a principal. So, Mr. Speaker I support the nominee and I also say thank you to the Committee of education for they have looked into details the nominee as far as education is concerned because what I can say is that Mr. Speaker, we want someone who can deliver without getting guidance from other Departments or other authorities.

We are suffering Mr. Speaker, for example in bursaries you know what is happening now. We had already given Kshs. 2 million for bursaries, Kshs. 3 million but we do not know

where the money is. So, we need somebody who can deliver without getting guidance from other Departments.

Hon. Deputy Speaker: Hon. Moses.

Hon. Mitaa: Thank you Hon. Speaker for the opportunity granted. Mine is to thank the Committee on Education under the leadership of Hon. Daniel Kiilu for the report they have brought to this Hon. House. Hon. Speaker, from the look of things, the candidate Madam Zuhura Rajab Khamisi is experienced in education from the history we have been taken through and I think education we need someone whose blood is in education and I think she can perform and well going by the recommendation by the Committee on current status of the occupier of this office, the name has not been brought to this Assembly and I think it is in black and white that the Court rules that any Officer occupying County office at a certain level must be approved by this Hon. House.

So, we cannot live any gap in this important portfolio, so I seek that we pass this report and have this Madam occupy the office noting that also today is a very important day to our ladies; they are fighting for the two-third gender—

(Applause)

And we can be counted as amongst the people who have been fighting for their rights in the society in terms of leadership. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Margaret Ndalana.

Hon. (Ms.) Ndalana: Thank you, Mr. Speaker. I really support the nominee because she is a mother and I pray for her that when she goes to the office she must deliver to the people of Machakos County. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Katumo.

Hon. Katumo: Thank you Mr. Speaker. Mine is brief. I felt like I should of course voice my sentiments on this particular nominee in education department, you find that going through her CV and what she has done, seems she has taught in several schools as Principal in two schools and as a teacher from other two schools from her CV.

One thing I want to say, those of course who belong to the academic sector, they understand there is a lot professional ethics, a lot of discipline and of course you know teaching is a very noble job and I think given the opportunity, Madam Zuhura Khamisi will perform. We have faced a lot of challenges in the educational department probably we do not have the right people in office and therefore I think by giving this particular lady this job, I think things will change as you heard from Members, no bursaries, a lot of lying a lot of many things that are not happening and I think this is the right time we should change the offices and give the right people who know how to work. So, I support Mr. Speaker, Sir. Thank you.

Hon. Deputy Speaker: Thank you, may I call the Hon. Member to respond. Hon. Kiilu.

Hon. Kiilu: Thank you, Mr. Speaker. Allow me to most sincerely thank the Members for supporting the Motion. Actually let me say that education sector is one of the sectors or one of the areas where there is a lot of things to be done and actually as the Hon. Member, Justus Katumo has said, there are so many things happening in that sector but I want to let you know that we are going to unearth everything soonest possible.

Hon. (Ms.) Munyasya: Mr. Speaker, point of information just before he finishes responding. It is a small typo.

Hon. Deputy Speaker: Raise it after he has finished before I propose the question. Finish.

Hon. Kiilu: So, thank you, Members for supporting the Motion. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Yes, Hon. Angela.

Hon. (Ms.) Munyasya: Thank you, Mr. Speaker, I realized on the report, the nominee on page 8 on integrity about the clearance of High Education Loans Board, her certificate is valid until November 2010. Is that in order Mr. Speaker?

Hon. Deputy Speaker: Let me clarify. High Education Loans Board, you only get the certificate once to mean that you cleared your loan with them and unless she has pursued a Masters or any other additional training which she would be having, then that is good enough.

Hon. (Ms.) Munyasya: Thank you, Mr. Speaker. I stand guided.

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

(Question put and agreed to)

(Applause)

Now that you have passed that, before I call on the next, let me just commend that Committee for a very good job you have done. When I look at the report which you have done, a person's performance has been key in your appointment of this person. So, it is important that when you are looking at the various nominees, somebody's past performance is critical because if Ms. Zuhura had not performed in the past, there is no way I believe the Committee would have been able to recommend her for that position. So, my guidance is, if we do have Members who have served in this Government before, their past performance must be felt in the reports. Thank you.

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

Hon. Deputy Speaker: I think the next report is by Hon. Moffat Maitha, Chairperson, Justice and Legal Affairs Committee. Hon. Moffat.

Hon. Maitha: Thank you, Mr. Speaker.

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

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

Aware that two nominees were committed to the Joint Committees on Trade and Economic Planning and Justice and Legal Affairs on 7th August, 2018 pursuant to Standing Order 42(1) for vetting and approval;

Noting that the Committee conducted approval hearings of the nominees on 2nd and 3rd October, 2018 and that it has compiled a report;

Hon. Speaker, I wish to move the motion that, this Hon. House discusses and approves the Report of the Joint committees on Justice and Legal Affairs and Trade and Economic Planning on the vetting of two Nominees for the position of Chief Officers.

Mr. Speaker, I would wish to request Hon. Cosmas Kieti, the Co-Chair to second.

Hon. Deputy Speaker: Hon. Kieti.

Hon. Kieti: Thank you, Mr. Speaker. I second.

Hon. Deputy Speaker: Hon. Moffat.

Hon. Maitha: Thank you, Hon. Speaker. Hon. Speaker, the Joint Committee draws its mandate from the mandate of the two committees which are provided for in the second schedule of the Machakos County Assembly Standing Orders. Justice and Legal Affairs is mandated to “Constitutional affairs, the administration of law and justice, including the elections, ethics, integrity and anti-corruption and human rights while the Committee on Trade, Economic Planning and Industrialization is established pursuant to the Second schedule of the County Assembly Standing Orders which provides that “the functions of the Committee shall include all matters related to Economic planning, tourism, trade development and regulation including the markets, and outdoor advertising, trade licenses (excluding regulation of profession) fair trading practices and statistics and all matters relating to the delineation and management of decentralized units, urban areas and municipalities.

Further Standing Order 192(5)(f) stipulates that the functions of a Sectoral Committee shall be to vet and report on all appointments where the constitution or any law requires the Assembly to approve, except those under Standing Order 184 (*Committee on Appointments*)

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

1. Hon. Cosmas Kieti -Chairperson Trade
2. Hon. Moffat Maitha -Chairperson Justice
3. Hon. Jane Nyawira -Member
4. Hon. Anthony Mulu -Member

- | | |
|---------------------------|---|
| 5. Hon. Joseph Wambua | “ |
| 6. Hon. Betty Nzioki | “ |
| 7. Hon. Christine Koki | “ |
| 8. Hon. Annastacia Mutuku | “ |
| 9. Hon. Brian Kisila | “ |
| 10. Hon. Josephat Kasyoki | “ |
| 11. Hon. Pauline Munguti | “ |
| 12. Hon. Mark Muendo | “ |
| 13. Hon. Mohammed Ali | “ |
| 14. Hon. Peter Mutiso | “ |
| 15. Hon. Winfred Mutua | “ |
| 16. Hon. Eric Musembi | “ |
| 17. Hon. Alice Nzioka | “ |
| 18. Hon. Dominic Ndambuki | “ |
| 19. Hon. Francis Kalumu | “ |
| 20. Hon. Patrick Kituku | “ |
| 21. Hon. Cosmas Masesi | “ |
| 22. Hon. Robert Kisini | “ |
| 23. Hon. Stephen Mwanthi | “ |
| 24. Hon. Tariq Mulatya | “ |

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

Hon. Speaker, pursuant to Standing Order 42(1), during a plenary sitting held on 7th August, 2018 the Chair notified members of the nominations from H.E the Governor.

From the list of nominees forwarded, Mr. Robert Kioko Maitha - Nominee for the position of County Administration and decentralized units (Directorate of County Administration and Decentralized Units) was committed to the Committee on Trade, Economic Planning and Industrialization while Dr. James Mutuku Mutunga - Nominee for the position Chief Officer, Directorate of forensics and inspectorate services was committed to the Committee on Justice and Legal Affairs.

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

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

The Clerk placed an advertisement informing members of the public and the nominees of the dates of the hearings, and inviting the public to submit to the office of the Clerk in writing and under oath any relevant information concerning the nominees opposing their suitability to

the respective offices in conformity with Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Committee did not receive any statements from members of the public against the approval for appointment of the two (2) nominees.

Approval Hearings

Mr. Robert Kioko Maitha: Nominee for the Position of Chief Officer, Department of County Administration and Decentralized Units.

Hon. Speaker, the nominee appeared before the Committee on 3rd October 2018 at 10.20a.m and testified on oath. On the basis of his oral and written evidence the following emerged:

Date and Place of Birth

The nominee was born on 20th April 1979 in Wamunyu Machakos County.

Document of Identification

The nominee possesses a National ID card No. 21673634

Academic and Professional Background

Hon. Speaker;

- i. The nominee is currently pursuing a Master of Business Administration degree at the Machakos University

- ii. The nominee has a Bachelor of Education (Literature) from the University of Nairobi which he acquired in the year 2003.

Work Experience

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

- i. Administration as he was the Senior Administrative officer in the Department of Trade, Economic planning, Investment and Industrialization in Machakos County Government from October 2014 - April 2016
- ii. Director in the Department of Trade, Economic Planning and Industrialization 2016 – June 2017
- iii. Acting Chief Officer Department of Trade, Economic Planning and Industrialization June 2017 to date.
- iv. Management as he served as Manager Insurance Company of Kenya from January 2011 - February 2013.
- v. Customer service as he worked for Multichoice Kenya Limited from May 2009 - December 2011 and was a Customer service executive Airtel Kenya limited, March – 2009.

Net worth

The nominee stated that his net worth was six million Kenya shillings.

Integrity

- i. The nominee submitted a tax compliance certificate issued by the KRA dated 1st August, 2018.
- ii. The nominee has been cleared by the Metropolis Credit Reference Bureau limited dated 14th September 2017.
- iii. The nominee presented a clearance certificate from the HELB dated 30th July, 2013.
- iv. The nominee presented a police clearance certificate dated 9th December, 2016.
- v. The nominee presented a self-declaration form from the EACC dated 10th September, 2018.

Nominee's Response to Further Questions by The Committee

1. Knowledge of the department

Asked on his knowledge of the portfolio to which he was nominated to, the nominee stated that it is about:

- i. Coordination of the delivery of government services through the devolved units that is, from the sub county level; to the ward and to the villages.
- ii. Garbage and solid waste collection
- iii. Sanitation

2. Challenges faced by the department

Hon. Speaker, asked to state the challenges faced by the department, the nominee singled out underfunding as the major challenge and as a solution, he said that if appointed, he would implement projects in phases based on priority. He would also source for funding through proposals to donors in order to bridge the gap.

3. Budget allocation for the department for the financial year, 2018/2019

Asked whether he was aware of the budget allocation for the department in the financial year 2018/2019, the nominee responded that it was Kshs.374 Million with Kshs. 270 million for salaries and Kshs. 104 million for development.

4. Public Finance Management Act provisions for the minimum development budget

Asked if he was aware of the PFM provisions for the minimum development expenditure set for County Governments, the nominee responded that it is 30% of the total budget.

5. First 100 days in office

Asked on what he would achieve in the first hundred days if appointed, the nominee said that he would ensure the establishment of the County administrative structures from the Sub-County to the ward level and to the village level. He would also ensure the provision of adequate office accommodation for the officers under the devolved units.

He further said that he would ensure all urban centers within the County are super clean and that public toilet within the County are well attended to with adequate water supply and stuff.

6. The County Government Act, No 17 of 2012

Mr. Speaker, upon questioned whether he was aware of the provisions of devolved units as outlined in the County Government Act, the nominee responded that the County administrative structure are anchored in the act and that the act provides for restructuring of devolved units.

7. Role of the Department in Public transport, Trade. Finance and revenue

The nominee responded that, In public transport, the department is involved in implementation of County Commuter transport Act, of 2015 and ensuring that order in bus parks. In trade, he stated that the Department ensures the management of markets through election of market councils and maintaining law and order in the market as well as enforcement of the payment of trade licenses.

In finance and revenue, the department through the inspectorate directorate provides security to complement revenue collection.

8. Illegal Kiosks

Asked whether he was aware of the placing of illegal kiosks within markets and urban centers and what he would do to address this issue, the nominee responded that he is currently acting in the same department and there have been plans every three months to carry out night raids and impound such kiosks once they ascertain that there were no approvals for the placing of the kiosks.

9. Insecurity along Grogan Area in Machakos Town.

Asked whether he was aware of the insecurity issues raised by motorists at grogon area, the nominee responded that the department carries out impromptu raids at the area to arrest mechanics who operate along the road, but pointed out that the challenge arising in putting together evidence to sustain charges in court. To address this issue, the department had identified and graded a site and constructed a toilet. Currently, the department is looking for budgetary allocation for the construction of shades to be used by the mechanics. If appointed, the nominee said that he would involve then area MCA in future negotiations with the mechanics.

10. Role of the department in public participation.

Asked if he was aware on the role of the department in public participation, the nominee said that the department through ward and village administrators and in collaboration with the area members of County Assembly will be involved in mobilization of the community to ensure their involvement in public forums.

11. The Big four Agenda

Asked if he was aware of the Big Four Agenda, the nominee listed them as, food security, affordable health care, Housing and manufacturing.

On the involvement of the department on the Big Four Agenda, the nominee said that the County of Machakos has been nominated for the pilot universal care programme and then department will be involved in registration of people through the County Administrative structures.

3.2.3 Committee's Observations

Hon. Speaker, the nominee:

- i. Has the necessary academic qualifications
- ii. Has necessary experience as related to the portfolio to which he has been nominated.
- iii. Has exhibited knowledge and interest in the department.
- iv. He is aware of the requirements and has the necessary clearances for purposes of Chapter Six of the Constitution
- v. He is aware of the Big 4 Agenda by the national government
- vi. He is confident and has good communication skills.
- vii. He is neat and presentable both in person and resume

Awarding of Marks on the Assessment Form:

Mr. Robert Kioko Maitha: Chief Officer for the Department of County Administration and Decentralized units.

Particulars	Marks Available	Marks awarded								Total awarded	mean
		ASS 1	AS S 2	AS S 3	AS S 4	AS S 5	ASS 6	AS S 7	AS S 8		
Work experience (as it relates to the position)	25	23	25	25	25	25	25	20	21		
Education/training(relevant to the position)	25	23	24	25	25	25	25	25	23		
Interest in and knowledge relating to specific position	15	12	14	14	13	10	14	10	14		

Communication skills (written/oral)	10	10	10	09	10	08	10	08	09		
Presentation (promptness, neatness of resume/application, appearance)	10	10	10	09	08	10	10	06	08		
Decision making/problem solving skills	15	11	14	14	10	10	14	10	12		
Total marks	100	89	97	97	91	90	90	93	96	743	92.8 %

Dr. James Mutuku Mutunga Nominee for the position of Chief Officer, Directorate of forensics and inspectorate services

Hon. Speaker, the nominee appeared before the Committee on Tuesday 3rd October 2018 at 2.00 pm and testified on oath. On the basis of his oral and written evidence the following emerged:

Date and Place of Birth

The nominee was born on 29th June 1977 in Masinga Machakos County.

Document of Identification

The nominee possesses a National ID card No. 20823525

Academic and Professional Qualifications

- i. The nominee has PHD Entomology from Virginia Tech, Blacksburg, VA, USA, attained in May 14th 2011
- ii. He has Masters in Biochemistry from Jomo Kenyatta University of Science and Technology in the year 2005.
- iii. He has a Bachelor of Science in Biology from Jomo Kenyatta University of Science and Technology attained in the year 2001.

Work Experience

Mr. Speaker, the nominee stated that he has experience in the following areas;

- i. He worked as a supervisor and project coordinator at ICIPE, overseeing project functions such as initiation, execution, progress evaluation, reporting and close-out.

- ii. He worked in Virginia, ICIPE and US Army in coordinating regulatory compliance of research conduct. This involved writing of study protocols, standard operating procedures and research conduct guidelines as per applicable County, Country and Regional laws and legislations
- iii. He Coordinated research program involving several units of research teams and overseeing programmatic reporting to institutions, regulators and donors
- iv. He Conducted training sessions for staff in ICIPE and US Army, to ensure empowerment with skills required for team execution of program duties to achieve common goals

Potential Conflict of Interest

He declared that he currently does not have any persons or matter that would present a potential conflict of interest should he assume the position of Chief Officer for Directorate of Forensics and Inspectorate Services. Should a conflict of interest arise, the nominee stated that she would declare the interest in writing to the appointing authority in accordance with the law.

Integrity

He has attached all the relevant forms, he got a mean score of 92 percent. Mr. Speaker, general observation. The nominee has neither been charged in a court of law nor been mentioned in any investigatory report in the last three years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

- i. He has fully complied with his tax obligations with Certificate valid until 11th September 2018.
- ii. He is fully cleared by the Higher Education Loans Board with certificate valid until September 2018.
- iii. The Director of Criminal Investigations issued the nominee with police clearance certificate indicating nil offences.
- iv. The Ethics and Anti-Corruption Commission cleared him on 7th September 2017 confirming that there are no outstanding issues or ongoing investigations against the nominee.
- v. The nominee has also been cleared by Transunion Credit Reference Bureau via CRB Certificate dated 8th September 2018

General and Sector Specific Questions to the Nominee

The Committee posed several questions to the nominee on his past work experience and knowledge of the Decentralized Units and he responded effectively to the satisfaction of the Committee.

Nominee's response to further questions by the committee

Asked on how he will change the perception of the public on the inspectorate officers and vice versa, the Nominee responded that;

- i. Public participation will enhance the understanding of the public on the roles of the Inspectorate
- ii. Conduct of focused group discussions and stakeholder mapping will improve engagement across teams and the public
- iii. Conveyance of ethical principles that govern conduct of public officers, sensitizing the public on benefits of adhering to rule of law will change perceptions of the public

- iv. Routine, accurate and proper communication of Inspectorate policies, use of proper communication strategies and having improved feedback mechanisms will improve the threshold of audience provided to the public
 - v. Proper open engagement with public in the county, creating of networking forums and open team participation with other County departments such as the trade and industry, investment and revenue collection among others increases ownership of matters enforced by the Inspectorate services
 - vi. Automation of revenue collection, digitization of business permits and use of landscape mapping technologies will increase openness, trust, accountability in the society and rid-off corrupt behavior in an unprecedented culture change to both County staff and the public. This improves protection of public resources and instills confidence in the Leadership by the public.
2. Asked on the benefits to the County Government of Machakos in undertaking forensic services, the nominee stated that;
- i. Crime cases to be solved faster and with improved accuracy and prudence. This will be achieved through innovation by use of insects (arthropod) in crime reporting, a technology that is currently not available in the country
 - ii. Security of the Machakos people to be improved
 - iii. Enhanced preservation of crime-scene evidence such as toxic substance used relied on bio concentration associated with arthropod specimens
 - iv. Improved inter-departmental collaboration with social work, health and public health dockets within the county
 - v. Improved inter-sectoral collaboration with national partners and donors from bigger spheres undertaking forensic science such as the Crime Scene International (CSI) of USA
 - vi. Obtain external funding from donors such as the Child Fund, World Vision, Plan International and USAID, that are geared towards use of forensics to protect the vulnerable in society
3. Asked on how he would apply his knowledge on science in the portfolio to which he has been nominated the nominee stated the following;
- ii. Conduct of research involves overseeing prudent use of funds and accountable reporting of expenditures accompanied by decisive and judicious allocation of spending priorities that he has skills in and will be applied to the work at the County.
 - iii. During biological research, fundraising was key and he has an established track record of obtaining million dollar grants from donors such as foreign universities, Bill and Melinda Gates foundation and the National Institutes of Health. It is feasible to bring in new funding from development partners.
 - iv. The skills and expertise in using chemical analysis, biochemistry and molecular tools are central requirements that will be applied in forensic toxicology and forensic biology
4. Asked on how he will address the challenges of insecurity in the Machakos County to ensure business thrives, the Nominee responded that;
- i. The improved application of forensic evidence will deter criminals from undertaking crime actions
 - ii. Inter-departmental collaboration within the County and closer collaboration with the National Government security systems will improve and enhance security.

- iii. Public participation in security awareness in the County will improve security situation and increase investment.
- iv. The inspectorate services working close with security systems to provide round the clock security coverage and innovative crime tracking tools will improve investment.
- v. Enhanced prudence and accountability in using public funds will improve public awareness and cultivate a culture of responsibility
- vi. The nominee said that he is a proactive leader for the last 8 year in different dimensions of the research and academic work. He stated that he was a program coordinator at ICIPE leading a team of 15 researchers and a total of 30 staff in conducting research.

Awarding of Marks on the Assessment Form: Dr. James Mutuku Mutunga Directorate of forensics and inspectorate services

Particulars	Marks available								MEAN
		AS S 1	AS S 2	ASS 3	AS S 4	AS S 5	AS S 6	ASS 7	
Work experience (as it relates to the position)	25	25	25	25	25	25	25	20	
Education/training(relevant to the position)	25	25	20	24	25	25	25	23	
Interest in and knowledge relating to specific position	15	15	15	14	15	10	10	12	
Communication skills	10	10	10	10	0	9	7	7	
Presentation (promptness, neatness of resume/application, appearance)	10	10	10	9	10	10	8	9	

Decision making/problem solving skills	15	10	13	11	14	15	10	13	
Total marks	100	95	93	93	99	94	85	84	91.85

Committee Observations on Suitability of Dr. James Mutuku Mutunga, Nominee for the position of Chief Officer, Directorate of forensics and inspectorate services

Hon. Speaker, in view of the above and guided by section 45 of the County Government Act 2012 and Section 8, 9 and second schedule of the public Appointments (County Assemblies Approval) Act 2017, the Committee observed that Mr. James Mutuku Mutunga 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 he has been nominated to

That, he satisfies the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau; he has no potential conflict of interest; he has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers.

Comparison between Mr. Robert Maitha and Dr. James Mutuku Mutunga

	Academic qualifications relevant to the portfolio	Professional qualifications relevant to the portfolio	Experience relevant to the portfolio	Integrity	Mean Mark awarded
Mr. Robert Maitha	1 BA (English /Literature)	Has the necessary experience since he has worked in the Department for the last 5years. No professional certificate attached.	2 years (Ag. Chief Officer department of Decentralized units. 2 years as the director department of decentralized units	Attached all documents	93%

<p>Mr. James Mutuku Mutunga</p>	<p>1. BSC Biology 2. MSC Biochemistry 3. PhD Entomology</p>	<p>Has not provided professional certificate</p>	<p>1.Consultant research technical coordinator, entomology department, KEMRI/US Army Medical Research Directorate- Kenya (USAMRU-K) April 2.Research scientist and lecturer, department of biological Sciences, Mount Kenya University (MKU) 3.Research Scientist and project coordinator, international centre for insect physiology and ecology (ICIPE) 4.Senior vector biologist, KEMRI/CDC Kisumu and Genesis Labs 5.Postdoctoral research associate University of Florida 6.Graduate research assistant, virginia tech, blacksburg VA, USA 7.Senior research assistant, international centre for insect physiology and ecology (ICIPE) 8.Laboratory technician, International centre for Insect Physiology and Ecology (ICIPE) 9.Part time lecturer Pan AfricanUniversity Institute of Science Technology and Innovation (PAUSTI) 10.Adjunct faculty JKUAT 11.Teaching</p>	<p>Attached all documents</p>	<p>92%</p>
----------------------------------------	---------------------------------------------------------------------------------	--------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------	------------

			Assistant VirginiaTech , Blacksburg VA, USA 12.Adjunct faculty UoN		
--	--	--	--------------------------------------------------------------------------	--	--

General Observations and Recommendation

Mr. Speaker, the Joint Committee observed that the House on 6th November, 2018 approved a motion limiting the number of the Chief Officers to ten (10) pursuant to Article 179 (3) of the Constitution of Kenya 2010 and section 45 (3) of the County Government Act, 2017. The Committee also noted the pronouncement of the Judge in Petition No. 12 of 2017 in the Court of Kenya at Machakos dated 5th November, 2018 between Hon. Faith Syokau Wathome (MBS) & Others vs. Machakos County Assembly & Anor 3 that the Assembly should vet County Executive Committee Members and that those in office having not been vetted were in office illegally

Mr. Speaker, taking into consideration of the above provision, Assembly resolution and Court judgment, the Committee compared the two nominees forwarded for vetting and approval in the Department of Decentralized Units based on the following criteria to obtain the most suitable nominee

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

Committee Recommendations

Hon. Speaker, in view of the above, the joint committee recommends Mr. Robert Maitha to be approved for the appointment to the position of Chief Officer in the department of Decentralized Units since he experience and has worked in different capacities as Administrative Officer, Director in the department since the year 2013 and Acting Chief Officer for a period of two years and a first degree from university recognized in Kenya and has scored an average mark of 93 percent

Consideration and Adoption of Report by The Committee

Mr. Speaker, the joint committee on Justice and Legal Affairs and Trade, Economic Planning and Industrialization having prepared this report on vetting of the Chief Officer to the Department of Decentralized Units, do hereby confirm our agreement with the content of the report by appending our signatures as drawn below. Hon. Speaker, I do therefore recommend this report to this Hon. Assembly for consideration and approval. Signed by Hon. Kieti chairperson trade economic, planning and industrialization and Hon. Moffat Maitha myself chairperson Justice and legal affairs committee. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Members you have heard the report. Allow me to propose the question.

(Question proposed)

You may debate on the motion Hon. Mark Muendo.

Hon. Muendo: Thank you, Hon. Speaker. Let me thank the committee co-chaired by Hon. Kieti and Hon. Maitha. Hon. Speaker, I have a few reservations on this report on the nominee. First I would like to take the house to page eight where the position is very clear. Position of Chief Officer Department of County Administration and Decentralized Units Administration, Hon. Speaker, if you have known... if you can remember all the time we go for qualifications of the portfolio and that is the law.

In this case I have seen number two the nominee has a bachelor of education, literature...literature that is my stress because here we are looking for a person who has done business administration that is why no wonder we have lost 4.1 billion shillings when this Robert Maitha is in the office of decentralized units. Hon. Speaker, let me take you to page 10, Hon. Speaker, first 100 days in office then the one Robert Maitha tells the committee what he is going to do in 100 days when he has been there for the last three years.

(Applause)

This looks like a sham you can tell us in 100 days you are going to...let me read asked on what he would achieve in the first 100 days if appointed the nominee says that he would ensure the establishment of the county administrative structures from the sub county to the ward level and to the village level. He would also ensure the provision of adequate office and accommodation for the officers under the devolved unit. What is he telling us? Three years he has been there he cannot establish now in 100 days he is going to establish. Hon. Speaker, this is my problem, Hon. Speaker, in urban areas where I come from like Mavoko, this is the person for three years who has put kiosks all over along the roads.

Hon. Speaker, are we going to give him the job he continues putting kiosks in our urban markets? No way, Hon. Speaker. Hon. Speaker, on the other issue I have is when I look to Dr. James Mutuku Mutunga and I will take you to page, Hon. Speaker, page 18 and 19. Look at this person this is, he has bachelors in Biochemistry, he has masters, PHD then now the committee tells us he is number two.

(Applause)

If somebody in literature can be allowed to hold office where we need business administration first degree holder, why not Biochemistry person who has got a PHD Hon. Speaker. Sometimes let us be serious this house must be taken seriously. We cannot be seen as if we are just playing games. There is no way you can award, you can compare the two PHD holder and literature man and they will tell us now this one is qualified to do the job. There is no qualification for both if it is qualifications. We need somebody else who has done business administration.

Hon. Speaker, my other point on this issue because if we have given an Eng. in the morning a job why can't we give a business administrator a job and there are here in our county. Hon. Speaker, let me say sometimes we must bring sanity to this county and sanity is going to be brought to this house by giving the correct persons to be the CO's and the CEC's. According to me Hon. Speaker, if I were to be asked what to give on this I would have given nothing because others have been given based on the first degree and that is the law on the approval act of 2017 in the County Assemblies approval act. So Hon. Speaker, I do not want to waste a lot of time it is

for me, I am saying if this house has to approve one name or two I mean one name among the two then I will go for the PHD holder than a literature first degree. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mark Muendo. Hon. Agatha.

Hon. (Ms.) Mutunga: Thank you, Mr. Speaker. I stand to be in agreement with members of this committee who did not sign this report. The report was only signed by the chairs of the committee so I agree with the members who did not sign and I agree with the majority. I will take you to page eight Mr. Speaker, where we have one Hon. Robert Kioko Mitha the nominee for this.

Where we have his qualifications and as the majority has said that the nominee is currently pursuing a master's in business administration degree of Machakos and the other one is bachelor of education while we have the number two who was being compared in page 10 that is Dr. Mutuku Mutunga and I have to correct the chair who was reading he said Virginia Technical, he could have read as Virginia Tech USA, United States of America. That is where this man acquired his PHD. Then you tell us the first one is qualified more than this one? Surely it takes common sense to understand that this member is more qualified than the other.

Being the holder of Biochemistry from the, I repeat the word, the Jomo Kenyatta University of Science and Technology and he still has bachelor in Biology from the same University. So when you compare the academic credentials of the two people it means the second one is more qualified than the first one. So I stand if I would be asked I will recommend that the second person is more qualified than the first one. I still say that this committee, the members who did not sign we are on the same page, so Mr. Speaker, I agree with the members who did not sign that this report should not pass in this house. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. King'ori?

Hon. King'ori: Thank you, Mr. Speaker. I have seen a report with biased information. Why biased? You cannot give someone with a degree in Arts 25 marks on academics, you cannot give somebody with education when you need an administrator in office. That is where he is gaining where he had not earned; that is why he got at least a point more than the second person, James Mutuku Mutunga, and I am of the opinion that the committee was either compromised or if not they should have seen the anomaly and confirmed to the house that Robert Maitha who is also acting as the ICT is not qualified enough as James Mutunga.

For one we lost 4.5 billion through his leadership. It means that his education is even questionable. Because if the county can lose money through his docket in ICT, it is shameful and even he should also be...the committee did not even interrogate him whether he has been working in the county.

When you come to experience, he has four years experience, that is two years as a chief officer in the department of decentralized units and two years as the director in the department of decentralized units. That does not qualify to be five if I know how to add numbers; I think the committee should have done the right thing.

Look at the qualification of James Mutuku Mutunga. Consultant according to hematology department KEMRI. I know KEMRI very well; it deals with research and what we do in our medical practice is done there so I think this committee made the wrong decision of making Robert Maitha as their choice.

Secondly on the 20th page academic qualification to the relevant portfolio, was it followed? No. Professional qualification relevant to the portfolio was not followed also. Experience relevant to the portfolio was not followed also. Why do I say that? The person they have recommended does not have any of these; academic qualification is not relevant to administration, professional administration. They have no qualification at all to show the Assembly that he has managed any business right. Like the way he did in the ICT profession.

Thirdly, experience relevant to the portfolio, he has only four years and we needed five. Integrity, he is not a man of integrity. I can say this with authority knowing that the controller of budget has recommended that the ICT department had misused the money of this county. So he does not have any integrity to be named as Chief Officer of any other department in Machakos County. The mean mark awarded during vetting is not enough to make somebody to pass as Chief Officer. Just because somebody gave the wrong information and even sweet talked people, he does not need to be the Chief Officer at all. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Kieti

Hon. Kieti: Thank you Hon. Speaker. It is very unfortunate when I hear the sentiments from Hon. Members; I don't know whether they have been compromised to fight the nominees or it is just them working out of their conscience. The committee has done its work. I want to report that these two committees vetted these two nominees...

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

Hon. (Ms.) Mueni: Thank you Mr. Speaker. I was to inform the Member that the committee is not the final, that is why they have been brought to the House to finalize. When they have no eyes to see the person who is qualified, we cannot also when they bring the report here pretend we also don't see. Even the clerks were blind; they should have directed the committee. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Continue Hon. Kieti.

Hon. Kieti: Thank you, Mr. Speaker. These two nominees were vetted in two independent committees and later when the departments were reduced to ten that is when Robert Kioko Maitha who had been vetted by the committee on trade and economic planning was brought together with the other nominee who had been vetted by the justice and legal committee. Mr. Speaker, unless we are forgetting our mandate, Robert Kioko Maitha was nominated to serve in the department for decentralized units and the other nominee Dr. Mutunga was nominated in the position of forensic and inspectorate.

So here our focus should be on decentralized units and administration. This other nominee had only applied for inspectorate and forensic. Robert Kioko Maitha had applied to be nominated for decentralized units and administration; so unless we are losing focus, the forensic audit is within the national government. That is why we said because in the counties we do not have forensic audit it is within the national government, then we cannot go for this doctor; though he has all the qualifications---

Hon. Deputy Speaker: Point of information from Hon. Peter Mutiso.

Hon. P.J. Mutiso: I honor my chair and with all due respect, I want to inform him that inspectorate is under decentralized unit, because he is saying that Mutunga was not qualified for that, where Maitha is right now.

Hon. Deputy Speaker: Thank you. Let me also give guidance; Hon. Kieti remember I said there were guidelines that were given to the House that there were two candidates and we are merging them together then we need to look at qualifications and ability to work across the board. And I believe that is the reason decentralized units and inspectorates and forensics was put together and that is why Mr. Robert Maitha came to be vetted by your committee jointly with the other doctor. So that is clear, just proceed on your other justification.

Hon. Kieti: That is where I was driving at and I never said Dr. Mutunga is not qualified in the inspectorate but I was addressing the issue of forensic audit because it is not within the county level but in the national level. When we were writing this report, I remember Chair of Chairs, Mr. Speaker, you advised us that we look for that nominee whose qualifications cuts across; who can serve in the department.

When we looked at the two nominees, Robert Kioko Maitha has been serving in the county administration and decentralized units and inspectorate. The other nominee has applied for forensic and inspectorate. When you look at the two, the second nominee, if we disqualify the forensic, he is only left with inspectorate and Kioko Maitha is left with county administration, decentralized units and inspectorate. Unless we are biased; this one is very clear---

Hon. Deputy Speaker: Point of information from Hon. Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. I would request my colleague to tone down and ignore this issue of bias; we are here to follow the law and if someone has been in office illegally or without proper guidelines, we cannot close our eyes and let this continue. It is obvious that Mr. Robert Kioko Maitha the Chief Officer has been nominated in the department of county administration and decentralized units; we first start with the qualifications. We have been fighting in this House; what your first degree is. If someone messed before, we cannot let the same continue. So there was a mistake and that is why the man has been there illegally. I think this is a different administration; we are doing things differently so let us forget the man has been in office. He has applied and he has to be at equal ground or neutral ground with the other candidate. Thank you, Mr. Speaker.

Hon. Deputy Speaker: More information Majority Leader?

Hon. Muendo: Let me inform the Member, we have rejected people of this county because of qualifications. The law says to that portfolio, literature is not business administration therefore let us not close our eyes and look behind using the driving mirror to see what we have done to others. This one cannot be favored, Hon. Speaker.

Hon. Deputy Speaker: Hon. Kieti, continue please.

Hon. Kieti: Thank you, Mr. Speaker. In the morning, we handled the report on education and Members applauded that one Ms. Zuhura is qualified because she has been in administration and she has been a teacher. One Robert Maitha whom we are talking about has done English and literature---

Hon. Deputy Speaker: Let me just guide you Hon. Member. I think you are comparing water and wine; the member who had been nominated for education has had a lifelong career in education as seen in the report, moving from qualifications in education, heading schools all the way. And you remember I gave a guideline and I said past performance is key. The only performance I can hear as the chair is that during his watch, 4.1 billion was misappropriated. So let us look at all things. You may proceed.

Hon. Kieti: Thank you, Mr. Chair. I had not driven my point home and it is good that I be given my time so that as the chair, Trade and Economic Planning I sort out issues within my House. I want to say, anyone who has been trained as a teacher is an administrator in the first place. I have been a teacher and I know anyone who has done teaching is an administrator. Robert Kioko Maitha is a teacher by profession and I don't see how he can fall short in administering decentralized units unlike someone who has done biochemistry. I know what the biochemistry course entails; and at the same time, when you look at the two---

Hon. Deputy Speaker: Let me give some guidance there; the other gentleman is a lecturer. You may proceed.

Hon. Kieti: When you look at the first nominee, Kioko Maitha, his field has to do with leadership, leading human beings; the other one has done entomology which has to do with insects. Do we mean that we are going to promote leadership through the study of insects in our county? I want to say that my committee considered so many things to arrive at Robert Kioko Maitha unlike Dr. Mutungi who is more educated. Even out of mere sense Hon. Members, when we go to the hospital, you will find there is a doctor for medicine and when you go out you will find someone who has a PHD in another field.

Hon. Deputy Speaker: Point of information from Dr. King'ori.

Hon. King'ori: I think education is not the only reason we employ people; we look even at integrity. Where is integrity in Machakos County? Losing a sum of 4.1 billion; how can we trust him with money even if he is educated? So it is not even in order to say that somebody has a degree and the other one has a PHD and they are all teachers and who is more qualified; the one with a PHD or the one with a degree. I don't understand.

Hon. Deputy Speaker: Hon. Kieti you may conclude your submission please.

Hon. Kieti: According to section 7(10) of the Public Appointment (County Assemblies Approval) Act, 2017, any Member who had any information concerning Robert Maitha would have submitted that information to the clerk. Because that is something that was put in the newspaper and any Member who had any issue with any nominee would have submitted that information to the clerk or brought that allegation to the committee. I want those Members who

are alleging that Robert Maitha has squandered about Ksh. 4.5 billion in his department to table those allegations here so that we don't just crucify persons just because we have our own vendetta. The nominee---

Hon. King'ori: Point of information.

Hon. Deputy Speaker: Just a minute, I would like you to maintain order; I have Hon. Justus Kiteng'u who was on a point of information.

Hon. Kiteng'u: Thank you Hon. Speaker. I would like to inform the Member that in the report of Controller of Budget of 2017/2018, it has stated very clearly that the docket led by one Hon. Maitha has used more than Ksh. 3.1 billion and we have that document that can be able to state that in terms of integrity, Robert Maitha is not the right person to be given that docket because we have issues of misuse of funds in the docket he has been acting as chief officer.

Hon. Deputy Speaker: Hon. Kieti, please conclude your submissions.

Hon. Kieti: As I conclude, I want to request the Hon. Member who has any allegation of misappropriation to table that allegation here so that we don't just crucify a nominee without any proof. My committee did its best, and the Members who have not signed as it was mentioned by one of our Members, the report has been concluded this morning and most of our Members are out and they could not sign.

Hon. Deputy Speaker: Point of information from Hon. Christine Koki.

Hon. (Ms) C. Koki: Thank you Mr. Speaker. I want to disagree with my chairman; I personally refused to sign the report because I did not agree with the report that was about to be tabled at the House.

Hon. Deputy Speaker: Thank you Hon. Member for the clarification. Hon. Mutinda.

Hon. Mutinda: Thank you, Mr. Speaker. I thank the committee for the report, despite the committee not owning up. So Mr. Speaker, you will also give a guide whether we are going to continue discussing something which is not owned up by the committee. When in the House it did not own up and now we are here at exhibition and we are continuing with the same; I think you can see why this report does not have signatures. And also, the time other reports were done they were done simultaneously and other reports have been signed but this one has not. Mr. Speaker I think---

Hon. Kamitu: Point of order.

Hon. Deputy Speaker: What Standing Order Minority Leader are you standing on?

Hon. Kamitu: My point of order is in regard to the Member who is moving his sentiments in regard to what he is saying because one, it is very prudent that our Member who is talking about Members not having signed the report; if the report was to signed, it shows the

weaknesses of the committee, not the House. Whose mistake should it be? That should not arise as sentiment of denying the report in this House.

Hon. Deputy Speaker: Thank you Hon. Member. The only reason why the House has allowed the report to continue is because based on Standing Order 179, it says that the report of a select committee having been adopted by a majority of the Members shall be signed by the chairperson on behalf of the committee.

The assumption here which was made by the House Business committee was that it had been adopted by the majority of the Members but it is proving otherwise because we have Members on the floor who are disputing that fact. But it is already a property of the House and we shall have to dispense it under that specific Standing Order. Just continue and conclude on the matter.

Hon. Mutinda: Thank you, Mr. Speaker. The other thing is on the calculations in the tables where marks were being awarded; when you look at the calculations and the averages, the report you are getting here is not the real one. There is a candidate who was given zero marks in communication page 17, there is an assessor who gave zero marks, but assessor one gave ten out of ten, assessor two gave ten out of ten, assessor three gave ten out of ten, assessor five gave nine out of ten, assessor six gave seven out of ten, assessor seven gave seven out of ten; meaning other than this zero, the minimum was 70 out of 100. So I don't know Mr. Speaker whether it is a typo or those were real scores which were given and that has to be clarified. The other thing is the totaling; when you go vertical, the results are not coming as tabulated here; that also has to be checked.

I would wish to comment on the 100 days of office for a candidate; we have seen the person who is here has also given his 100 days, but for those existing, I would request we consider the past experience; what one has delivered because they have been in service and now those new are the ones we are asking for 100 days, so that they may inspire hope to the employer, to us or to the citizens. Thank you, Mr. Speaker.

Hon. (Ms.) Mwikali: Thank you, Mr. Speaker. Let me start by applauding the committee and join the dissenting voices in this House. I wish to thank His Excellency the Governor for bringing two sons of Machakos County in this House. The two, Mr. Robert Maitha and Dr. James Mutuku Mutunga are both sons of Machakos County and that has to go into our Hon. Members' heads.

Without looking like we are arguing, it beats logic how somebody who has gone to school and gone to school well; I always applaud Members of this Assembly because each time and each and every day as they meet their electorates, they always interact with mothers and fathers crying so that their children would complete their education and go to the highest degree that each would be able to attain.

I feel very embarrassed very much, when I look at the academic qualifications relevant to this portfolio. The biggest question in my mind is, would anyone get a BSc in Biology, Msc in Biochemistry, PHD in entomology and be compared with a single degree in English literature?

Mr. Speaker, when I was in Precious Blood Kilungu, I did English literature and I got a proper and wonderful - it was called distinction those days. My English was excellent but I could not attain anything recommendable which I could speak of in this House like in Chemistry. In chemistry I am afraid I got a credit which was not worth much. Having attained a proper

distinction in English literature did not give me a good opportunity to pursue my banking career.

Therefore I feel embarrassed when this committee stands and says our son, a proper educated young man in Machakos county, only studied about insects. And I would really love somebody to apologize on that. Entomology is a very important and special degree that can only be done by those who can do sciences very well. My chairman in that committee is a qualified professional teacher who has what it takes to appreciate education; that is why I am really worried.

Before I finish, I would like to say, both of our sons here have qualified; one has 93 and the other 92 per cent. It beats logic, what qualification really made this person get 93 yet he has been in that field where he has not even qualified? Somebody who has stood and watched our county funds and by the way I am in budget committee and the report of COB is and was on the table of this House and in their pigeon holes, Mr. Speaker when they say somebody must bring documents, I don't know which other documents should be brought about a department losing over 4.2 billion when everything is in pigeon holes.

Mr. Speaker it is really embarrassing and whatever happened, we would not want to know but what I am saying, this consultant research technical...you know even my English does not allow me to read very well...but all the qualifications of Dr. James Mutuku must be applauded by this House and we also request his Excellency the Governor, whatever he saw in this young man to bring it back and allow this House to have this young man get portfolio and I am sure and I promise before God and you Members, this young man will do a very good job.

We are asking our children to go to school and when they bring good grades like this young man, we cannot let them down. We cannot afford to let them down; and this is a very day for mothers and fathers who are really struggling to educate their children and everywhere they are watching us fail these grades; no. We cannot afford to do that, we cannot; and on behalf of the women in this House, the fathers in this House and on behalf of our community, we cannot allow this; I don't know, is it impunity? This committee you have let us down. I am sorry, you have let us down. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Kamitu.

Hon. Kamitu: Thank you very much, Hon. Speaker. I am here to contribute in relation to the nominees of this post; and I want to refer Hon. Members to page four of the report, second paragraph because the subject matter here and I repeat, the subject matter is 'nominee.'

Unless Hon. Members we are missing direction and it is not that we are missing direction, unless my reading is directing me wrongly, the subject matter - we are talking about a report which has been brought to the floor of this House; we are talking of a nominee for the position of county administration and decentralized units, directorate of county administration and decentralized unit and that is Robert Kioko Maitha whose report has been brought in the floor of this House for adoption by the Hon. Member who has brought this report.

On that strength, when we are comparing with Dr. James Mutuku Mutunga in regard to the same letter- appointment of chief officers, the Governor brought a letter referenced MCC/GOV.COS/01/18 dated 1st August, and in regard to James Mutuku Mutunga, the nominee position was directorate of forensic and inspectorate services. So, these are two different positions.

Hon. Deputy Speaker: Hon. Member, I would like when you are reading your report to kindly give the House the whole facts; read what you have read in conjunction with page 20.

Hon. Kamitu: Hon. Speaker, are you standing to give a guide; it's like Mr. Speaker you are also putting some debates on it.

Hon. Deputy Speaker: Hon. Kamitu first of all I am on my feet. Could you sit down.

Hon. Kamitu: Right.

Hon. Deputy Speaker: What I am saying is this; the report in hand, on page 20 Hon. Kamitu on general observations and recommendations: 'Mr. Speaker, the committee observed that the House on 6th of November 2018 approved a motion limiting the number of chief officers to ten pursuant to article 179 (3) of the constitution of KENYA 2010 and section 45 (3) of the County Governments Act 2017.

The committee also noted the pronouncement of the judge in the petition number 12 of 2017 in the Machakos Court. Taking to consideration the above provisions, the committee compared the two nominees.'

So this report is not about an individual, the committee compared the two nominees. You may continue.

Hon. Kamitu: I agree the committee compared the two and it recommended one Robert Maitha. So in that regard, the comparison is there, the recommendation of this committee specifically stated they have recommended one Robert Maitha.

Hon. Deputy Speaker: Point of information Hon. Mark Muendo

Hon. Kamitu: There are a lot of points of information.

Hon. Deputy Speaker: Hon. Kamitu, please be seated.

Hon. Muendo: It is allowed, Hon. Speaker, let the Member who is senior, this is his second time in this House, not to mislead this House. The final verdict of a candidate is not within the committee level. It is this House to decide whether to clear or not. Thank you Hon. Speaker.

Hon. Deputy Speaker: You may continue.

Hon. Kamitu: I totally agree with the majority leader and that is why we are debating and Mr. Speaker on that regard, let us go to page four. You have heard what I have said in regard to page four. Page seven, on academic and professional background of Robert Maitha, the nominee is currently pursuing a Masters in Administration. A degree which is relevant to the portfolio that this House is reporting in regard to decentralized units. So it is clear that the candidate is pursuing a Masters degree which is relevant to the portfolio which we are talking about. On a very sincere note, it is always good to follow documented evidence and for this matter, it is evident in this House that Members have said Hon. Maitha did four point—

Hon. Deputy Speaker: Hon. Kamitu let me correct you on Hon. Maitha's behalf because you are talking about Hon. Maitha; you should be talking about Mr. Maitha. Hon. Maitha is a Hon. Member of this House.

Hon. Kamitu: Correct, I am talking of candidate Robert Kioko Maitha and if I may continue, there is no documented evidence of his misappropriation and if there is, it should be tabled. Again on a very sincere note, in paragraph nine the nominee presented a police clearance certificate, a self-declaration form from EACC; if there was any corruption, he would not have been cleared by the EACC.

So I would kindly request Hon. Members that we should talk on the subject matter for Maitha: which, he is a nominee for decentralized units and administration. Otherwise thank you Hon. Speaker.

Hon. Deputy Speaker: Hon. Mueni.

Hon. (Ms.) Mueni: Thank you Mr. Speaker. I think you can hear the tones of the people who have eaten people's things. So the best thing---

Hon. Deputy Speaker: Let us use civil language, Hon. Mueni.

Hon. (Ms.) Mueni: I withdraw. Mr. Speaker I think we have to be sober and understand why the MCAs of the last regime went home. It's because they were in a place like you and that person you are calling---

Hon. Kamitu: Point if information.

Hon. (Ms.) Mueni: Can I finish?

Hon. Deputy Speaker: Hon. Kamitu I protected you when you were standing, let the Hon. Member finalize.

Hon. (Ms.) Mueni: Mr. Speaker, when the person was in the place and has used the peoples' money for Machakos County wrongly, we cannot give him another mandate of continuing to eat the money. So Mr. Speaker, I think you can put the question and we give Mutuku the position so that we can try him. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Member. May I call on the mover to respond?

Hon. Maitha: Thank you Mr. Speaker. I want to thank the committee for the work it did despite the fact that many of you are saying it did not do a good work; the committee should be applauded for what it did. Two, some of the Hon. Members are talking of signing of this document as criteria for ownership; look at the last report we did on education, is it signed anywhere. Here it is, show me any sign, it has not been signed?

Hon. Deputy Speaker: Hon. Moffat I gave direction on that.

Hon. Maitha: Mr. Speaker we have to talk about it because it is also yesterday when the Speaker gave an order that these documents should be signed and for the clerk to get Hon. Members today to sign was not possible, so when we talk of signing, even the one Hon. Irene presented was not signed.

Therefore let us not have that one as an excuse for not approving one Robert Maitha who has been proposed to be nominated by the Committee. I also would want to urge the Members not use the privilege of the House to talk ill of other people who cannot defend themselves. Because when you say the Controller said four billion was misused, was it misused by this nominee? Is there anywhere it says it is Maitha?

(Loud consultations)

Hon. Deputy Speaker: Order in the House please. Let the Hon. Member finish his sentiments, you can always put your mark when we put the question.

Hon. Maitha: There is nowhere in that report which says Robert Maitha misused. A department has many people who may misuse the money but not this nominee. Lastly, I also would wish to blame the office of the Clerk; if you look at this report, it doesn't show which clerk prepared it, it is just like something which was picked elsewhere and brought to the House.

So the office of the Clerk must be blamed for his officers not signing; if you look at the report for Education, you can see Sarah an assistant clerk has signed it but this one no assistant clerk has signed it. Therefore, I sent a message to one Clerk saying we must be called as a joint committee so that we can append our signatures; that was not taken. Therefore Mr. Speaker, they said Maitha is qualified, it is now the House decision which will matter. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you Hon. Member for moving the motion and responding to it.

(Question put and negated)

The implication of your decision right now is that both candidates and the report has failed and it will have to be the work of the secretariat to write back to the Governor and request the Governor to bring fresh nomination for the position,

ADJOURNMENT

Hon. Deputy Speaker: This House Stands adjourned to 20th November, 2018 at 3.30 p.m.

The House rose at 2.16 p.m.

