

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Wednesday, 28th November, 2018

The House met at 3.39 p.m.

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

PRAYERS

Hon. Deputy Speaker: Good afternoon Members. Mr. Clerk, do we have quorum?

PAPER LAID

PROPOSED ESTABLISHMENT OF A COFFEE MILL IN MATUNGULU EAST WARD

Hon. Deputy Speaker: Hon. Members, under this Order, we have one paper to be laid by the Hon. Moses Mitaa. Hon. Moses.

Hon. Mitaa: Thank you, Hon. Speaker. I beg to lay the following paper on the table of the House today, Wednesday, 28th November 2018; report on the Committee of Agriculture and proposed establishment of coffee mill in Matungulu East Ward. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moses. Mr. Clerk, proceed.

NOTICE OF MOTION

PROPOSED ESTABLISHMENT OF A COFFEE MILL IN MATUNGULU WEST WARD

Hon. Deputy Speaker: Hon. Members, under this Order, we have one notice of Motion again to be moved by the Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Mr. Speaker again.

Hon. Speaker, that aware that the mission of the Department of Agriculture, Livestock and Fisheries in Machakos County is to promote innovative, commercially oriented and modern Agriculture through development and enactment of enabling legal framework;

Further aware that in May, 2018 a Motion seeking establishment of a coffee mill in Matungulu East Ward was tabled in this Hon. House and was committed to this committee for investigation and reporting;

Remembering that coffee sector in Kenya has for many operated under a system that denies small-scale growers freedom to sell their won beans and this has kept them in bondage;

Noting that with falling coffee production, there has been to many millers chasing too little coffee from framers and this has turned coffee business to become violent;

Cognizant that pursuant to Standing Order 192(5)(a), the functions of a Sectoral Committee shall be to investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;

Informed that on various dates during the months of June and July, 2018, the Committee conducted a fact finding mission to cooperate with societies in Machakos County including Matungulu Sub-County;

Mr. Speaker, I wish to give notice of Motion that, this Hon. House discusses and approves the report of the Committee on Agriculture on proposed establishment of coffee Mill in Matungulu East Ward.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moses. Mr. Clerk, proceed.

STATEMENT

BUSINESS FOR THE HOUSE FOR 4TH TO 5TH DECEMBER, 2018

Hon. Deputy Speaker: Hon. Members, under this order number we have one statement to be made by the Hon. Mark Muendo Majority Leader.

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

Hon. Speaker, the House Business Committee met on 27th November, 2018 and balloted business for the week of 4th to 5th December, 2018 pursuant to the provisions of the Standing Order 151 as follows:

Tuesday, 4th December, 2018

Morning at 10.00 a.m.

- a. Report of Public Accounts and Investments Committee on Report of Auditor General on Financial Statements of Machakos County Assembly Car Loan Scheme by Hon. Joseph Musau, Chairperson.
- b. Statement on Machakos People's Park by Hon. Angela Munyasya, MCA Machakos County Assembly.

Tuesday at 2.30 p.m.

Report of Health and Emergency Services on Status of Selected Health Facilities by Hon. Cosmus Masesi, Chairperson

Wednesday, 5th December, 2018

Morning at 10.00 a.m.

Report of Environment, Energy, Lands and Natural Resources Committee on rehabilitation of gullies by Hon. Robert Kisini, Chairperson.

Afternoon at 2.30 p.m.

- a. Report of Agriculture Committee on establishment of Coffee Mill in Matungulu East Ward by Hon. Moses Mitaa, Chairperson.
- b. Motion by Hon. Mark Muendo, Majority Leader/MCA Kinanie Ward) that the House adjourns for the long recess from 5th December, 2018 to 12th February, 2019 as per the Calendar of the Assembly.

Thank you, Hon. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you, Majority Leader. Mr. Clerk, proceed.

MOTIONS

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

Hon. Deputy Speaker: Hon. Members, we have three Motions. The first one is by Hon. Francis Kalumu.....Hon. Vice Chair of the Committee, Hon. Agatha Mutunga.

Hon. (Ms.) Mutunga: Thank you, Hon. Speaker. I stand for the Chair, Hon. Francis Kalumu.

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 five nominees were committed to the Labour, Public Service and ICT Committee on 7th August, 2018 pursuant to Standing Order 42(1) for vetting and approval;

Noting that the Committee conducted approval hearings of the nominees on 1st, 2nd, 3rd and 4th October, 2018 and that it has compiled a report;

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves the Report of the Labour, Public Service and ICT Committee report on vetting of nominees for appointment to positions of Chief Officers and Office of the County Secretary.

Hon. Speaker, I call upon Hon. Christine Koki to second this Motion.

Hon. Deputy Speaker: Hon. Christine Koki.

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

Hon. Deputy Speaker: Thank you., Hon. Agatha you may read the report.

Hon. (Ms.) Mutunga: Thank you, Hon. Speaker. I go straight to page 2.

PREFACE

Committee Mandate

Hon. Speaker, the committee on Labour, Public Service and ICT is established pursuant to Standing Order 190 and the Second Schedule of the Standing Orders define its mandate as follows: to deal with all matters relating to labour, trade union relations, manpower or human resource planning; information, communication and technology.

Hon. Speaker, Section 45 of the County Governments Act, 2012 provides for the appointment of County chief officers who shall be nominated by the Governor amongst persons competitively sourced and recommended by the County Public Service Board who shall then be approved by the County Assembly.

Further, Standing Order 192(5)(f) provides for Sectoral committees to vet and report on all appointments where the Constitution or any law requires the Assembly to approve.

Committee Membership

Madam Speaker, the committee is comprised of thirteen honorable members as follows:

1. Hon. Francis Kalumu - Chairman
2. Hon. Agatha Mutunga - Vice Chairperson
3. Hon. Alex Kamitu - Member
4. Hon. Christine Koki
5. Hon. Constance Nzioki
6. Hon. Dominic Ndambuki
7. Hon. Anthony Mulu
8. Hon. Jacinta Luka
9. Hon. Joshua Nzuki Muli
10. Hon. Justus Katumo
11. Hon. Nicholas Mutuku
12. Hon. Paul Nyanzi
13. Hon. Rozina Kanini

Nomination of the Chief Officers

Hon. Speaker, pursuant to Section 45(1)(a) of the County Governments Act, 2012, the Governor forwarded to the Speaker of the County Assembly, the names for vetting and approval in the Office of the County Secretary and Department of Labour and ICT.

The nominees were as listed below:

1. Ms. Grace Muluki Munguti was a nominee for the Office of County Secretary and Head of Public Service.
2. Mr. Timothy Gutettah James – nominee for Chief Officer, Directorate of Administration and Coordination in the office of the County Secretary.
3. Ms. Catherine Mutwiwa – Nominee for Chief Officer, Directorate of Project delivery, monitoring and Evaluation in the office of the County Secretary.
4. Mr. James Ochwada – Nominee for Chief Officer, Labour
5. Mr. Emmanuel Kata Kimeu – Nominee for Chief Officer, ICT

The nominees were then committed to the Committee on Labour, to conduct vetting and report to the Assembly as provided under the Public Appointments (County Assemblies Approval) Act, 2017. The nominees were notified of the time and place for holding the approval hearing through an advert in the print media as provided under Section 7 (4) of the Public Appointments (County Assemblies Approval) Act, 2017.

Committee Meetings

Hon. Speaker, the committee met for approval hearings of the nominees on 1st, 2nd, 3rd and 4th October, 2018. The hearings were conducted in public in the assembly chambers following a notification to the candidates and the public placed by the Assembly.

Notification to the Public

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

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

Clearance Requirements

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

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

Criteria for Approval Hearing

Hon. Speaker, the Committee was guided by Chapter Six of the Constitution of Kenya, Article 124(4) of CoK, Section 35(2) and (3) of the County Governments Act, 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.

Assessment Form

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

Work experience

Hon. Speaker, any nominee who had a work experience of at least five years as it relates to the position was awarded 25 marks. A nominee with less than five years' experience was awarded zero marks. Any nominee with five years' experience unrelated to the position was also awarded zero marks.

Academic Credentials Relevant To Position

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

Interest in and knowledge relating to the relevant portfolio

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

Communication Skills (Written/ Oral)

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

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

Hon. Speaker, a satisfactory presentation of content by the nominee was awarded 10 marks. Punctuality was also taken into account.

Decision Making/Problem Solving Skills and Integrity

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

- 5 marks for displaying the ability to make right decisions identify problem, ability to offer a solution, ability to deal with causes rather than symptoms.
- 10 marks were awarded for integrity.

Integrity

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

- a. Selection on the basis of personal integrity, competence and suitability, or election in free fair elections;
- b. Objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;
- c. Selfless service based solely on the public interest, demonstrated by-
 - i. Honesty in the execution of public duties; and

- ii. The declaration of any personal interest that may conflict with public duties;
- d. Accountability to the public for decisions and actions; and
- e. Discipline and commitment in service to the people.

Further, Section 7(8) of Public Appointments (County Assemblies Approval) Act, 2017 requires that an approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

Submission of Written Statements on Oath by Members of the Public

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

Memoranda

Hon. Speaker, the Kenya County Government Workers Union through their Machakos County branch wrote to the County Assembly on 12th September, 2018 opposing the vetting of Ms. Grace Munguti as the County Secretary nominee with allegations contained therein.

Analysis of the Memorandum

Hon. Speaker, the committee invited the Kenya County Government Workers Union to shed more light on their letter that opposed the vetting. It emerged that matters raised in the letter needed to be substantiated by providing tangible evidences such as appointment letters. The Union assured the committee that they would forward the requested evidence to the committee later in the day.

By 1st October, 2018 the Union had not substantiated their allegations hence the committee proceeded with the vetting. It is important to note that to date, the Union has still not been able to substantiate their allegations.

APPROVAL HEARINGS

Ms. Grace Muluki Munguti: Nominated for Appointment as County Secretary and head of Public Service

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

Date and Place of Birth

The nominee was born in 25th June, 1982 in Kathiani.

Document of Identification

The nominee possesses a National ID card No. 22737522

Education Background

Hon. Speaker:

- The nominee holds a Masters in Business Administration specializing in Health care from Davenport University and is currently pursuing a Doctorate in Business Administration from California Southern University.
- The nominee acquired a first degree from the University of Davenport (Bachelor of Business Administration) majoring in Finance.
- The nominee also has an Associate Diploma in Business Administration from Grand Rapids Community College
- The nominee holds a Diploma in Contemporary Public Administration from Galilee International Management Institute.
- The nominee attended Mary Mount Secondary School for her A levels education.

Work experience

Hon. Speaker, the nominee has vast relevant work experience having worked in the following positions;

- Machakos County Government, 2014 – present: the nominee is the Chief Officer Public Service and ICT.
- Machakos County Government 2015 – 2017: The nominee was the Acting County Secretary and Head of Public Service.
- Machakos County Government 2013 – 2014: Chief Officer Tourism and Culture, Acting Chief Officer Department of Trade, Economic Planning and Industrialization.

Net worth

The nominee stated that her net worth was Ksh. 5 million.

Honors and awards

Hon. Speaker, the nominee has been awarded the following honors and awards;

- Phi kappa phi Honor society.
- Davenport University Academic Scholarship,
- Grand Rapids Community College Academic Scholarship.
- Davenport University Dean's List.
- Grand Rapids Community College Dean's List.

The nominee is a professional member of the Kenya Institute of Management, African Association for Public Administration and Management.

Potential conflict of interest

Hon. Speaker, the nominee declared that currently she does not have any persons, parties, categories of litigation or financial arrangements that are likely to present potential conflict of interest.

Pro Bono/ Charity Work

The nominee is involved in mentoring youth and women on a need basis particularly in her Ward. Further to this, she is currently sponsoring the education of two orphans and lastly she is involved in the Community assistance and development.

Integrity

- KRA- The nominee possesses a tax compliance certificate issued by KRA dated 5th September, 2018.
- CRB- The nominee has been cleared by Metropol Credit Reference Bureau Limited dated 14th September, 2017.
- HELB- the nominee is not a beneficiary of University Loan Scheme.
- Good conduct- The nominee has been cleared by the Directorate of Criminal Investigations by issuance of a police clearance certificate.
- EACC- The candidate presented self-declaration form received from EACC dated 21st June, 2018.

ASSESSMENT OF THE CANDIDATE ON THE SECOND SCHEDULE OF THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES APPROVAL)

CANDIDATE: Ms. Grace Munguti Muluki

Hon. Speaker, the members upon vetting the nominee proceeded to fill the assessment forms as required by Law.

Particulars	Mark s	Marks awarded								Total Awarded
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6	ASS 7	ASS 8	
Work experience (as it relates to the position)	25	20	25	25	25	25	25	25	25	
Education/training(relevant to the	25	20	25	25	25	25	25	25	25	

position)										
Interest in and knowledge relating to specific position	15	13	10	14	15	15	10	10	14	
Communication skills (written/oral)	10	9	9	9	10	10	8	5	9	
Presentation (promptness, neatness of resume/application, appearance)	10	8	7	10	10	10	10	10	9	
Decision making/problem solving skills	15	14	13	13	15	10	10	5	13	
Total marks	100	84	89	96	100	95	88	80	95	727

Hon. Speaker, the committee had a total of eight Hon. Members present at the time of vetting hence the eight assessments conducted above. The total marks awarded to the nominee were 727 and when divided by the eight members to get the mean of **90.87**

APPROVAL HEARINGS

Mr. Timothy Gutettah James: Nominated for Appointment as Chief Officer – Directorate of Administration and Coordination in the Office of the County Secretary.

Hon. Speaker, the nominee appeared before the Committee at 10:00 a.m. on 2nd October, 2018. On the basis of his oral and written evidence the following emerged:

Date and Place of Birth

The nominee was born in 1964 in Embu.

Document of Identification

The nominee possesses a National ID card No. 8720753

Education Background

Hon. Speaker:

- The nominee holds a Masters in Business Administration specializing in Human Resource Management from Cyprus Institute University.
- The nominee acquired a first degree from the University of Nairobi (Bachelor of Arts)
- The nominee attended St. Charles Lwanga Secondary School for his A levels education.

Work experience

Hon. Speaker, the nominee has vast relevant work experience having worked in the following positions;

- Embu County Government, 2013 to 2017: the nominee was the Chief Officer Public Service management and Administration.
- Action Africa Help International March, 2013 to December, 2013: The nominee was the Regional Human Resource manager.
- TearFund International- Congo August, 2011 to February, 2013: Human Resources Manager.
- World Vision Kenya - Nairobi September, 2009 to July, 2011: The nominee was the Associate Director for people and Culture.
- Feed the Children International August, 2008 to August, 2009: The nominee was the Human Resource manager.
- Save the Children UK July, 2007 to July 2008: The nominee was the Head of Human Resource.
- SIL International – March, 2002 to August, 2003: The nominee was the Human Resource manager.
- ACROSS South Sudan June, 1993 to February, 2002: The nominee was the Human Resource manager.
- Daystar University September, 1991 to May, 1993: The nominee was the Human Resource manager.
- Kenyatta University January, 1991 to August, 1991: The nominee was an Msc Apprentice.
- Public Service of Kenya January, 1990 to December, 1990: The nominee was the District Registrar of Persons.
- Teachers' Service Commission September to December, 1989: The nominee was an untrained Graduate Teacher.

Net worth

The nominee stated that his net worth was Ksh. 35 million.

Honors and awards

Hon. Speaker, the nominee has been awarded the following honors and awards;

- Awarded a Scholarship to pursue MSc in Library studies scholarship.
- The nominee is a professional member of the Institute of Human Resource Management of Kenya.
- Hon. Speaker, the nominee declared that currently he does not have any persons, parties, categories of litigation or financial arrangements that are likely to present potential conflict of interest.

Pro Bono/ Charity Work

The nominee is the founder of Gethsemane International Africa- Children's Home and an elder at the House of Grace Church Athi River.

Integrity

- KRA- The nominee possesses a tax compliance certificate issued by KRA dated 4th September, 2017.
- CRB- The nominee has been cleared by Metro Pol Credit Reference Bureau limited dated 1st September, 2017.
- HELB- the nominee was by the University Loan Scheme vide letter ref: HELB/RS/SIOL/589/11.
- Good conduct- The nominee has been cleared by the Directorate of Criminal Investigations by issuance of a police clearance certificate.
- EACC- The candidate presented self-declaration form received from EACC dated 1st September, 2017.

ASSESSMENT OF THE CANDIDATE ON THE SECOND SCHEDULE OF THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES APPROVAL)

CANDIDATE: Mr. Timothy Gutettah James

Hon. Speaker, the members upon vetting the nominee proceeded to fill the assessment forms as required by Law.

ASSESSMENT OF THE CANDIDATE ON THE SECOND SCHEDULE OF THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES APPROVAL)

CANDIDATE: Mr. Timothy Gutettah James

Mr. Speaker, the members upon vetting the nominee proceeded to fill the assessment forms as required by Law.

Particulars	Marks	Marks awarded							Total Awarded
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6	ASS 7	

Work experience (as it relates to the position)	25	25	15	10	22	25	14	16		
Education/training(relevant to the position)	25	25	10	18	20	24	22	16		
Interest in and knowledge relating to specific position	15	15	5	7	15	14	14	15		
Communication skills (written/oral)	10	9	8	9	10	10	8	8		
Presentation (promptness, neatness of resume/application, appearance)	10	9	10	6	8	10	8	8		
Decision making/problem solving skills	15	14	10	7	12	13	10	10		
Total marks	100	97	58	57	87	96	76	73	544	

Mr. Speaker, the committee had a total of seven Hon. Members present at the time of vetting hence the seven assessments conducted above. The total marks awarded to the nominee were 544 and divided by the seven members to get the mean of **77.71**.

APPROVAL HEARINGS

7.1.0

Ms. Catherine Syokau Mutwiwa: Nominated for Appointment as Chief Officer – Directorate of Project Delivery, Monitoring and Evaluation in the Office of the County Secretary.

Mr. Speaker, upon appearing before the committee on Wednesday 3rd October, 2018 at 10.00 a.m and on the basis of her oral and written evidence the following emerged:

7.1.1 Date and Place of Birth

The nominee was born in 12th Dec ember, 1972 in Kitui County

7.1.2 Pin Number

A0025062742

7.1.3 Document of Identification

The nominee possesses a National ID card No. 13214569

7.1.4 Education Background

The Nominee holds a Masters in Organizational Leadership, Eastern University ,2008

Bachelor of Arts, Social Work, University of Nairobi, 2003

K.C.S.E, Limuru Girls, 1993

7.1.5 Professional Certificates

Certified Monitoring and Evaluation Professional, KIM, 2002

7.1.6 Work experience

March, 2016 to Date: Micro Enterprise Support Programme Trust (MESPT), Monitoring and evaluation Officer

August 2008 – March 2016, Youth Enterprise Development Fund, Senior Monitoring and Evaluation Officer (Head of M&E Unit)

2000-2008: Habitat for humanity, Program officer for monitoring, evaluation and finance

7.1.7 Integrity

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

7.1.8 Process of Assessment and Awarding of Marks

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

CANDIDATE: MS CATHERINE SYOKAU MUTWIWA

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

Interest in and knowledge relating to specific position	15	7	5	8	4	5	7	5	41
Communication skills (written/oral)	10	5	4	6	7	6	8	6	42
Presentation (promptness, neatness of resume/application, appearance)	10	8	7	9	8	9	5	7	53
Decision making/problem solving skills	15	8	6	6	5	8	7	6	46
Total marks	100	78	72	79	74	78	77	74	532
No. of Assessors	-	-	-	-	-	-	-	-	7
Mean Mark	-	-	-	-	-	-	-	-	76

Madam Speaker, the committee had a total of seven honorable members present at the time of vetting hence the seven assessments conducted above. The total marks awarded to the nominee were 532 and divided by the seven members to get the mean of **76**.

8.0 APPROVAL HEARINGS

8.1.0 Mr. Emmanuel Kata Kimeu- Nominee Chief Officer Information Communication Technology

Mr. Speaker, the nominee appeared before the Committee at 2.30 p.m. on 4th October, 2018. On the basis of his oral and written evidence the following emerged:

8.1.1 Date and Place of Birth

The nominee was born in 25th December, 1970 in Nairobi.

8.1.2 Document of Identification

The nominee possesses a National ID card No. 10420591

8.1.3 Education Background

Mr. Speaker:

- The nominee holds a Masters in Computer Applications having achieved First class honors.
- The nominee acquired a degree from the University of Davenport (Bachelor of Business Administration).
- The nominee also has a Diploma in Systems management.
- The nominee attended Saboti High School (Kenya Advanced Certificate of Education), Muthaiga primary School (Certificate of Primary Education)

8.1.4 Work experience

Mr. Speaker, the nominee has relevant work experience in ICT having worked in the following positions;

- Professional Technologies Ltd – Director Services.
- Mindware FZ LLC – Regional Head of sales
- Autoserve Systems – Head trainer

8.1.5 Net worth

The nominee stated that his net worth was Ksh. 32 million.

8.1.6 Potential conflict of interest

Mr. Speaker, the nominee declared that currently he does not have any persons, parties, categories of litigation or financial arrangements that are likely to present potential conflict of interest.

8.1.7 Pro Bono/ Charity Work

The nominee is involved in assisting Suvia Children's home financially and also provides pro-bono services to Kyaviti secondary school as the chairman for the last four and half years.

8.1.8 Integrity

- KRA- The nominee possesses a tax compliance certificate issued by KRA dated 15th May, 2018.
- CRB- The nominee has been cleared by Metro Pol Credit Reference Bureau limited dated 30th August, 2018.
- HELB- the nominee is not a beneficiary of University Loan Scheme.
- Good conduct- The nominee has been cleared by the Directorate of Criminal Investigations by issuance of a police clearance certificate.
- EACC- The candidate presented self-declaration form received from EACC dated 16th May, 2018.

8.1.9 ASSESSMENT OF THE CANDIDATE ON THE SECOND SCHEDULE OF THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES APPROVAL)

CANDIDATE: Mr. Emmanuel Kata Kimeu

Madam Speaker, the members upon vetting the nominee proceeded to fill the assessment forms as required by Law.

Particulars	Marks	Marks awarded							Total Awarded
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6	ASS 7	
Work experience (as it relates to the position)	25	25	25	25	15	25	25	18	
Education/training(relevant to the position)	25	25	24	25	25	25	25	18	
Interest in and knowledge relating to specific position	15	15	14	15	10	15	14	10	
Communication skills (written/oral)	10	9	8	10	5	10	10	10	
Presentation (promptness, neatness of resume/application, appearance)	10	10	10	10	10	10	10	9	
Decision making/problem solving skills	15	13	9	15	10	13	10	9	
Total marks	100	97	90	100	75	98	94	74	628

Mr. Speaker, the committee had a total of seven honorable members present at the time of vetting hence the seven assessments conducted above. The total marks awarded to the nominee were 628 and divided by the seven members to get the mean of **89.71**.

9.0 APPROVAL HEARINGS

9.1.0 Mr. Joseph Edson Ochwada- Nominee Chief Officer, Public Service Management

Hon. Speaker, the nominee appeared before the Committee at 10.00 a.m. on 4th October, 2018. On the basis of his oral and written evidence the following emerged:

9.1.1 Date and Place of Birth

The nominee was born in 29th September, 1957 in Busia.

9.1.2 Document of Identification

The nominee possesses a National ID card No. 5553636

9.1.3 Education Background

Madam Speaker:

- The nominee holds a Masters in Public Administration from Punjab University
- The nominee acquired a degree from Punjab University (Bachelor in Public Administration).
- The nominee attended St. Mary's High School (Kenya Advanced Certificate of Education)
- Sigalame Secondary School

9.1.4 Work experience

Madam Speaker, the nominee has relevant work experience in ICT having worked in the following positions;

- East African Community Secretariat – (2007 – 2017) – Director Human Resource and Administration.
- Kenya Tea Packers Ltd (Ketepa) - (2004 – 2007)– Head of Human Resources and Administration
- Consolidated Bank of Kenya Ltd - (2000 – 2004) – Human Resource and Administration Manager
- Sulmac Company Ltd – (1999-2000) – Human Resource manager
- Kiwi brands Ltd – (1997 -1999) – Human Resource Administration manager
- East African Tanning Extract Co. Ltd – (1994) Group Administration and personnel manager.
- National Housing Corporation (1985 – 1990) Personnel and Training officer
- Government of Kenya- Ministry of Health – (1984 – 1985) – Assistant Secretary Administration.

9.1.5 Net worth

The nominee stated that his net worth was Ksh. 29 million.

9.1.6 Potential conflict of interest

Madam Speaker, the nominee declared that currently he does not have any persons, parties, categories of litigation or financial arrangements that are likely to present potential conflict of interest.

9.1.7 Pro Bono/ Charity Work

The nominee is not involved in any pro bono/Charity work.

9.1.8 Integrity

- KRA- The nominee possesses a tax compliance certificate issued by KRA dated 6th September, 2018.
- CRB- The nominee has been cleared by Metropol Credit Reference Bureau limited dated 3rd September, 2018.
- HELB- the nominee is not a beneficiary of University Loan Scheme.
- Good conduct- The nominee has been cleared by the Directorate of Criminal Investigations by issuance of a police clearance certificate.
- EACC- The candidate presented self-declaration form received from EACC dated 4th September, 2018.

9.1.9 ASSESSMENT OF THE CANDIDATE ON THE SECOND SCHEDULE OF THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES APPROVAL)

CANDIDATE: Mr. Joseph Edson Ochwada

Madam Speaker, the members upon vetting the nominee proceeded to fill the assessment forms as required by Law.

Particulars	Marks	Marks awarded									Total Awarded
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6	AS S 7	AS S 8	AS S 9	
Work experience (as it relates to the position)	25	25	25	25	25	25	24	20	23	25	
Education/training(relevant to the position)	25	25	25	25	22	25	24	18	20	25	
Interest in and knowledge relating to specific	15	10	15	15	13	15	14	15	13	13	

position											
Communication skills (written/oral)	10	10	10	10	9	10	8	8	8	10	
Presentation (promptness,)	10	10	10	10	9	10	8	10	5	10	
Decision making/problem solving skills	15	10	13	15	12	14	13	10	12	15	
Total marks	100	90	98	100	90	99	91	81	81	98	828

Hon. Speaker, the committee had a total of nine honorable members present at the time of vetting hence the nine assessments conducted above. The total marks awarded to the nominee were 828 and divided by the nine members to get the mean of 92. .

9.1.10 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

Mr. Speaker, the County Assembly of Machakos passed a motion that limited the number of Chief Officers to a total number of 10. This was informed by the Appropriation Act 2018 which allocated funds to the ten County departments hence the need for only 10 departmental Chief Officers to implement the budget.

The committee recommends that the Labor, public service and ICT departments be co-joined and be one department namely, the Labor, Public Service and ICT committee with one Chief Officer. The committee unanimously agreed that Labor matters take precedence over ICT matters in the County workforce management and a nominee who wielded high expertise in Labor matters would be best suited.

Based on the education qualifications of the two nominees namely Mr. Joseph Ochwada and Mr. Emmanuel Kata Kimeu the committee observed the following;

a) Mr. Emmanuel Kata Kimeu

The nominee has an Educational background in Information Communication Technology his highest educational achievement being a Master of Computer Applications. Appreciating that the County Assembly passed a motion limiting the number of Chief Officers to 10, the committee recommends that the Nominee be considered as a director in an ICT related docket since he has a good working experience and knowledge in Information Communication Technology.

b) Mr. Joseph Ochwada

The committee observed that the nominee has a great working experience on matters related to Labour having worked in senior positions heading Human Resource. The nominee

managed to convince the committee of his leadership skills. The committee recommends the nominee for the position of Chief Officer, Labour, Public Service and ICT.

c) Nominee to the Office of the County Secretary: Ms. Grace Muluki Munguti

The committee observed that the nominee had relevant Educational qualification and working experience and awarded her a mean score of 90.87

However, the committee also noted that the nominee had been in the County Government in the capacity of Chief Officer, Labour, Public Service and ICT and the Acting County Secretary. While holding the above offices, the nominee failed to effectively manage the Machakos County workforce. Currently, the County work force is bloated; there is no clear and factual record of all the employees; there is also the issue of ghost workers who have bled out the County's development budget. Instances of unlawful employee dismissals in relation to her office as Chief Officer Labour have been witnessed and some are pending in court.

Hon. Speaker, appreciating that the nominee scored well in the assessments, the committee does not recommend her for the position of County Secretary; this is in line with Section 7(8) of the Public Appointments (County Assemblies Approval) Act, 2017 which requires approval hearings to focus among other aspects the personal integrity and background.

d) Nominees to Office of the County Secretary.

- Mr. Timothy Gutettah James – nominee for Chief Officer Directorate of Administration and Coordination in the office of the County Secretary.
- Ms. Catherine Mutwiwa – Nominee for Chief Officer Directorate of Project delivery, monitoring and Evaluation in the office of the County Secretary

On the two nominees listed above, the committee observed that with reference to the approved motion limiting the numbers of Chief Officers to 10, the Offices created above were unnecessary as they did not have any budgetary allocation hence would be irrelevant to the development agenda of Machakos County.

Recognizing that the two nominees possess good educational qualifications the committee recommends that they be considered for appointment to head County directorates relevant to their educational qualifications.

10.0 Acknowledgement

Mr. Speaker, I 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 support accorded during the vetting exercise.

On behalf of the Labour Committee and pursuant to Article 124(4)(b) of the Constitution, Section 35(2) and (3) of the County Governments Act, 2012 and Sections 7(8), (9) and (10) and 8 of the Public Appointments (County Assemblies Approval) Act, 2017, it is my pleasure and duty to present to this Hon. Assembly, the Committee's report on vetting of nominees for appointment to the position of Chief Officers and Office of the County Secretary. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Member, for that very lengthy report I think she deserves applause. This is among the longest reports we have read in this House.

(Question proposed)

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

Hon. Muendo: Thank you, Mr. Speaker. Let me applaud this committee Hon. Speaker, this report reflect what is happening in Machakos. Hon. Speaker, I think I would like to point a few things which committee did not observe. Hon. Speaker. Every member should go to page six then you look at the date of birth 5.11 the nominee was born in 25th June, 1982 in Kathiani. When you go to page seven on top the nominee attended Mary Mount School for A levels education. I think everybody here went through that system there is a lot of cheating in that.

You cannot be born in 1982 and in 89 you are doing 'A' levels. It is not possible so committee because I belong to appointment committee and I have experienced this; I also worked with, as a director HCDA and tea board and my job was to vet. So when you see such a kind of inconsistencies in academic then you must question yourself what this person is. Members, have you seen what I am saying; 'A' levels education ended in 1989 therefore 1982 to 89---

Hon. Deputy Speaker: Point of information from the Hon. Member.

Hon. Munguti: Thank you, Mr. Speaker. I would like to inform the member who is on the floor that there are schools where that system still existing. Thank you, Mr. Speaker.

Hon. Muendo: Thank you, Hon. Speaker, I understand that but Mary Mount Secondary school does the normal education so there is nothing like A levels this time in this school. I know the school and even one of my daughters was there. Hon. Speaker, the other thing I want to point out is when you go to page 15 and this is Mr. Joseph Edson Ochwada.

Hon. Speaker, the committee was wasting resources when they were vetting this fellow. This fellow was born in 1957 and he is looking for employment in 2018. This is 61 years the age limit for working in Kenya unless you are disabled it is 60 years so this was a waste of time. Hon. Speaker, let me go now to page 18 and I will read down there...let me finish Minority Leader.

I want to start from (c) nominee of the office of the County secretary Ms. Grace Muluki Munguti. The committee observed that---

Hon. Deputy Speaker: Let him finish then I will let you talk.

Hon. Muendo: That the nominee had relevant educational qualifications and working experience and awarded a mean score of 90.87. However, the committee also noted that the nominee had been in the county government that is true Hon. Speaker, in the capacity of chief officer labor, public service and ICT and acting County Secretary.

Hon. Speaker, what I want to point out is this, everybody in this House is complaining about the ballooning wage bill and this same nominee, it was under her watch when this wage bill ballooned to the level where now it is consuming our development money. Hon. Speaker, I like to recommend this nominee and this report actually reflects what is happening in our county.

So in this post we need Governor to give us somebody with relevant experience and we are going to approve in this House. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mark Muendo. You had some information you wanted to say Hon. Kamitu.

Hon. Kamitu: It is on that point Hon. Speaker. My point of information is that in regard to contract any job with contracts and that sort of thing you can even go up to 90 if you are able so it does not mean when somebody is over 60 years he cannot be given a job in regard to contract.

Hon. Muendo: Point of information. You know this is misleading---

Hon. Kamitu: That is very clear.

Hon. Muendo: Mr. Speaker, let me respond.

Hon. Deputy Speaker: That is okay Hon. Majority Leader.

Hon. Muendo: Thank you, Hon. Speaker. He is my senior he is also a retired officer. Let me inform him that this is not contract; the contracts are not the type we are discussing here. This is employment, if it were contract it could have come in a form of contract so do not mislead the House. This is employment this guy cannot get a job at his age. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Let me make some guidelines here on that issue. There are positions which age does not really become an issue and one of them Hon. Majority Leader is a job like this. I think if it is a work which you have you are applying for to manage a county then the age factor might not come into play unless you are above 70 years. So, let us let it rest there. Hon. Katumo.

Hon. Katumo: Thank you, Mr. Speaker. I belong to this committee and I think the committee has done a good job and I also want to applaud the one who has read this report, she was very passionate about it and we underlined some of the big words being used here. In

support of this report I want to just make a few comments to say when I was going through the nominees there is something I noted; generally the nominees we are vetting have very funny educational background and I wonder when we are struggling so much to go to good universities.

Look at page six of this one Gracie Muluki Munguti; you begin down there if you are doing educational background you begin from bottom, you know where they began. I am not the Majority Leader has given us an eye-opener; this Mary Mt. School, you are born in 1982 it is a point to note. Then down there number six the nominee holds a diploma in contemporary public administration from Galilee; Galilee should be teaching theology from where I stand. Then you go also there Grand Rapids is also a theological institution college it is not even a University.

Very funny education we have here in this county. You go there at Davenport then you continue with that institution. I think some of these institutions should be checked by the Commission of University Education because they do not form to be university or rather offering higher education.

Then you go to the other nominee; I do not know where we are getting these nominees from? Very funny and therefore we need, I understand why we are going wrong in this county when we just get people from nowhere having learned from the streets. You see, it becomes very funny and therefore I do not really understand how they get these certificates to bring to this very serious and Hon. House.

Then I want to say I was here with Hon. Kamitu, I do not know why he left, he is the survivor with me and others who survived the axe of the great Mwananchi in the First Assembly and you know one of these nominees Grace was still there and I was a member of this labor committee when she was the Chief Officer and a lot of mess was done then and we used to call her; like we are doing right now in this Assembly to provide us with quarterly reports concerning our employees.

She never responded and even now I think it is even better last time it was even worse when of course this County Assembly was almost a department of executive. She would not come and did not provide any reports and I remember one time when we wanted to get a report on the installation of CCTV cameras and when went some place when she was the Chief Officer there to Katangi and other places then the report that we were carrying showed and it had demonstrated that there was installation of these CCTV cameras, When there was none and when of course we requested it, she said it was there.

Therefore the equivalent money in Katangi was Ksh. 7 million and we went round. You see such kind of an officer who has failed in the past bringing her again is a mockery to this House. It is just a mockery to this House and I do not understand Mr. Speaker, and Hon. Members why we should sit down when we see the executive is just circulating failures round. You see circulating failures from this department to this department. We cannot actually this people should be next to the High Court or prison because of messing and embezzling our money.

Therefore, I support this report especially that this Timothy Nguteta and this Catherine Mutwiwa; they have gone to school they have good experience they should be fixed somewhere else but not to be called Chief Officers in this Machakos County Government. I do not know whether the executive is serious in trying to reduce this burden of wage bill and when they create small departments within a department, a directorate becomes a department I do not think it is right.

Therefore going forward some of these nominees, even this recommendation of saying that they should be taken somewhere else they should be taken home we do not want them. We

are vetting one person and that remains our Chief Officer who will be accountable for us, for the Assembly and for the people of Machakos.

Therefore, I support this report that of course we nominate this elderly man to take the mantle. I think he will be fearful, he will be respectful of his age and therefore I support. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Member. May I call the mover of the motion to respond please?

Hon. (Ms.) Mutunga: Thank you, Hon. Speaker. I thank all the Members they have supported this motion and as most of the Members have said, our concern was the one Grace Munguti with this funny and River Road Degrees. I call these unknown University River road street degrees. We don't need them in this county when we have sons and daughters who have gone schools and parents have strained day and night to educate the kids and yet we get such funny things.

However, I thank the Members and such a person should leave the office as soon as I complete this report; that is the recommendation of the committee and now we approve the one member although the Majority Leader was with the issue of age. We request him for the time being because he has skills and has qualifications we have one Joseph Edson Ochwada as the person who could qualify for this position. Thank you, Hon. Speaker.

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

(Question put and agreed to)

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

Hon. Deputy Speaker: We have one business of Hon. Geoffrey Kamulu.

Hon. Kamulu: Thank you, Mr. Speaker.

Hon. Kamulu:

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

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

Aware that the nominee for the position chief officer directorate of youth ,sports, department of tourism, youth sports and culture was committed to committee of youth , women, sports and PWDS on 7th August, 2018 pursuant to Standing Order 42(1) for vetting and approval;

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

Hon. Speaker, I wish to move a motion that, this Hon. House discusses and approves the Report of committee on youth, women, sports and PWDS on the vetting of Mr. Henry Carlos Kioko, for appointment of the position of Chief Officer.

I call upon Hon Irene to second the motion.

Hon. (Ms.) Mwende: Thank you, Mr. Speaker. I second.

Hon. Deputy Speaker: You may read the report Hon. Member.

Hon. Kamulu: Once again, thank you, Mr. Speaker.

On page two there is table of contents, page three has a list of abbreviations and acronyms, page four we have:

Preface

Introduction

Hon. Speaker, Section 45 of the County Governments Act, 2012 states that: The Governor shall;

(a) Nominate qualified and experienced county chief officers from among persons competitively sourced and recommended by the County Public Service Board; and

(b) With the approval of the county assembly, appoint county Chief Officers.

Through a letter Ref MCG/GOV.COS/01/18 dated 1st August, 2018 H.E. Dr. Alfred N. Mutua forwarded to the Hon. Speaker of the County Assembly a notification on nomination of the County Secretary and Chief Officers for different Departments in the County Government.

Through a communication dated 7th August, 2018, the Hon. Speaker communicated to the House the message from H.E the Governor and pursuant to Machakos County Assembly Standing Order 42(1) the matter was committed to the relevant the sectoral Committees on the same day.

The Committee on Youth, Women, PWDs and Sports

Hon. Speaker, the Committee on Youth, Women, Sports and PWDs mandate includes all matters related to youth welfare, women affairs, matters of equality, affirmative action and gender related issues; and sports activities and facilities.

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*)

Membership of the Committee

Hon. Speaker, the Committee on Youth, Women, Sports and PWDs as constituted by this Honourable Assembly comprises the following Members:

1. Hon. Geoffrey Kamulu Chairperson
2. Hon. Justus Katumo Vice Chairperson
3. Hon. Tariq Mulatya

4. Hon. Grace Mutwiwa
5. Hon. Fredrick Muthoka
6. Hon. Margaret Mwikali
7. Hon. Christine Koki
8. Hon. Agatha Mutunga
9. Hon. Phoebe Koki
10. Hon. Margaret Ndalana
11. Hon. Irene Mbivya
12. Hon. Micheal Mutiso
13. Hon. Antony Mulu

BACKGROUND

Notification to the Public

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

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

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

Correspondences with EACC

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

Accordingly, the Clerk wrote back to the EACC vide letter Ref: MKSCA/ADM/VET/Vol.2/26 dated 28th August, 2018 forwarding the list of the Chief Officers and the County Secretary received by the County Assembly. The County Assembly received a response through a letter Ref. EACC.7/10/5 VOL. VII (25), dated 13th September, 2018 addressing the nomination.

Submission of Documents by the Nominees

Hon. Speaker, the Committee through the office of the Clerk wrote to the nominees requesting them to collect vetting forms under First Schedule of the Public Appointments (County Assemblies Approval) Act, 2017 from his office and submit them, duly filled, to the same office on or before 12th September, 2018.

Further, the nominees were requested to submit copies of the following documents on or before 12th September, 2018 and bring the original documents on the approval hearing day:

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

Criteria for the Approval Hearings

Hon. Speaker, the Committee was guided by Chapter Six and Articles 124(4), 179(2) (b), 195, 196, of the Constitution of Kenya, 2010, Section 45 and 35 (3) of the County Governments Act, 2012 and Sections 7, 8, 9 and 10 of the Public Appointments (County Assemblies Approval) Act, 2017. Section 35(3) of the County Governments Act, 2012, requires a nominee:

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

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 thereupon lapse.

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

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

Criteria for Assessment

Hon. Speaker, the assessment of the nominees was guided by Section 35 of the County Governments Act, 2012 and Sections 7, 8, 9 and 10 and assessment form set out in the Second Schedule of the Public Appointments (County Assemblies Approval) Act, 2017. The Committee set the pass mark for assessment at 70 out of 100 marks taking note of the importance of the positions and the need to have highly qualified, experienced and competent officers.

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

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

The assessment form requires an assessment of the relevant experience with reference to the job in question and each panel member is to fill the form independently.

Integrity

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

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

Further, Section 7(8) of Public Appointments (County Assemblies Approval) Act, 2017 requires that an approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

THE APPROVAL HEARINGS

Hon. Speaker, the Committee held approval hearings of the nominee for the position of Chief Officer for the Department of Tourism, Youth, Sports and Culture , Directorate of Youth and Sports on 3rd October, 2018 at 2.30 p.m at the County Assembly Boardroom 2A. The

hearings were open to the public in line with the provisions of Article 196(1) (a) and (b) of the Constitution.

MR. CARLOS HENRY KIOKO - Nominee for the position of Chief Officer for the Department of Tourism, Youth, Sports and Culture, Directorate of Youth and Sports.

Hon. Speaker, the nominee appeared before the Committee on 3rd October, 2018 at 2.30 p.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 in 1971, in Nairobi County.

Document of Identification

The nominee possesses a National ID. No. 11617669

Academic and Professional Qualification

Hon. Speaker,

- The nominee acquired a first degree in Public Relations, from the Cyprus Institute of Marketing, July, 2004.
- He has a Diploma in Public Relations from the Makini College, 2001.
- He has a Certificate in Introduction to Psychology, from the Nairobi University, 1999.
- He has a certificate in Public Relations from the University of Nairobi.....I think there is an error there because it written 19-soemthing. That is a clerical error.

Work Experience

Mr. Speaker, the nominee has the following work experience:

- He was the General Manager- Hipora security solutions from 2018 to date
- He was an Associate security risk consultant – Risk Africa Ltd from 2014 to 2018
- He was the General manager- Security Group Africa Limited from 2011 to 2014
- He was the Marketing and communications manager promoted to Group Corporate affairs and special events- Senaca Security Group from 2010 to 2011
- He was the Communications manager/security risk consultant-G4S Security Kenya from 2005 to 2009
- He was In charge of security- Kiriri University of science and technology from 2004 to 2005
- He was the Personal Assistant to the managing director/in charge security-Softa bottling company from 2003 to 2004
- He was a Police constable, Kenya Police from 1992 to 2003
- Hon. Speaker, the nominee stated that during his tenure as a Police Constable, he specialized in boxing and Tae-kwondo.

(Laughter)

- He also trained youth on sports during that period.

Net worth

The nominee stated his net worth to be Ksh. 5 million.

Honors and Awards

Mr. Speaker, the Nominee was recognized by G4S Global Management for creating G4S global sports campaign with its Global Ambassador Haile Gabreselassie and Kenya Athlete Pauline Kirikwanga, a global Sports Campaign.

Potential Conflict of Interest

Hon. Speaker, the nominee declared that he had no potential conflict of interest.

Pro Bono/ Charity Work

Hon. Speaker, the nominee stated that he funded Kapsabet Boys' High School Boxing club. He also founded a community tree planting exercise across the County where he received Ksh. 200,000 to fund the Project. He further facilitated Bondeni Children's Home Marathon in Support of Needy Children and Athletes Development where he gave Ksh. 5,000. He also supported needy children at a children's home in Matungulu through provision of food stuff.

Integrity

Hon. Speaker, the nominee submitted the following;

- Self-declaration form from the Ethics and Anti-Corruption Commission (EACC) dated 3rd September, 2018.
- Tax Compliance Certificate valid up to 27th May, 2019.
- Certificate of clearance from the Metropol Credit Reference Bureau (CRB) dated 3rd September, 2018 indicating no negative listing.
- Certificate of Good Conduct issued by the Directorate of Criminal Investigations (DCI) on 21st February, 2018 indicating nil offences.
- The Higher Education Loans Board (HELB) clearance certificate dated April, 2018.

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

Qualifications Relevant to the Department

Hon. Speaker, asked whether his qualifications were relevant to the position, the nominee responded that public relations is about networking, stakeholder management, project management, events and resource mobilization. The nominee said that in the Department for which he has been nominated, he will be required to organize for international events which require funds and stakeholder mobilization.

Experience Relevant to the Department

Questioned how his experience is relevant to the department, the nominee indicated that: His passion for sports had motivated him to apply for this post. He indicated that he had formed a boxing and taekwondo club while as a police officer.

He further indicated that he initiated a partnership between Machakos County and Japan, Tokyo-Masaku Marathon and Athletics Academy by requesting for the following:

- The Japan Government to avail professional Japanese Athletics Coaches to sharpen coaching.
- Skills for local coaches and execute athletics clinics in Machakos.
- The Japan Government to avail seed funding to actualize Tokyo Masaku Marathon.

Nominee's Appreciation of the Challenges in the Department

Asked what he viewed as the challenges facing the department, the nominee pointed out the following:

- **Unemployment**

He pointed out that the rate of employment among the Youth was high and therefore he would mitigate this by:

- Availing skill development which will in turn enhance self-employment among the Youth.
- Creating competitive sporting activities to nurture their talents
- Health, Crime and drug abuse.

The nominee stated that some youth at the age bracket of 17 to 25 are HIV positive and most of them have indulged into drugs due to peer pressure and lack of jobs to make them busy and earn a living. In order to mitigate this, the nominee said that he will lobby for funds to have clinics only for the Youth to have them get tested and treated. He further said that he will push for the establishment of a rehabilitation center in Machakos County.

He stated that he would create forums whereby the youth will take leadership opportunities and engage with the Assembly for more allocation of funds in the docket.

- **Lack of policies and meager budget in the sector**

The nominee highlighted lack of policies in the sector. He said that he would have policies in place and also lobby for enough budget so that monies are allocated in existing policies. Madam Speaker, the Nominee further said that he would submit quarterly reports to the Assembly for interrogations on the implementation of the Budgets allocated to the Department.

Nominees Knowledge on the roles of the Chief Officer

Asked on the roles of a Chief Officer, the nominee stated the following roles:

- Management of finances
- Development of projects based on budgets.
- Networking and stakeholder management.
- Supervision of staff.

Chapter Six of the Constitution

Asked on the requirements of Chapter six of the Constitution, the nominee responded that the Chapter dealt with matters of integrity

The Big four agenda

Asked on his knowledge of the Big-Four Agenda, the Nominee was not sure but stated them as health, manufacturing, affordable housing and employment which does not include the Big 4 Agenda.

Committee's Observations

Hon. Speaker, the nominee;

1. Presented a degree certificate from the Cyprus Institute of Marketing accompanied by a Letter from the Commission for University Education Ref. CUE/10/9/1/Vol. 435, dated 6th September, 2018 stating that the Cyprus Institute of Marketing is a recognized Institution in Cyprus and the qualification awarded by the institution is also recognized in Cyprus and by Convention in Kenya.
2. The committee further noted that the nominee presented a transcript dated 1st July, 2004 indicating 6 units done.

Based on the foregoing, the committee wrote a letter via email, to the Cyprus Institute of Marketing in Cyprus, Nicosia, Ref. MKSCA/ADM/VCO/Vol.2/47 on 29th October, 2018; in a bid to verify the authenticity of the nominee's degree certificate requesting the response to reach the Office of the Clerk by 9th November, 2018.

Consequently, the Office of the Clerk received an Email from the Distance Learning Coordinator at the Institute dated 31st October, 2018, stating that the institute had advised the nominee on the process of re-issuance of documents.

Upon receipt of the above email, the Committee through the Clerk did another email clarifying to the Distance Learning Coordinator at the Institute that it needed information on the authenticity of the degree certificate, but not re-issuance of documents as stated in their email.

The Committee received a response email from the Institute on 22nd November, 2018 informing the Committee that the nominee was registered as a Distance Learning Student at the Institute from 2002 to 2004 and that he successfully completed the Bachelor of Science in Public Relations and was awarded with his degree certificate in July 2004, with an overall grade of 58% which is ranked as a Class C.

3. He is fairly experienced in matters of Youth.
4. Although showing in his CV that he has experience in matters of sports he does not have participation certificates to show that he participated in sporting activities.

5. He exhibited knowledge and interest of the department that he is nominated for.
6. He has knowledge of the requirements of Chapter Six of the Constitution and has the necessary clearances.
7. He is fairly conversant with the Big Four Agenda
8. He is confident and has good communication skills
9. He is neat and presentable both in person and resume

Awarding of Marks on the Assessment Form: Mr. Henry Carlos Kioko

Mr. Speaker, awarding of marks for the nominee was done based on the documents presented by him and his ability to tackle the various questions asked by the Committee.

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

skills										
Total marks	100	97	98	86	41	97	41	48	75	58

Committee Recommendations

Hon. Speaker, in view of the above and having been guided by Chapter 6 of the Constitution, Section 45 of the County Governments Act, 2012 and Section 8, 9 and the second schedule of the Public Appointments (County Assemblies Approval) Act, the nominee qualifies for the position he is nominated for.

The Committee therefore recommends that the nominee be appointed for the position of Chief Officer, Directorate of Youth and Sports.

Acknowledgment

Mr. Speaker, the Youth, Women, Sports and PWDs committee is grateful to the Office of the Speaker and that of the Clerk to the County Assembly for facilitating the committee to undertake its mandate. I wish to express my appreciation to the Honorable Members of the Committee who sacrificed their time to participate in the meetings and in preparation of this report.

Mr. Speaker, it is therefore my privilege, on behalf of the Youth Women Sports and PWDs Committee, to table the report on the vetting of nominee for appointment to the position of Chief Officer- for Directorate of Youth and Sports, Department of Tourism, Youth, Sports and Culture. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Hon. Members allow me now to propose the question.

(Question proposed)

Hon. Deputy Speaker: Hon. Muendo.

Hon. Muendo: Thank you, Hon Speaker. I would like also to applaud the committee for the report they are presenting before the House although I have noticed a few points I want to make. Hon. Speaker, as I said when we are vetting these important people we must look their education certificates well. We are also required to find out whether the companies the nominee is talking about whether there are certificates to show the time he was employed and the time he left that company and the reason he left the company.

Hon. Speaker, as I told you I have experience of this field, I have noticed something when you go to page 9 part 3.1.3, academic and professional qualifications. Hon. Speaker, I would like to draw you to attention of (iii) 'he has a certificate in introduction to psychology from the Nairobi University in 1999.

Hon. Speaker, what certificate are we talking about issued by the Nairobi University? (iv) states 'he has a certificate in public relations from university of Nairobi that one I do not know whether it is 1999 or when, 1999. Hon. Speaker, what kind of a certificate are we talking about? When I go to his CV, a certificate should have marks; you should be tested and have marks put on the certificate for you to qualify on a certain subject.

When I look at the certificate from University of Nairobi, what is there? Kioko Mwalili Carlos Henry. Historical development of psychology nothing, no marks, psychology exercise nothing, branches of psychology, nothing So, Hon, Speaker, let us be serious; when we talk about certificates we know how they should be looking like.

Secondly, Hon. Speaker, there is a question of first degree here and I want to draw attention of the members because there is a letter annexure 6, I think so. The letter from the office of the Clerk; Hon. Speaker, I do not want to read the whole letter but I go down there the second from bottom that is I will read; the County Assembly of Machakos requests your office, this letter was addressed to the registrar Cyprus, then the County Assembly of Machakos requests your office to ascertain the authenticity of the degree certificate of the said Mr. Carlos Kioko M. Henry.

Hon. Speaker, the word is degree, then you go to the letter from Commission for University Education; this is now what they said, second paragraph. It is hereby confirmed that the Cyprus Institute of Marketing is recognized institution in Cyprus. the qualification awarded by the said institution is also recognized in Cyprus and by convention in Kenya. It is not talking about the degree here; the letter from office of the Clerk is talking about the degree.

Here the commission says the qualification and it has not said a degree. I want members to note. Then you go down there because the Clerk said of authenticity; when you go down that letter which is signed by Opanga, you find; NB: The commission is not accountable for the authenticity of the certificate or the identity of the certificate holder presented for recognition and or equation.

Hon. Speaker, this cannot make us believe this guy went to university Cyprus; this is a paper, a printed spread sheet paper and I want this House to be serious during your vetting. Let us put the right people in office.

Hon Speaker when you compare that and then somebody purports to say that this is the nominee has a degree and then very simple; the Cyprus Institute of Marketing. Simple and there is no word university; a degree is awarded by the universities not institutes. Institutes award certificate. Hon. Speaker, let me say the committee should have looked much on this qualification of this nominee.

Secondly, Hon. Speaker, as I finish, I would like to say, I would like to quote---

Hon. Deputy Speaker: Just a minute Hon. Majority Leader. Point of information from Hon Moffat Maitha.

Hon. Maitha: Mr. Speaker, there is something I want you to clarify on this documents; the last paper which is the Cyprus Institute of Marketing and there below it says 'this is to certify that this degree, this degree has been conferred upon Carlos Kioko M. Henry.' Is that not a degree? That is the information I wanted to---

Hon. Deputy Speaker: You may continue Hon. Member with your submissions.

Hon. Muendo: Thank you, Hon Speaker. Let me inform my senior who is a professional teacher, a paper to be written like that does not mean that you have a degree; that is why we are saying this letter that came from University Commission does not say this is a degree; it is saying this qualification offered by Cyprus Institute. So, as I finish, I will take you to page 13 which our able chairman *mutema mbola* has done under number 4 on that page---

Hon. Deputy Speaker: Hon. Member, we do not have a member by that name.

Hon. Muendo: I withdraw. Hon Kamulu. On that page on number 4, although showing his CVs which are in doubt that he has experience in matters of sport, he does not have participation certificate to show that he participated in any sporting activities. Now what does that tell us? That tells us that he is not a sportsman. If governor wants really to have sportsmen in this county to move he should be looking the people like Makau who won the London marathon to be the CO in this docket.

Let me point out that sports are managed by the sportsmen; if you look the composition of the committee of NOCK, you find all of them are sportsmen. When you look at FIFA, those were players, we cannot get somebody from the streets somebody who has been working as security in local language, we call them watchmen to come and man institution which is very powerful like a docket of sports. We need to have a sportsman and somebody who have done courses on sportsmanship. Thank you, Hon. Speaker.

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

Hon. Katumo: Thank you, Mr. Speaker. Hon Speaker, I thank this my committee and my chair for this great work that we have been doing; we have done a lot of work trying to vet and write a report on this one nominee, let me get the name right, Henry Carlos Kioko but before even I say even what I want to say, I want really put some point straight Now for those of us who work in the higher learning institutions in our country and I think Kenya is one of the serious countries to do with education.

Now we have a transcript of one Carlos attached there; you look at it, it is a transcript but there are a few things coming clear that are confusing. Now you look down there the examiner have now released the result of your examination, this was dated 1st July, 2004 and down there you find the subjects examined then down there pass mark is 50, go down average mark 58. Class of award is Third Class.

(Laughter)

Brothers and sisters in Christ, Hon Members there is no class that is called 3rd, you either have a GPA if you come from the English background or you have Honors. Then down there it says these results are final and all border line has been carefully considered. Now how many examined subjects; these are many? Five and then we are told this is the final results. Now when I look at this certificate Hon. Members, this is a Degree certificate not a Bachelors certificate; this is just a program that is why you are doing it online.

Now I once worked as a recruiting officer in one of this universities in Kenya; if this certificate were to be brought for him to seek admission, he will enter as a mature student in a

diploma course because this one you read at the letter and members you have to be very carefully, you read at that letter that has been written; it reads you have to understand how it is framed and the framers are very careful.

This letter from the Commission of University Education, there is difference between Commission of Higher Education and the Commission of University Education. The one which gives recognition is CHE, that Commission of Higher Education. Now when you read paragraph two, from where the majority leader has read it says; it is hereby confirmed that Cyprus Institute of Marketing is a recognized institution in Cyprus.

It is neither an educational institution, is neither an institution of higher learning; you see that is the difference and it continue saying the qualification awarded by the said institution is also recognize in Cyprus and by the convention.

What is this convention we are talking about? Now you must understand something; here we either take equivalence as per our standards, per CHE standard, we take equivalent either a diploma or a degree they have not clearly said the same here and they are very careful not to say it because I think the Kenyan system of education recognizes equivalence so that you may be able to be placed as per class and therefore this cannot be taken as a program that holds a Bachelors to be recognized as a degree per our standard.

Having said that, I have also noted something very interesting and I said this Machakos County is very interesting; the people they get for employment, I do not know why we are taking our children and us we are also learning and teaching at the same time in a recognized university.

You look at the work experience, look at the work experience; now the person who we are nominating to be the CO in this very great department worked as general manager at security solutions, then down there security risks, down there security groups, down there security groups only, you go down there security. Does this department hold a directorate for security? Are we looking for a security guard? Are we looking for a Karate man? Are we looking for somebody who says down here he has done boxing and Tae-Kwo ndo?

You want to go and ask for money and then you are boxed out of your sense?

(Laughter)

Hon. Speaker, we have to be serious and that is why you find Machakos cannot match Kitui, cannot match Makueni which is very rural because the kind of people we are looking to work for us, we take them in a different docket. Now I you know I am a disabled person; I do not want to be boxed, I do not want to be kicked we do not want a person like this. We are not looking for a security man, are we as a CO? Or a G4S; we are not looking for that experience, are we?

(Applause)

We are not looking for policemen or PAs to work for us we are looking for people who are accountable in this county of Machakos. One Henry Carlos who was a trying his luck as a Senator and now he tries his luck here again as CO; I think he cannot qualify. So, I oppose this report. Henry Carlos cannot be a CO in that department. Thank you.

Hon. Deputy Speaker: Hon. Constance.

Hon. (Ms.) C. Nzioki: Thank you, Hon Speaker. First, I want to congratulate the committee which did this job and I want to say, Mr. Speaker, I read mischief with these Hon. Members when they all seem to doubt the papers of this nominee. It is fine, we can doubt but can we doubt with dignity. I am sure this member is qualified and if you doubt, ask for original copies.

I want to say all universities in the world have their own way of doing things; the paper I will get from Nairobi University is not a paper will get from Uganda University. We have seen other people---

Hon. Deputy Speaker: Point of information Hon. Katumo.

Hon. Katumo: Thank you, Mr. Speaker. I think when we talk about papers that are certificates and degrees, we have different kind of degrees, we have degrees that are programmes, we have degree that we call Bachelors and they are different and they are recognized differently and therefore any paper cannot be a degree.

It can be a certificate but cannot be a Degree, so the member should be informed that we do not just say that we have papers and we want to look them. That is why we call institutions like CHE, and this to make sure that we understand the equivalent of the same. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Let me just give some guidance on that Hon. Member because my work is to give guidance on this seat. When we talk about matters education or matters degree, matters transcripts, there is a standard format adopted by all accredited universities in the world.

(Applause)

If I may, just for purposes of clarity put this, this issues normally are put in such a way that a transcript will show you year 1, semester one, units taken, unit one score, unit two score all the way to the end. Semester two, unit one unit two, unit three, unit four, end of year one, proceed to year two.

Year two first semester, that is standard throughout the world, what the Hon. Members are telling you is that the piece of paper here written transcript, does not meet the threshold of a university transcript so maybe you may continue on other issues. Thank you,.

Hon. (Ms.) C. Nzioki: Thank you, Mr. Speaker well guided, but what I want to say is this is our Machakos, Kitui is their own, Makueni is their own, so when we try to start comparing ourselves with Kitui and Makueni, we should be asking ourselves where are we heading to in Machakos instead of putting people here Mr. Speaker like a laughing stock because they do not probably have the papers or the certificates we need, we can always let it go and ask the.....bring.

Hon. Muendo: Hon. Speaker, let me inform her.

Hon. (Ms.) C. Nzioki: I do not think I need information at this stage.

Hon. Deputy Speaker: Hon. Member, let the Hon. Member conclude....

Hon. (Ms.) C. Nzioki: I do not need your information. Thank you.

Hon. Deputy Speaker: Hon. Member, you are not going to interrupt me when I am speaking and for that reason---

Hon. (Ms.) C. Nzioki: Sorry about that Mr. Speaker. I apologize.

Hon. Deputy Speaker: For that reason, I will you to be informed. Hon. King'ang'i, can you inform her.

Hon. Muendo: Thank you, Hon. Speaker. You know, I get a bit worried when have some Hon Members saying we are doing nothing here. Hon. Speaker, we passed here COs when she was not in yesterday, Engineers, doctors and I wish she can get the report. So, to raise on a point and then argue we are not doing our job, let me inform her we have given a doctor, an engineer and somebody who went to school well to Governor Mutua.

So, yesterday we were leaving here at 8 p.m. so get informed that, Hon. Member, we are not doing nothing; we have approved good people. What we are doing here is to approve the right people. Thank you, Hon Speaker.

Hon. Deputy Speaker: I think Hon. Members, in reference of time I will allow Hon. Nyanzi to speak.

Hon. Nyanzi: Nataka kupongeza kamati ambayo ilikuwa inaangalia huyu *candidate*. Walifanya kazi nzuri sana na mimi nataka kusema hivi;,huyu kijana namjua, mimi ndio nimetoa *fee* ambayo amesomea hii mabarua yote unaona yanajaa hapa na hakuna mtu mwingine analeta hapa,

(Applause)

Na hakuna mtu mwingine ambaye ameomba hii kazi anataka. Nauliza mheshimiwa *Majority Leader*, wewe ni mkubwa yetu hapa---

Hon. Deputy Speaker: Please address.....Hon. Member, tafadhali ukiongea kwa Bunge, una *address* Spika; usi *address* mheshimiwa *directly* kwa *floor* ya nyumba. Endelea.

Hon. Nyanzi: Ahsanti sana. Nilikuwa nasema hivi, kila mara wewe ndio unapinga kila mtu hapa anasimama, wewe ndio unapinga saa yote.

(Applause)

Naomba huyu kijana ---

Hon. Deputy Speaker: Point of information from Hon. Justus Kiteng'u.

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

Hon. Deputy Speaker: Hon. Paul Nyanzi, ukae tafadhali kidogo. Continue.

Hon. Kiteng'u: I would like to inform the member that Hon. Mark Muendo, the Majority Leader, through the Speaker, is not opposing everything. We have passed Chief Officers here and we have passed a lot of motions here. So, when you refer the Hon. Member is opposing everything, it is only that we are trying to not to understand the qualifications of the Chief Officer at hand.

Hon. Deputy Speaker: Hon. Nyanzi, please proceed.

Hon. Nyanzi: Yes. Kazi ambayo anatakikana afanye hapa ni kazi ambayo amesomea hapa, na sio kazi ya kwenda kukaa kwa offisi na ile mambo imeambiwa hapa, ndio inafaa na hakuna mtu mwingine. Kwa hivyo naomba tuache kusema ati anaenda kusomea kitu ingine; hii sio mambo inataka hiyo masomo miingi lakini amesomea, apite aende hiyo kazi. Ahsante.

(Hon. (Ms.) Mutua spoke off record)

Hon. Deputy Speaker: Thank you, Hon. Member. He has already sat down please. I would like to call the mover of the motion to respond.

Hon. Kamulu: Mr. Speaker, I want to thank the members for contributing on the report which we have brought and as we wait for its fate. Mr. Speaker, I want to say that as a committee, we made all the efforts to ensure that we get the right information as far Mr. Carlos is concerned. Mr. Speaker, I want to say the fall of a house starts when the family starts fighting within itself.

So, Mr. Speaker, as a House, when we go to make reports, there is an opening those who are knowledgeable on specified regions, have a room to go to those committees and advice. Mr. Speaker, to me, it is like undressing ourselves as Members of the County Assembly Mr. Speaker on issues which we should have---

Hon. Deputy Speaker: Hon. Member, may I give you some guidance please. Hon. Member, it is important for you to note that once a committee makes a report, it is only the plenary which can be able to pass that report.

(Applause)

Any member who did not have a chance to come to your committee has a chance to analyze your report in the plenary. So, you cannot guide the House erroneously by saying it is getting divided simply because some members have aired their opinion; everybody has a right to air their opinion and they have a right to be heard in this House. You may proceed.

Hon Kamulu: Thank you, Mr. Speaker. I stand guided but my statement is deeply-rooted. So, Mr. Speaker, I rest my case.

(Applause)

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

DIVISION

(Question put and divided)

(Several Hon. Members stood in their places)

Hon. Deputy Speaker: We need a division; sit down. We will do a division, no problem. A division has been called; it is a simple majority issue so I would like the Clerk to stand, please so that we can be able to do it very quickly. Those who are---

(Loud consultations)

The procedure is that the bell must be rung for 10 minutes so let the bell be rung Thank you,. Please ring the bell for 10 minutes

(Division Bell rung)

That is only disallowed. Hon Members the time is up we shall do the normal procedure which we do, remember those voting YES will be voting for the motion that one Carlos Kioko be nominated as the CO for youth and sports and those voting NO, will be voting to say he should not be the Chief Officer.

So those voting YES are agreeing with the report, those voting NO are disagreeing with the report recommendations and I would like the Clerk, one clerk to count the YES and another clerk to count the NOES. So those are agreeing; we start with those who are agreeing to the report, I want the roll call, the members to be called; do you have the roll with you? Those who are saying YES stand up; I have been given that guidance and somebody count those numbers for me.

(Question negated by 19 votes to 14)

(Applause)

FRESH NOMINATION BY THE GOVERNOR OF A CANDIDATE FOR POSITION OF CHIEF OFFICER IN THE DEPARTMENT OF TOURISM, CULTURE AND SOCIAL WELFARE COMMITTEE

Hon. Deputy Speaker: Hon. Members, we still have one more business to transact and I would request Hon. Justus Kiteng'u to quickly transact it considering the time. Hon Justus Kiteng'u

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

Hon. Speaker, that aware that section 45(1)(a) and (b) of the County Governments Act 2012---

(Loud consultations)

Hon. Deputy Speaker: Order in the House.

Hon. Kiteng'u: I beg to repeat.

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;

Hon. Deputy Speaker: Can I have order in the House please, Hon. Members who are exiting the House, could you please do so in an orderly and quiet manner so that we do not destruct the House business please.

Hon. Kiteng'u:

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 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 move the 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, Hon. Speaker. I would wish to call upon Hon. Mueni to second this motion
Hon Speaker.

Hon. Deputy Speaker: Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. Our culture committee was not having a nominee to be vetted so I ask the executive to bring us qualified person to do that. Mr. Speaker, I think the report is straight forward. I second the motion.

Hon. Deputy Speaker: Hon. Members, allow me to propose question.

(Question proposed)

You may debate on the motion. Hon. Moses Mitaa.

Hon. Mitaa: Thank you, Hon Speaker for granting me the opportunity. As per the motion, I think it is very clear; we need all systems to roll, we need work to be done and now that we are undertaking that activity of filling these positions.

Hon. Speaker, I would request the Hon. Governor to give us the name for this position we do away with this things and in 2019 we embark on the journey to serve our people fully. We have been serving them halfway we want to serve them fully. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mitaa. Hon Justus Katumo.

Hon. Katumo: Thank you, Mr. Speaker, Sir. I stand to support this motion by one my name sake Hon. Justus Kiteng'u that of course the Governor need to do the needful and bring, nominate another person so that we can have this position filled. I think, this week, we have been doing great, trying to approve the names that were forwarded.

It is a tedious exercise but work must be done and therefore I support the soonest possible that the Governor nominates and forwards his name to this Assembly so that we can have somebody nominee for vetting for this portfolio of Chief Officer, Ministry of Tourism, Youth, Sports and Culture and therefore I support. Thank you, Mr. Speaker

Hon. Deputy Speaker: Thank you, Hon. Members.

(Question put and agreed to)

Hon. Members, as I conclude I would like to, all for having putting the extra energy and the extra hours; today's business before the House was quite lengthy. We had quite a number of reports to go through and I would like thank you, or putting up that extra gear which has seen us be able to finalize on the business for the day. May God bless you abundantly for that.

ADJOURNMENT

Hon. Deputy Speaker: This House stands adjourned now to Tuesday, the 4th day of December, 2018 at 10.00 a.m. Enjoy your weekend.

The House rose at 6.27 p.m.

