

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 8th November, 2017

The House met at 10.16 a.m.

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

PRAYERS

Hon. Speaker: Good morning, Members. I take this opportunity to welcome you to this sitting, after the short recess and I will address you on communication from the chair so we start on the order of the day.

COMMUNICATIONS FROM THE CHAIR
SCHEDULE OF COMMITTEE MEETINGS

Hon. Speaker: Good morning, Hon. Members. This is a welcome note to you, the assembly had taken a short break as per the calendar, and that was on 19th September, 2017 and this was also to pave way for the repeat Presidential elections which took place on the 26th October, 2017. I am happy now to welcome you back to this august House so that we can take part in the mandate in this last part of the plenary sitting of the first session of this assembly.

During the recess, Hon. Members, the liaison committee drafted a schedule of committee meetings which has been shared with you. It was necessary to do that so that we facilitate each member to attend in as many committees as possible, particularly those to which you are members. I urge the chairpersons and Hon. Members, to strictly adhere to that program and of course to keep the time allocated and so that we are able to use the limited facilities that we have and also do our work in an orderly manner and this will ensure that members are able to discharge their mandate effectively.

I also urge members to attend the committees on time and you note that we agreed with the chairpersons that 15 minute late, then now you are in trouble by way of punctuality. So, try and save time.

(Applause)

Members, this is going to ensure that the committees which have very limited time sit as many as possible in each one given day.

REPORTS FROM THE AUDITOR GENERAL

Hon. Members, I also wish to convey a message communicate to you that is a report of the Auditor General. The assembly received two reports from the Auditor General on the 27th October, 2017, and this is in accordance with Article 229(7) of the constitution of Kenya, the purpose of those reports of course is to enhance transparency in handling public finances so that the public is given service for the money that it gives to the government by way of taxes.

The first report of the Auditor General is on the financial statements of the county government executive of Machakos, and that is for the year ended 30th June, 2016. The other report of the Auditor General is on the financial statements for the Machakos county assembly, that is yourselves and it is for the same year dated 30th June, 2016.

Hon. Members, the two reports have been committed to the public accounts and investments committee so that they can analyze, they can look at them and we request that the committee interrogates the reports in as much details as is necessary and then file the report of its findings in this House within three months as per the provisions of Article 229(8) of the constitution of Kenya and Hon. Members, I urge you also take time to familiarize yourselves with the contents of each of those reports.

ANNUAL DEVELOPMENT PLAN

The third communication Hon. Members that I have for you, is about the annual development plan for the financial year 2018 to 2019. Hon. Members the assembly also received the Annual Development Plan (ADP) for the financial year 2018 to 2019 on the 19th October, 2017, from the department of Trade, Economic Planning, Investments and Industrialization of the county executive.

This ADP was submitted in accordance with Article 220(2)(b) of the constitution, Section 126(1) of the Public Finance Management Act 2012 states that every county government shall prepare a development plan in accordance with Article 220(2) of the Constitution.

In addition, Section 126(3) of the Public Finance Management Act 2012 requires that the county executive committee member responsible for planning, shall not later than the 1st September in each year submit the development plan to the county assembly for its approval and send a copy of the same to the Commission on Revenue Allocation (CRA) and the National Treasury.

Further, Hon. Members, section 126(4) of the Act 2012 provides that the county executive committee member responsible for planning shall publish and publicize the Annual Development Plan within seven days after its submission to the County Assembly. Hon. Members, this is important for you to appreciate because it is the time you are supposed to be interrogating committed to the particular plan and it is the one that determines what development must be taken within the county.

So that document is again hereby to the committee on Trade, Economic Planning and Industrialization for interrogation and tabling in the House for Approval within the shortest time possible, and before the House breaks for recess on the 7th December, 2017. So, in essence that report should be with this House before it goes on the long December recess.

The committee should ensure that the executive committee member for planning in the county executive complies with provisions of the act that is the Public Finance Management Act of publishing and publicizing that annual development plan for public information and public participation. Thank you, Hon. Members. Mr. Clerk, proceed.

MOTION

VETTING OF NOMINEES FOR APPOINTMENT AS COUNTY EXECUTIVE COMMITTEE MEMBERS

Hon. Speaker: Hon. Members under this order, we have a motion by Hon. Francis Ngunga the Majority Leader.

Hon. Ngunga: Good morning members. Madam Speaker;

That aware that the committee on appointments is mandated by the Standing Order 42(2) and 184(4) to consider for approval by the assembly appointments under Article 179(2)(b) of the Constitution of Kenya members of a county executive committee;

Aware that Standing Order 42(3) provides that before approval hearings the committee to which proposed appointments have been referred shall notify the public of the time and place for the holding of the approval hearings seven days prior to the hearing;

Further aware that section 9(2) of the Public Appointments (County Assemblies Approval) Act 2017 provides that at conclusion of an approval hearing, the committee shall prepare its report on the suitability of the candidate to be appointed to the office which the candidate has been nominated and shall include in the report such recommendations as the committee may consider necessary; Noting that Standing Order 42(3) read with Section 9(1) and 2 of the Public Appointments (County Assemblies Approval) Act 2017 provides that the committee shall table its report in the House for adoption;

Madam Speaker, I wish to move the motion that this Hon. House discusses and approves the report of the committee on appointments on the vetting of the five nominees for the appointments to the position of county executive committee members.

Madam Speaker, I call upon the Hon. Brian Kisila, the Deputy Minority Leader to second the motion.

Hon. Kisila: Madam Speaker, Hon. Members, I stand here as the Deputy Minority Leader and a member of this committee to second that motion. Thank you.

Hon. Speaker: Thank you, Hon. Majority Leader. The floor is yours.

Hon. Ngunga: So, Madam Speaker, I guess members have been able to access the report. Those of you who probably do not have the report I think the Serjeant at Arms will be able to provide copies. So, for a way of reading this, I will be able to probably if you look at the table of contents that is to guide members probably where we will be. That I will not be able to read through but if we go to page six, the list of abbreviations probably you need to familiarize yourself with that one because we shall use abbreviations in the report and then we start on seven where we start with the preface. I start the report Madam Speaker.

The Committee on Appointments

The Committee on Appointments is established pursuant to Machakos County Assembly Standing Order 184(1) which provides for the establishment of the Committee consisting of the

Speaker as Chairperson, Leader of the Majority Party, Leader of the Minority Party and three other members.

Committee Mandate

The mandate of the Committee is provided for under Standing Order 184(4) that the Committee shall consider, for approval by the House, appointments of County Executive Committee Members (CECs) under Article 179(2)(b) of the Constitution.

Current Membership of the Committee

The Committee on Appointment was constituted by the House on 26th September, 2017 comprising of the following Members (full names):

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

Message from His Excellency the Governor, Machakos County

Pursuant to Article 179(2)(b) of the Constitution, H.E. the Governor, forwarded to the Speaker of the County Assembly, a message of notification of nomination of the following five (5) persons vide letter ref: MCG/GOV./Cab.01/17 dated 26th September, 2017 and received on 27th September, 2017 for Committee consideration for approval by the County Assembly, for appointment as County Executive Committee Members for the respective departments;

1. Hon. Faith Syokau Wathome Kithu- Nominee for the Department of Education, Youth, Sports and Social Welfare.
2. Hon. Ruth Nduku Mutua- Nominee for the Department of Agriculture, Livestock, Cooperative Development and Marketing.
3. Dr. Ali Maalim Mohamud Mohamed- Nominee for the Department of Health and Emergency Services.
4. Hon. Naomi Mutie Kamala- Nominee for the Department of Water, Irrigation, Environment and Sanitation.
5. Mr. Kimeu Mbithi Kimeu- Nominee for the Department of Public Service, Labor, Quality Assurance and ICT.

Committal to Committee on Appointments

In a special sitting of the House held on 2nd October, 2017 the Hon. Speaker informed the House of the message from H.E the Governor. Pursuant to Standing Order 42(1) and (2), the matter was committed to the Committee on Appointments on the same day. The Committee was directed to report to the House within 21 days in accordance with Section 9(1) of Public Appointments (County Assemblies Approval) Act, 2017.

Committee Meetings

The Committee held approval hearings of the nominees on 16th and 17th October, 2017. On 16th October, 2017 three nominees were heard while the remaining two were heard on 17th October, 2017. In line with the provisions of Article 196(1)(a) and (b) of the Constitution hearings were conducted in an open manner in public in the Assembly Chambers and the public was facilitated to participate in the business of the Committee vide a notification to the candidates and the public placed by the Assembly in the Standard Newspaper of 5th October, 2017.

Pursuant to Section 7(5) and 7(6) of the Public Appointments (County Assemblies Approval) Act, 2017, all the nominees opted to be heard in public.

Acknowledgement

May I take this opportunity to thank all the Members of the Committee for their dedication, undivided attention and contributions during the entire approval hearings process. Alongside that, we also want to acknowledge that members of the House took time and came to hear these hearings. The Committee also appreciates the Office of the Clerk of the County Assembly of Machakos for the logistical support accorded to it during the exercise.

Further, the Committee is grateful to the members of the public who found time to attend and listen to the proceedings. Some members of the public also presented to the Committee written Statements on Oath contesting the suitability of some of the nominees to hold the offices to which they were nominated under Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017 and the Committee also wishes to thank those members of the public.

The Committee also appreciates the media fraternity for having been available to cover the proceedings of the Committee, thus enhancing accountability and transparency of the exercise.

On behalf of the Committee on Appointments and pursuant to the provisions of Section 35(2) and (3) of the County Governments Act, 2012; Sections 7, 8 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 42(1) and (2), it is my pleasure and duty to present to the House the Committee's Report on the approval hearing of the five nominees. Thank you, Madam Speaker.

(Applause)

Madam Speaker, this is now the report. We are on page 10 of this, for those who have a copy of the report.

Establishment of the Committee

The Committee on Appointments is established under, members this is not a repetition but legal requirement. So, Madam Speaker, the Committee on Appointments is established under Standing Order 184 with the mandate to consider for approval by the House for appointment of County Executive Committee Members under Article 179(2)(b) of the Constitution that

requires H.E the Governor to nominate persons for approval by the County Assembly for Appointment as County Executive Members.

Appointment Process of County Executive Committee Member

H.E. the Governor forwarded to the Speaker of the County Assembly, a message of nomination of five (5) nominees vide a letter dated 26th September, 2017, for appointment as County Executive Committee Members. The message was received at a time when the Assembly was on a short recess running from 29th September, 2017 to 16th October, 2017 Consequently, pursuant to Standing Order 26, the Hon. Speaker appointed a special sitting of the House on 2nd October, 2017 to communicate the message to the House.

Pursuant to Standing Order 42(1), the Hon. Speaker informed the House that she had received the notification of nominations of five nominees, for consideration for approval by the County Assembly for appointment as County Executive Committee Members for five departments. The message communicating the nomination of the CECs was committed to the Committee on Appointments for approval hearing pursuant to Standing Order 184(4). The Committee was directed to report back to the House within 21 days in accordance with Section 9(1) of Public Appointments (County Assemblies Approval) Act.

Notification to the Public

Madam 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.

The Clerk of the County Assembly placed an advertisement in the Standard Newspaper on 5th October, 2017 inviting the public to submit memoranda by way of written statements on oath or sworn affidavits on the suitability or otherwise of the nominees 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 October, 2017.

Clearance Requirements

Madam Speaker, the Committee wrote to the nominees requesting them to avail the following clearance requirements:

- i. ID/passport;
- ii. Curriculum Vitae, personal credentials and academic certificates;
- iii. Current Tax Compliance Certificate from the Kenya Revenue Authority (KRA);
- iv. Current Compliance Certificate from the Higher Education Loans Board (HELB);
- v. Current Clearance Certificate from the Credit Reference Bureau (CRB);
- vi. Current Valid Certificate of Good conduct from the Departure of Criminal Investigation;
- vii. Current Clearance from Ethics and anti-Corruption Commission (EACC);
- viii. Current Clearance certificate from respective professional bodies

- ix. Accreditation from Commission of University Education for foreign degrees, where applicable.

Criteria for approval hearing

The Committee was guided by Chapter Six and Articles 124(4), 195 and 196 of the Constitution of Kenya, 2010, Section 35 (2) and (3) of the County Governments Act, Section and Sections 7, 8, 9 and 10 of the Public Appointments (County Assemblies Approval) Act, 2017. Section Section 35(3) of the County Governments Act, 2012, requires an appointee 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.....note, Members, in the field relevant to the portfolio of the department to which the person is being appointed. I want you to note that statement, Members.

(Applause)

Further, Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017 Section 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

Madam Speaker, the Committee on assessment of the nominees was guided by Section 35 of the County Governments Act. The format of assessment is provided for under 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 and the the marks were awarded as follows: 70 is good.

Work experience

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

(Applause)

Education /Training relevant to the Position

Madam Speaker, any nominee who had a first degree related to the position was awarded 25 marks. If the nominee did not have a first degree in the field or had a degree not related to the position to which the nominee was nominated, he/she was awarded zero marks.

Interest in and knowledge relating to the specific position

Madam Speaker, any nominee who demonstrated interest and knowledge in the department to which the nominee was nominated was awarded 15 marks. A nominee who answered only half of the questions scored 10 marks and five marks were awarded to a nominee who was below average in answering the questions. That I think was fair.

(Laughter)

Communication Skills (Written/ Oral)

Madam Speaker, the nominee who demonstrated good communication skills in writing or oral was awarded 10 marks. A nominee who showed below average performance in good communication skills was awarded 5 marks.

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

Madam Speaker, a nominee who satisfied the requirements of promptness, neatness of resume/application, appearance was awarded 10 marks. The marks were broken as follows: 2 ½ marks in responding to questions promptly; 2 ½ marks on neatness of resume, 2 ½ marks for a properly filled application form and 2 ½ marks for appearance. A nominee was awarded zero mark for not satisfying the above.

Decision Making/Problem Solving Skills (and Integrity)

Madam Speaker, a nominee was awarded a total of 15 marks in displaying decision making/problem solving skills. The marks were broken down as follows; A nominee who displayed the ability to make choice, identify problem, ability to offer a solution, ability to deal with causes rather than symptoms in difficult situations was awarded 5 marks while 10 marks were awarded for integrity. If the nominee lacked the above skills or had integrity issues, she/he was awarded zero marks.

Integrity

Madam Speaker, on the assessment of the nominees on matters of integrity the Committee was guided by various provisions on integrity, namely, Article 73(2) of the Constitution (Chapter Six) which provides following as the guiding principles of leadership and integrity:

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

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

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

Submission of Statements on Oath

Madam Speaker, Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017 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.

The Committee received four statements on oath from some members of the public against the approval for appointment of the following three (3) of the nominees

1. Mr. Charles Kyalo Mutiso (ID No. 11647398) submitted a statement on oath sworn on 12th October, 2017 against the approval of Hon. Faith Syokau Wathome Kithu as the CEC member for Education, Youth, Sports and Social Services
2. Mr. Charles Kyalo Mutiso (ID No. 11647398) submitted a statement on oath sworn on 12th October, 2017 against the approval of Hon. Naomi Mutie Kamala as the CEC member for Water, Irrigation, Environment and Sanitation
3. Mr. Charles Kyalo Mutiso (ID No. 11647398) submitted a statement on oath sworn on 12th October, 2017 against the approval of Hon. Naomi Mutie Kamala as the CEC member for Water, Irrigation, Environment and Sanitation.
4. Dr. Edward Katua Nzinga, Mr. Paul Katuku Musembi and Luka Judah Wewa members of the Machakos County Education Board submitted a statement on oath challenging the suitability of Hon. Faith Syokau Wathome Kithu as the CEC Member for Education, Youth, Sports and Social Services.

APPROVAL HEARINGS

HON. FAITH SYOKAU WATHOME KITHU: Nominated for Appointment as CEC for the Department of Education, Youth, Sports and Social Welfare

Madam Speaker, the nominee appeared before the Committee at 10.53 a.m. on 16th October, 2017 and testified on oath. On the basis of her oral and written evidence the following emerged:

Date and Place of Birth

The nominee was born in 29th January, 1966 in Nairobi.

Document of Identification

The nominee possesses a National ID card No. 5794194

Education Background

Madam Speaker;

- i. The nominee acquired a first degree from the University of Nairobi (Bachelor of Arts) in 2004 with transcripts majoring in tourism.
- ii. The nominee also has an Associate Diploma on Tour Guide from Kenya Utalii college-1987.
- iii. The nominee attended Kenya High School for her 'A' levels education.

Experience in Education, Youth, Sports and Social Services department.

Madam Speaker, the nominee has only one year and three months' experience as a County Executive Committee Member in charge of Education, Youth and Social Welfare, from 2016 to date.

Other Work Experience

Madam Speaker, the nominee has experience in the following:

- i. The nominee served as a County Executive member in charge of Tourism, Culture and Sports, from 2013 to April 2016.
- ii. She served as a Managing Director Tour Consult Kenya from January, 2004 to 2013.
- iii. The nominee also served as Event Administrator, Festival for African fashions Artists Tour Consult in January, 2008 to June, 2008.
- iv. The nominee served as a Conference Administrator, Commonwealth Law Conference 2007, Liberty Africa Safaris/tour Consult Kenya, October, 2006 to October, 2007.
- v. The nominee was an Operations Director, Travel Connections limited from April, 2001 to 2004.
- vi. The nominee served as a Manager, Kuoni France Nairobi at private safaris, July, 1996 to May, 1998

Net worth

The nominee stated that her net worth was Ksh. 1 million.

Honors and awards

Madam Speaker, the nominee was awarded the Member of the Order of the Burning Spear (MBS). The nominee was also awarded Honorary citizen of the city of Memphis, Tennessee

Potential conflict of interest

Madam 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 has not been involved in any form of charity or *pro bono* work.

Nominee's Past Performance

Madam Speaker, the Nominee stated that she was in charge when the People's Park and the Kenyatta Stadium were constructed. She also stated that she had supervised the employment of 1080 ECDE Education caregivers and the disbursement of Ksh. 60 million in bursaries.

Further, she stated that the County partnered with Darling Hair Products which built two laboratories for hair dressing in the youth polytechnics in Mavoko and Yatta and that she had caused a partnership between the County Government and the Ford Foundation for the setting up of a school in Machakos at the Youth Centre which teaches the youth internet basics and entrepreneurship and which to date has 700 graduates.

Integrity

- i. KRA- The nominee possesses a tax compliance certificate issued by KRA dated 9th October, 2017.
- ii. CRB- The nominee has been cleared by Metro Pol Credit Reference Bureau limited. The Certificate No. MCRB/C175402 dated 6th October, 2017
- iii. HELB- the nominee is not a beneficiary of University Loan Scheme.
- iv. Good conduct- The nominee provided a payment slip Ref. No. 5794194 showing that she had applied for a clearance certificate.
- v. EACC- The candidate presented self-declaration form received from EACC dated 6th October, 2017.

Written Statement on Oath

Written Statement on Oath by Mr. Kyalo Mutiso

Mr. Kyalo Mutiso submitted an affidavit sworn on 12th October, 2017 contesting the suitability of the nominee Hon. Faith Syokau Wathome Kithu as the CEC member for Education, Youth, Sports and Social Services.

Analysis of Written Statement on Oath Submitted by Mr. Kyalo Mutiso

Madam Speaker, Mr. Kyalo Mutiso in a statement of oath made against the nominee for Education, Youth, Sports and Social Services, raised the following issues;

- i. Under her watch as CEC Tourism and Culture, the Kenyatta Machakos Stadium was constructed. The petitioner states that the construction was not budgeted for, was substandard, no public participation was done, its construction involved massive corruption, no procurement criteria was used to identify contractors or suppliers who built the stadium and since several of the contractors who did the work have never been paid to date.
- ii. Under her watch as CEC Tourism and Culture, the People's Park was constructed. The petitioner states that the construction was not budgeted for, no public participation was done, its construction involved massive corruption, no procurement criteria of identifying contractor or suppliers who built the stadium was done and several of those contractors have never been paid to date. He further alleges that the facility has incurred a huge water bill amounting to Ksh. 6 million and has also reduced the fresh water supply from Maruba dam the only water supply to Machakos residents.

- iii. That during her tenure, the money to construct the Katangi People's Park was diverted or misappropriated and no trace of work was undertaken in the site.
- iv. That a football team called Machakos United team was started with a promise of kits, allowances, a bus and medical cover. These promises were never actualized and the team no longer exists.
- v. That, the Ksh. 2 million received from the organizers of Masaku Sevens Rugby was solicited and it has never been accounted for. During the tournament, the CEC granted her young sister temporary rights of tenancy to operate a retail shop within the stadium
- vi. That, the County Government of Machakos knowingly grabbed private land near Bishop Ndingi Shopping center and erected a rest area thereby disinheriting the poor. No public participation was done, inception of procurement or budgeting of the same.
- vii. That, during her tenure, the County Government set to upgrade one football pitch in each ward which up to date has not been done. The money budgeted for that was either misappropriated or diverted.
- viii. That as she served as CEC for Education, Youth, Sports and Social Welfare, there has been a lot of secrecy in bursary allocation criteria.
- ix. That monies budgeted for the distribution to people with disabilities and less fortunate under Machakos Social Welfare and Education Board, was never disbursed to them.
- x. That the ECDE classes budgeted for construction in all the wards was never done.

Written Statement on Oath by Three Members of Machakos County Education Board

Dr. Edward Katua Nzinga, Mr. Paul Katuku Musembi and Luka Judah Wewa, members of the Machakos County Education Board, submitted an affidavit dated 16th October, 2017 challenging the suitability for appointment of Hon. Faith Syokau Wathome Kithu as the CEC member for Education, Youth, Sports and Social Services.

Analysis of the Memoranda by Members of the Machakos County Education Board

Madam Speaker, in the statement of oath the petitioners raised the following issues:

- i. That the Nominee has not been attending County Education Board meetings;
- ii. That she lacks interest and passion for education, that the county government has not been giving feedback to CEB;
- iii. That the County has never had a County Education day to discuss education concerns;
- iv. That as a result of incompetence and outright negligence, the bursary cheques issued by the department headed by the nominee were dishonored;
- v. That exams donated by the county Government were never administered in a professional manner;
- vi. That if incompetent people were employed, the County risks throwing its education to the dogs.

Those are some of the issues they had raised.

The Committee's questions to the nominee on general issues and on the Department of Education, Youth, Sports and Social Welfare

Madam Speaker, upon questioning the nominee the Committee observed the following;

Experience in the Department of Education, Youth, Sports and Social Welfare

The nominee has only one year and three months experience as a CEC for Education, Youth, Sports and Social Services. It emerged that the nominee was delegating her roles in relation to County Education Board which negatively affected the operations of the board. She was also unable to explain to the Committee the recent changes in the education system in the country.

She was also unaware of the current TSC County Director in Machakos County, the PS, ministry of Education and the chairman, County education Board. She could also not explain the linkage between the County and the National Government in education.

(Loud consultations)

Academic Credentials

Madam Speaker, on the transcripts presented in relation to the degree, the nominee's registration number is given as C01/6131/98 while the year of admission is given as 2001 hence a discrepancy in the year of admission and registration casting doubt on the degree she says that she holds.

Further, in her CV the nominee indicated that she had a diploma in tourism and administration but instead she presented a certificate of an associate diploma in tour guiding and on being questioned further she stated that the University changed the title later.

(Laughter)

Construction of ECDE Classes

Madam Speaker, the Committee further noted that during her tenure, the nominee managed to construct only 38 ECDE Classes with the budget allocated for 80 classes and she did not give a satisfactory explanation for the failure

Current affairs

Madam Speaker, the nominee was unable to address the Committee on the role of County Education Board, the link between the County and the National Education System and could not name the current TSC County Director, Machakos.

The nominee's performance as a CEC member, department of Culture and Tourism

Madam Speaker, the nominee was in charge when the Kenyatta Stadium and the People's Park at Machakos were constructed and the proposed Katangi People's Park but questions on accountability and transparency were raised as it was said that there was no public participation, budgeting, procurement and proper implementation of the projects.

When requested by the Committee to respond to the allegations, the nominee did not provide satisfactory responses, therefore it is possible that there was loss of public funds in

connection with the construction and that there was lack of public participation and procurement laws were not followed.

The nominee contradicted herself when she told the Committee that she is the one who oversaw the success of the construction yet when she was put to task on adherence of procurement laws, she said that she was handed over a complete stadium by the department of Roads, Transport and Public of Works.

She also stated the same with regard to the construction of the People's Park. It is important to note that the nominee promised at the approval hearing to furnish the Committee with documents to support her position but failed to submit at the time she had undertaken to avail them and instead wrote a letter requesting for extension of time for seven days.

Disbursement of Bursaries

Madam Speaker, the Committee observed that the nominee had not put in place mechanisms to ensure that the disbursed bursaries reached the right students as required. The Committee noted that the nominee, while in charge of the Department of Education, did not establish ward bursary Committees and promised to rectify the situation if re-appointed as County Executive Committee member.

The Committee observed that the allegations by Dr. Edward Katua Nzinga, Mr. Paul Katuku Musembi and Luka Judah Wewa, members of the Machakos County Education Board, had basis and that the nominee did not have anything written to support her position that the said persons were merely attempting to improperly get money from her.

CANDIDATE: HON. FAITH SYOKAU WATHOME KITHU: AWARDING OF MARKS ON THE ASSESSMENT FORM

Particulars	Marks Available	Marks awarded						Total Awarded	Mean
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6		
Work experience (as it relates to the position)	25	0	0	0	0	0	0	0	0
Education/training(relevant to the position)	25	0	0	0	10	0	0	10	1.7
Interest in and knowledge relating to specific position	15	0	5	10	5	5	6	31	5.2

Communication skills (written/oral)	10	5	5	5	5	5	4	29	4.8
Presentation (promptness, neatness of resume/application, appearance)	10	5	5	5	5	5	8	33	5.5
Decision making/problem solving skills	15	0	5	5	10	10	8	38	6.3
Total marks	100	10	20	25	35	25	26	141	23.5

Conclusion

Madam Speaker, the nominee is not suitable to be appointed as the CEC for Department of Education, Youth, Sports and Social Welfare for the following reasons:

- i. The nominee has not satisfied the requirements of five years' experience in the field of Education, Youth, Sports and Social Welfare as stated under the County Governments Act Section 35 (3) (d), 2012 and Section 8 (c) of the Public Appointments (County Assemblies Approval) Act, 2017.
- ii. The nominee does not have a first degree related to the department of Education, Youth, Sports and Social Welfare to which she is nominated as required in Section 35(3)(b) of the County Governments Act, 2012 and Section 8(c) and 7(9) of the Public Appointment (County Assemblies Approval) Act, 2017.
- iii. The nominee was not able to exonerate herself from the accusations of mismanagement of public affairs and finances in relation to:
 - a. the construction of Kenyatta Stadium,
 - b. the construction of the Machakos Peoples' Park,
 - c. the money spent in relation to the proposed construction of the Katangi People's park,
 - d. the ECDE class rooms which were budgeted for but not constructed,
 - e. inability to put in place a good mechanism to manage the bursary fund leading to bounced bursary cheques,
- iv. The nominee lacks good leadership skills and has integrity issues in view of the above stated
- v. The candidate scored 23.5 per cent which is less than the pass mark of 70 per cent.

We move on to the second candidate, Madam Speaker.

HON. RUTH NDUKU MUTUA: Nominee as CEC Department of Agriculture, Livestock, Cooperative, Development and Marketing

Madam Speaker, the nominee appeared before the Committee at 1.45 p.m on the 16th October, 2017. The nominee testified on oath before the Committee on the basis of oral and written evidence and the following emerged:

Date and Place of Birth

Madam Speaker, the nominee was born on 22nd December, 1965 in Machakos.

Document of Identification

The nominee possesses a Kenyan National ID No. 7867810

Education Background

- i. Currently she is a PhD student in Jomo Kenyatta University of Agriculture and Technology with specialization in public health
- ii. The nominee has a Masters in Community Health and Development (GLUK University), 2006 to 2009
- iii. The nominee acquired advanced Diploma in Public Health, Kenyatta University, from 2004 to 2006
- iv. The nominee acquired a Higher Diploma in Clinical Medicine and Surgery from Kenya Medical Training College, 2001 to 2002
- v. The nominee also has Diploma in Clinical Medicine and Surgery from Kenya Medical Training College in 1991

Experience Related to Department of Agriculture, Fisheries, Livestock, Water and Irrigation

The nominee has two years' experience as a County Executive Committee Member in charge of the department of Agriculture, Fisheries, Livestock, Water and Irrigation, having been appointed to head the department from May 2015 to 2017.

Other Work Experience

Madam Speaker, the nominee also has experience in the following:

- i. From July 2013 to April 2015 the nominee served as a County Executive Committee Member in charge of the department of Education, Youth and Social Services in Machakos County.
- ii. The nominee was a program officer, Ministry of Public Health and Sanitation between 2010 and 2013.
- iii. From August 1993 to 2002 and Oct 2004 to 2009, the nominee served as a clinical officer in- charge, Ruiru prisons.
- iv. The nominee also served as a clinical officer, Gatundu Sub- District Hospital from Dec 2003 to Sept 2004.

- v. The nominee also served as a program officer, Ministry of Public Health Sanitation from 2010 to June 2013.

Net worth

The nominee stated her net worth as Ksh. 5.8 million.

Honors and awards

The nominee stated that she has not been awarded any honors or awards.

Potential conflict of interest

Madam Speaker, the nominee stated that her relatives, community members and contractors expecting preferential treatment may pose a potential conflict of interest. On such cases, the nominee stated that she will be guided by the Constitution of Kenya, the Code of Conduct and ethics and would remain objective and impartial.

Pro Bono/ Charity work

The nominee informed the Committee that she was involved in church contributions, supporting group of widows, community social support and was also sponsoring an orphaned child.

Integrity

- i. **KRA-** The nominee possesses a tax compliance certificate issued by KRA dated 5th October, 2017.
- ii. **CRB-** The nominee has been cleared by Metro Pol Credit Reference Bureau limited. The Certificate No. MCRB/C159441 dated 3rd October, 2017
- iii. **HELB-** the nominee is not a beneficiary of University Loan Scheme.
- iv. **Certificate of Good Conduct-** The nominee has been issued a police clearance certificate Ref..No PCC-AAACMMW6, by the Director of Criminal Investigations.
- v. **EACC-** The candidate presented self-declaration form stamped as received by EACC dated 5th October, 2017

The Committee's questions to the nominee on general issues and on the Department of Agriculture, Livestock, Cooperative Development and Marketing

Madam Speaker, upon questioning the nominee the Committee observed the following:

Experience in the Relevant Field

Madam Speaker, the nominee has two years of experience in the field of agriculture, having been the CEC of the department of Agriculture, Livestock, Cooperative Development and Marketing from May, 2015 to date. The nominee stated that she would perform better in the Department for Health as opposed to Agriculture.

Livestock Diseases

The nominee was unable to name three crop or livestock diseases.

(Laughter)

Greenhouses

Madam Speaker, the nominee stated that she did not know the exact number of greenhouses that were distributed but she admitted to have seen six of them. She further stated that the

department was in the process of doing mapping before the elections, to establish the number of greenhouses that are in good condition.

Tractors

Madam Speaker, the nominee stated that 40 tractors were procured by the County Government. However, at the time of procuring the tractors the nominee was not the CEC for the department of Agriculture, Livestock, Cooperative Development and Marketing. Upon further prodding by the Committee, the nominee stated that the tractors were 35 last season. After more interrogation, she indicated that the tractors were 27.

Chicks Programme

The nominee stated that the data for the chicks programme was available in her office since she used to get the report every month.

Implementation of policies

Madam Speaker, the nominee stated that she would implement policies to:

- i. Ensure that there was food security by storing surplus food for use in the appropriate time.
- ii. Support farmers by subsidizing supplies of seeds and fertilizers.
- iii. Offer extension services to farmers such as vaccination of livestock.

Improving the Co-operative Sector

Madam Speaker, the nominee stated that there was an Act in place to improve the marketing of coffee. She stated that the docket of cooperatives was new and she would study more about it and educate the farmers. The nominee further stated that she would also extend cooperatives to farmers of *Ndengu* (green grams) and mangoes and bring them together.

The nominee informed members that the County lacked a policy document on Cooperatives resulting to their poor management. She pledged, if appointed to come up with a Bill on Cooperatives development.

Nominees Knowledge of Current Affairs

The nominee appeared not well versed with current affairs. For instance, when asked who the Permanent Secretary ministry of agriculture is, the nominee stated that it was Mr. Willy Bett who was not.

Committee Observations

Madam Speaker the Committee observed the following;

- i. The nominee does not have the required five years' experience in the field of Agriculture, Livestock, Cooperative and Marketing (the County Governments Act Section 35(3)(d), 2012 and Section 8 (c) of the Public Appointments (County Assemblies Approval) Act, 2017).
- ii. The nominee does not have a first degree in the portfolio for which she has been nominated (County Governments Act Section 35(3)(d), 2012 and Section 8(c) of the Public Appointments (County Assemblies Approval) Act, 2017).

- iii. That the nominee's academic credentials are not related to the department Agriculture, livestock, Cooperative Development and marketing. The nominee's credentials are in public health.
- iv. The nominee has little knowledge on matters related to agriculture, livestock, Cooperative Development and marketing. She admitted that she would perform better in the department of health as opposed to agriculture.
- v. The nominee on her own admission, was not well versed with matters of procurement, which is a requirement to enable her provide guidance on oversight over procurement in the department.
- vi. The nominee is undertaking a PhD in Public Health which is not related to the department that she has been nominated for.
- vii. That the nominee was not aware of the Machakos County Co-operative Societies Act, 2016, an important legislation in the department the nominee has been nominated to.

I invite members to look at the candidate and how she performed in terms of marks and the mean. In conclusion, they go round up to page 30 and you will be able to see the mean.

CANDIDATE: HON. RUTH NDUKU MUTUA: Awarding of Marks on the assessment form

	Marks Available	Marks awarded						Total Awarded	Mean
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6		
Work experience (as it relates to the position)	25	0	0	0	0	0	0	0	0
Education/training(relevant to the position)	25	0	0	0	0	0	0	0	0
Interest in and knowledge relating to specific position	15	0	10	10	10	5	5	40	6.6
Communication skills (written/oral)	10	5	5	10	10	10	10	50	8.3
Presentation (promptness, neatness of resume/application, appearance)	10	5	5	5	10	10	10	45	7.5

Decision making/problem solving skills	15	5	5	10	10	5	12	47	7.8
Total marks	100	15	25	35	40	30	37	182	30.3

Conclusion

Madam Speaker, the nominee is not suitable to be appointed as the CEC for the department Agriculture, Livestock, Cooperative and Marketing for the following reasons:

- i. The nominee has not satisfied the requirements of five years' experience in the field of Agriculture, Livestock, Cooperative and Marketing as stated under the County Governments Act Section 35(3)(d), 2012 and Section 8(c) of the Public Appointments (County Assemblies Approval) Act, 2017.
- ii. The nominee does not have a first degree related to the department of Agriculture, Livestock, Cooperative and Marketing to which she is nominated as required in Section 35 (3)(b) of the County Governments Act, 2012 and Section 8(c) and 7(9) of the Public Appointment (County Assemblies Approval) Act, 2017.
- iii. The nominee exhibited limited knowledge on the past performance of the department to which she has been nominated, and in particular she could not point out or explain the current fate of the County Government tractors and the status of 250 green houses said to have been acquired/implemented.
- iv. The candidate scored 30.3 per cent which is less than the pass mark of 70 per cent.

ALI MAALIM MOHAMUD: Nominee as CEC Department of Health and Emergency Services

Madam Speaker, the nominee appeared before the Committee at 4.00 p.m. on 16th October, 2017 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 15th June, 1973 in Wajir, Kenya

Document of Identification

The nominee presented copies of a passport of the Republic of Kenya and a National ID card No. 11192735.

Experience Related to Position

Madam Speaker, the nominee has the following experience:

- i. The nominee worked as a Clinical pharmacist in Abbott Noth Western Hospital, USA from 2006 to 2010.
- ii. He was a consultant for clinical affairs, Walgreen Pharmacy (York), Edina, USA...you will forgive me these are foreign universities, from 2007 to 2012.

You need to forgive me if I don't pronounce them well.

(Laughter)

- iii. The nominee was a teaching Associate University of Minnesota- USA in 2004 to 2005.
- iv. He was a pharmacy technician in a children's hospitals and clinics in St Paul, MN-USA from 1999 to 2001.
- v. He worked as a procurement and inventory manager in Omnicare Pharmacy, Crystal, MN-USA from 1996 to 1998.
- vi. He was a Superintendent Pharmacist in Kenyatta National Hospital (KNH), Nairobi, Kenya, in 1993 to 1995.
- vii. He was the Managing Director Royal Drugmart Ltd in 1995 to 1996.

Other work experience

Madam Speaker, the nominee stated that he was the Director, International Customer Relations, Middle Eastern and other Asia, 2010 to 2012. The nominee also has experience in the construction business which he has been actively undertaking since 2012 to date.

Academic and professional qualification

Madam Speaker, the nominee has;

- i. A doctorate degree in Pharmacy from the University of Minnesota, Minneapolis, Minnesota, USA, 2006 (Transitioned from Bsc Human Physiology, University of Minnesota, USA, in April 2003)
- ii. A masters degree in Business Administration(MBA), Concordia University, Saint Paul, Minnesota, USA, May 2012.
- iii. A diploma of Pharmacy from Kenya Medical Training College, Nairobi, Kenya, November 1995.

Net worth

The Nominee's stated net worth is Ksh. 160 million

Honors and awards

Madam Speaker, the nominee does not have any honors or awards.

Potential conflict of interest

The nominee stated that he has no conflict of interest.

Pro Bono/ Charity work

The nominee donated laptops to Generation for Change and participated in a Walk of Hope for Peace where he devoted seven days.

Integrity

- i. **KRA-** The nominee possesses a tax compliance certificate issued by KRA dated 31st March, 2017.
- ii. **CRB-** The nominee has been cleared by Trans Union Credit Reference Bureau limited under Certificate No. 934156 dated 7th March 2017

- iii. **HELB-** the nominee is not a beneficiary of Kenya University Loans Scheme.
- iv. **Certificate Good Conduct-** The nominee was issued with a police clearance certificate Ref. No. PCC-AAAVMZ1, by the Director of Criminal Investigations dated 3rd March, 2017.
- v. **EACC-** The candidate presented a self-declaration form received by the EACC on 8th March, 2017. However, the certificate is incomplete. The certificate is incomplete.

On, general and specific questions to the nominee on the Department of Health and Emergency Services, Madam Speaker, the Committee posed several questions to the nominee and the nominee responded as follows:

Work experience

The nominee stated that he had acquired 19 years of experience in pharmacy, in and outside of the country. He stated that he had worked in Kenyatta National Hospital as a Superintendent Pharmacist in 1995 to 1996, the Kamiti and in the USA as a Clinical Consultant for various hospitals.

Issues Facing Machakos County

Madam Speaker, the nominee stated that he had worked closely with other doctors in advisory Committees for hospitals and had a wealth of knowledge on issues of health in the Country which is the same as in Machakos County.

The National Strike by Nurses

The nominee stated that had he been in the office he has been nominated to, he would have resolved the issue of the strike through dialogue.

Free Maternal Healthcare

Madam Speaker, when asked to comment on the national free maternal health care project, the nominee was not aware of matters relating to it. However, he said that he would consider implementing it Machakos hospitals depending on the budget and seek partnership with NGOs.

Regular supply of drugs in hospitals

When asked on how he would ensure regular supply of drugs in the County hospitals, the nominee stated that most of the counties in the Country have an MOU with KEMSA and added that he would procure any unavailable drugs from other suppliers.

Knowledge of Machakos County Hospitals

The nominee stated that he had never visited any of the hospitals in Machakos County

Nominee's Passport

Madam Speaker, the copies of the nominee's passport which he used for identification was written in English and French on the picture page and in English and Swahili on the bio-data page. When requested to produce the original passport at the approval hearing, the nominee presented a mutilated passport with the two pages missing and when questioned, explained that the passport had been rained on and the two pages got torn off.

When asked further, he stated that he had acquired the passport while in the USA from the Kenyan Embassy and that he did not know why the Kenyan Embassy used French in the passport which was not an official language for Kenya.

Registration with the Pharmacy and Poisons Board of Kenya

Madam Speaker, the nominee was enrolled as a pharmaceutical technologist in 2008 by the Pharmacy and Poisons Board. He has, however, not been practising pharmacy since then although he stated that he owns pharmaceutical shops.

Interest in the field of Health and Emergency Services

Madam Speaker, the nominee stated that he was no longer registered to practice as a pharmacist since 2012 when he went into construction. He further stated that his last pharmacy license in was issued in 2008 under certificate number 001210 and he had not renewed it since then.

Current affairs

The nominee appeared not well versed with current affairs in the field of health, for example, he did not know the current CEO of KEMSA.

Public Procurement law

Madam Speaker, the nominee stated that he had no knowledge on matters of public procurement in Kenya although in his Curriculum Vitae he had stated that he had worked as a Procurement and Inventory Manager in Omnicare Pharmacy, Crystal, MN, USA in 1996 to 1998.

Decision-making

Madam Speaker, the nominee stated that he had no prior experience in making urgent decisions to deal with difficult emergency cases.

Conflict of interest

Madam Speaker, the nominee stated that he had vied for Member of Parliament in Wajir County on *Maendeleo Chap Chap* Party ticket but lost in the recent general elections. The nominee asserted that vying for the political seat was his constitutional right and the Committee was in agreement and that the MCCP was a political vehicle to move him to the next level and that he would not have conflict of interest.

Committee Observations

Madam Speaker, the Committee observed the following:

- i. That the nominee was not in touch with the reality in Machakos County as relates to healthcare matters.
- ii. That the nominee was no longer practicing as a pharmacist since he had not registered with the Pharmacy and Poisons Board since 2008 or upon his return to Kenya from the USA in 2012.
- iii. That the nominee was not well versed on Chapter Six of the Constitution of Kenya.
- iv. That in 2017, he had vied for the position of MP Wajir East on *Maendeleo Chap Chap* Party and with TNA in 2013 and that this may pose a conflict of interest considering that if appointed to the

department that he has been nominated to, he would be working under the Governor who is the party leader of the MCCP.

- v. The nominee was not aware that the national maternal health care has already been implemented in all hospitals in the Country and that it is a project of the National Government.
- vi. The nominee admitted having altered a copy of his MBA degree certificate which he presented with his questionnaire by inserting a comment at the bottom to the effect that “concentration: MBA health care management’. The Committee took this as an attempt to mislead it.
- vii. The candidate has serious integrity issues in view of:
 - a. the matters raised over his passport
 - b. The passport indicates that he was born in Mandera, his ID shows his place of birth as Wajir and in the questionnaire he gives his place of birth as Wajir and in the oral testimony he stated that he was born in Mandera.
 - c. The nominee’s passport was written in English and French on the front page and in English and Kiswahili on the bio-data pages casting doubts on the validity of the passport hence the integrity of the nominee.
 - d. Further, the nominee could not explain why the Kenyan Embassy in the USA would use French language on the passport which was not an official language for Kenya.
 - e. The Committee was not convinced with the explanation of the nominee that the passport had been rained on and that only the three pages in issue got completely damaged/went missing.
 - f. The Committee was not convinced that the nomination of the candidate, who lost in the August 2017 election on a MCCP ticket, would not result into a conflict of interest in the discharge of his duties.
 - g. The nominee indicates in his resume that he was in procurement and inventory management at Omnicare Pharmacy MN, USA from 1999 to 2001, but during the approval hearing he stated that he was entirely not aware of procurement procedures.
 - h. The Committee observed that the nominee had not faced situations where he would be called upon to make urgent decisions in difficult situation which is a routine in the department of Health and Emergency Services.

DR. ALI MAALIM MOHAMUD: Awarding of Marks on the assessment form

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

Work experience (as it relates to the position)	25	25	25	25	0	25	25	125	20.8
Education/training(relevant to the position)	25	25	25	25	25	0	25	125	20.8
Interest in and knowledge relating to specific position	15	0	5	3	2	5	2	17	2.8
Communication skills (written/oral)	10	0	5	2	2	5	4	18	3
Presentation (promptness, neatness of resume/application, appearance)	10	0	5	1	1	5	4	16	2.7
Decision making/problem solving skills	15	0	5	1	1	10	0	17	2.8
Total marks	100	50	70	57	31	50	60	318	53

Conclusion

Madam Speaker, the nominee is not suitable to be appointed as CEC for Department of Health and Emergency Services for the following reasons:

- i. The nominee has nominees has serious integrity issues in that:
 - a. He admitted having inserted additional remarks in the copy of his MBA certificate to read “Concentration: MBA-heath care management” which is an unethical alteration of a document of that nature.
 - b. The nominee’s EACC certificate was incomplete and not related to the position that he has been nominated to.
 - c. The nominee enrolled as pharmaceutical technologist in Kenya in the year 2008. In his CV he states that that he was working with WalGreen Pharmacy in New York between 2007 and 2012 which is contradictory.
 - d. There is a clear contradiction on the place of birth for the nominee (see para 3.3.10.14 (vii)(b) above). This raises issues of integrity under Chapter Six on leadership and integrity.

- e. The nominee's passport is written in English and French on the front page and in English and Kiswahili on the bio-data page casting doubts on the validity of the passport hence the integrity of the nominee.
- ii. The nominee lacks interest in the field that he has been nominated to as he admitted that he had not practiced pharmacy since 2012 and that his last registration in Kenya as a pharmacist was in 2008.
- iii. The nominee has no knowledge in the status the Machakos County hospitals and the national maternal health care.
- iv. The nominee lack knowledge in public procurement which is very key in the department to which he has been nominated for purposes of offering oversight.
- v. There is a big potential of conflict of interest on the part of the nominee due to his political associations and his interest in his construction business.
- vi. He had no experience in making urgent and difficult decisions which are routine in the field of Health and emergency services.
- vii. The candidate scored 53 per cent which is less than the pass mark of 70 per cent.

HON. NAOMI MUTIE KAMALA: Nominee CEC Department of Water, Irrigation, Environment and Sanitation

Madam Speaker, the nominee appeared before the Committee at 11.05 a.m. on 17th October, 2017 and testified on oath. On the basis of her evidence presented orally and in writing the following emerged:

Date and Place of Birth

The nominee was born on 18th September, 1971 in Nairobi.

Document of Identification

The nominee possesses a Kenya National ID card No. 11061346.

Experience in the relevant in the field of Water, Irrigation, Environment and Sanitation

Madam Speaker, the nominee stated that she had no experience in the field of Water, Irrigation, Environment and Sanitation.

Other Work Experience

- i. Madam Speaker, from April 2013 to August 2017 the nominee served as the CEC member in the department of Health and Emergency Services for the County.
- ii. The nominee served as a District Public Health officer from 2010 to 2012, Athi River, Machakos
- iii. The nominee previously worked as a Divisional Public Health Officer from 2001 to 2003
- iv. In 1997 to 1999 the nominee worked as a technician in charge of hospital sanitation.

Education Background

- i. The nominee has a Masters degree in Community Health and Development from the Great Lakes University, Kisumu, 2009
- ii. The nominee has done a Post Graduate Diploma in Health Service Management, November 2015, GIMI (Israel)
- iii. She holds an Advanced Diploma in Public Health Sciences from Kenyatta University, July, 2016.
- iv. She is a holder of Diploma in Environmental health sciences from Kenya Medical Training College 2001 and a Certificate in Environment Health Services from Kenya Medical Training College, 1993.

Net worth

The nominee did not given a value for her net worth

Honors and Awards

The nominee has no honors and or awards

Potential Conflict of Interest

The nominee has stated that there no potential conflict of interest.

Pro Bono/ Charity work

The Nominee stated that she is educating three needy children.

Integrity

- i. **KRA-** The nominee possesses a tax compliance certificate issued by KRA dated 20th September, 2017.
- ii. **CRB-** The nominee has been cleared by Metro Pol under Certificate No. MCRB/C186112 dated 20th September, 2017.
- iii. **HELB-** the nominee is not a beneficiary of Kenya University Loan Scheme.
- iv. **Certificate of Good Conduct-**The nominee has been issued with a police clearance certificate Ref. No 121680/2017 by the Director of Criminal Investigations dated, 18th September, 2017.
- v. **EACC-** The candidate has presented self-declaration form received by EACC.

The Committee's questions to the nominee on general issues and on the Department of Water, Irrigation, Environment and Sanitation

Madam Speaker, the Committee posed several questions to the nominee on her past work experience and knowledge in the relevant field Water, Irrigation, Environment and Sanitation.

The Committee noted the following:

Achievement as a CEC member in Health and Emergency Services

Madam Speaker, the nominee as the CEC in charge of the department of Health and Emergency Services stated that she had been given a responsibility to construct Ward Community Hospitals. She was in charge of the refurbishment and renovation of County Hospitals and constructed 38 health centers across the county and she held a total of 25 cancer awareness campaigns that benefited over 6,000 women of reproductive age.

Current Affairs

The nominee appeared not well versed with current affairs. For instance the nominee stated that the current president of South Africa is Thabo Mbeki!

(Laughter)

The nominee's past performance as CEC Health and Emergency Services

Madam Speaker, the nominee was questioned on her past performance of her duties as CEC Health and Emergency Services because:

- i. the Assembly has reports from the First Assembly's Committee on Health and Emergency Services which raised issues over her performance, in particular that she had been failed to respond to letters of invitation, summons and submission of documents. The nominee admitted her failure but stated that most of the times she was being given short notices or that the letters went to her CO or that she indeed on some occasions attended the Committee and even made a report to the Committee. The details of the Committee report are in the appendix to this report. The nominee requested to be given time to provide the report and she was allowed to do so but to the date of concluding this report she had not provided the report.
- ii. Further, when questioned why she did not respond to a proposal for supply of medical equipment to the County by a prospective development partner, Caring Hearts and Hands of Hope, she regretted it saying that she would not repeat it again.
- iii. Madam Speaker, the nominee admitted that only five out of the 43 community health centers that had been budgeted for while were completed and therefore in operation while the rest were either incomplete or construction had not started.

Written Statement on Oath by Mr. Charles Kyalo Mutiso

Mr. Charles Kyalo Mutiso submitted an affidavit sworn on 12th October, 2017 challenging the suitability of the nominee for appointment as the CEC member for the department Water, Irrigation, Environment and Sanitation.

Analysis of Written Statement Submitted by Mr. Charles Kyalo Mutiso

Madam Speaker, the statement states that during the tenure of the nominee as CEC member for Health and Emergency Services:

- i. Ksh. 142 million from DANIDA for funding programs in the health sector were lost in the full knowledge of the nominee and that the nominee was a beneficiary of the dealings surrounding the saga.
- ii. The county government bought over 80 ambulances and that there was no competitive bidding, the ambulances were substandard, there was no sustainability plan and there was no budget for the purchase of the ambulances.
- iii. There was no set specifications for the ambulances to be procured. More than 60 of the ambulances are grounded and the drivers have continued to earn salary.

- iv. That Machakos Level V Hospital was renovated without budgetary provisions and the contractors have not been paid.
- v. The Health department has experienced brain-drain of key personnel and that the the nominee took no remedial action.
- vi. The County government started a program to upgrade 40 health facilities which were adequately budgeted for but were not completed since the contractors were not paid.
- vii. That the nominee has no competence since she had failed to deliver in her first appointment as CEC member for Health and Emergency Services.

Nominee's Response to the Statement on oath

Madam Speaker, the nominee stated that:

- i. proper procurement procedures were followed in the procurement of the ambulances. However, she was not aware whether they were new or second hand and that the Department had bought basic ambulances and not life support ambulances.
- ii. The nominee acknowledged that there were no budgetary allocations for the face-lifting of Machakos Level V Hospital and stated that a supplementary budget was done.
- iii. The nominee stated that some of the contractors were paid according to the certificates of completion raised and others were never paid but she did not explain why they had not been paid.
- iv. She further stated that most of the contractors were awarded multiple projects thereby causing the construction of the health centers to stall.
- v. With regard to competence, the nominee stated that she should be given a fair administrative action to respond and that it was unfair for the Committee to question her based on that allegation. However, she did not deny the allegations.

Committee Observations

Madam Speaker, the Committee observed the following:

- i. The nominee does not have the required five years' relevant experience in the field of Water, Irrigation, Environment and Sanitation (see the County Governments Act Section 35 (3)(d), 2012 and Section 8(c) of the Public Appointments (County Assemblies Approval) Act, 2017).
- ii. The nominee does not have a first degree in the portfolio for which she has been nominated (see County Governments Act Section 35(3)(b), 2012 and Section 8(c) of the Public Appointments (County Assemblies Approval) Act, 2017).
- iii. The nominee's past performance in department of Health and Emergency Services was poor because:
 - a. She managed to complete only five community health centres out of the budgeted 43 despite the County Government had in its budget for the period the nominee served allocated a big sum of whooping

Ksh. 628 million. To date a total 36 community health centres have stalled. See annexed report on health and emergency services committee.

- b. From First Assembly sectoral Committee records, it was observed that on eight instances sampled, the nominee was invited by the Committee and on the occasions she did not attend and the reasons she gave this Committee were not convincing.
- c. Madam Speaker, the issues raised by the complainant Charles Kyalo Mutiso in the statement on oath fall within the purview of the issues for consideration by the Committee as they touch on the suitability of the nominee as they raise integrity issues under Chapter Six of the Constitution. Most of the issues raised in the statement on oath are similar to the report by the First Assembly sectoral Committee.

CANDIDATE: HON. NAOMI MUTIE KAMALA: Awarding of marks in the assessment form

	Marks Available	Marks awarded						Total Awarded	Mean
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6		
Work experience (as it relates to the position)	25	0	0	0	0	0	0	0	0
Education/training(relevant to the position)	25	0	0	0	0	0	0	0	0
Interest in and knowledge relating to specific position	15	10	10	10	10	15	6	61	10.2
Communication skills (written/oral)	10	10	5	5	5	10	6	41	6.8
Presentation (promptness, neatness of resume/application, appearance)	10	5	10	10	5	10	8	48	8

Decision making/problem solving skills	15	5	10	5	5	10	0	35	5.8
Total marks	100	30	35	30	25	45	20	185	30.8

Conclusion

Madam Speaker, the nominee is not suitable to be appointed as CEC for the department of Water, Irrigation, Environment and Sanitation for the following reasons:

- i. The nominee has not satisfied the requirements of five years' experience in the field of Water, Irrigation, Environment and Sanitation as stated under the County Governments Act Section 35(3)(d), 2012 and Sections 8(c) and 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017.
- ii. The nominee does not have a first degree related to the Department of Water, Irrigation, Environment and Sanitation to which she is nominated as required in Section 35(3)(b) of the County Governments Act, 2012 and Sections 8(c) and 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017.
- iii. The nominee's past performance in the Department of Health and Emergency Services was poor (refer to paragraph 3.4.19. (iii) and (iv)).
- iv. The candidate scored 30.8 per cent which is less than the pass mark of 70 per cent.

KIMEU MBITHI KIMEU: Nominee CEC Department of Public Service, Labor, Quality Assurance and ICT

Madam Speaker, the nominee appeared before the Committee at 1.05 p.m. on 17th October, 2017 and testified on oath. On the basis of his evidence presented orally and in writing the following emerged:

Date and Place of Birth

The nominee was born on 25th May, 1974 in Machakos.

Document of Identification

The nominee possesses a Kenya National ID card No. 11677391.

Education Background

Madam Speaker, the nominee possesses a Bachelor of Education Degree (Arts) in Mathematics and Geography from Kenyatta University, 1997. The nominee is also pursuing MBA degree with specialization in Human Resource in the Kenya Methodist University been admitted in September 2008.

The nominee holds a practicing certificate from the Institute of Human Resource Management (IHRM) acquired on 10th October, 2017 and on the same date he became a member of the institute.

Experience related to the Department of Public Service, Labor, Quality Assurance and ICT

Madam Speaker, the nominee has stated in his Curriculum Vitae that his work experience as follows:

- i. The nominee has been the Advisor to H.E the Governor, Machakos County on Quality Assurance from 10th June, 2016 to date.
- ii. The nominee was the Group Human Resource Manager, Dalbit Group, from 1st May, 2012 to 31st May, 2016.
- iii. From 2010 to April 2012, the nominee was the Senior Consultant Human Capital, Deloitte Touche Tohmatsu Services Inc.
- iv. From November, 2008 to November, 2010 the nominee was the lead consultant Tuwatunze Kenya Limited.
- v. From July 2007 to October 2008, the nominee was the Human Resource and Administration Manager, Schindler limited.
- vi. From January, 2002 to June, 2007, working as a senior learning and development officer with Safaricom Limited.

Other Work Experience

Madam Speaker, the nominee stated in the approval hearing that he was posted to Kyethivo Sec School as a teacher but did not take the opportunity. He, however, reiterated that he taught for two years in another school in Nairobi.

Net worth

Madam Speaker, the nominee stated that his net worth is Ksh. 50 million.

Honors and Awards

The nominee stated that he has no honors and awards.

Potential Conflict of Interest

The nominee cited in the questionnaire that Tuwatunze Kenya Limited, a management consulting firm could be a potential conflict of interest but he did not elaborate.

Pro Bono/ Charity work

The nominee conducted Motivational talk to students.

Integrity

- i. **KRA-** The nominee possesses a tax compliance certificate issued by KRA dated 4th October, 2017.
- ii. **CRB-** The nominee has been cleared by Metro Pol Credit Reference Bureau limited under certificate No. MCRB/C118525 dated 12th October, 2017
- iii. **HELB-** He was a beneficiary of the Kenya University Loan Scheme and has paid in full and he exhibited a certificate.
- iv. **Certificate of Good Conduct-** The nominee has been issued a police clearance certificate Ref. No. PCC-AAACMNUG by the Director of Criminal Investigation dated 11th October, 2017
- v. **EACC-** The candidate presented self-declaration form received by EACC dated 12th October, 2017.

The Committee's questions to the nominee on general issues and on the Department of Public Service, Labour, Quality Assurance and ICT

Madam Speaker, the Committee posed several questions to the nominee on his past work experience and knowledge of the field he has been nominated to.

The Committee noted the following:

Experience in the relevant field

Madam Speaker, the nominee stated that he has knowledge in Information Technology and wide experience in human resource having worked as the Advisor to the Governor, Machakos County, on Quality Assurance and Human Resource from 10th June, 2016- to date and for the companies stated in paragraph 3.5.4 above.

Matters Touching on Public Service in Machakos County Government

Madam Speaker, being an advisor to the Governor on matters of Quality Assurance in public service;

- i. The nominee stated that on the issue of suspension of officers in the department of Finance and Revenue that the suspension was for the good of the County even though the right procedure was not followed.
- ii. The nominee did not know the principles of Chapter 13 of the Public Service (Values and Principles) Act, 2015.
- iii. The nominee also he did not know the functions and powers of the Public Service Commission.
- iv. The nominee was unable to state the recommended staff establishment of Machakos County or the existing number of employees.
- v. The nominee sounded totally unaware of the current situation of the County Public Service Board (CPSB) which would, by necessity, fall under the purview of his docket. For instance, the nominee was unable to tell the exact length of time that the CPSB has operated without a substantive Chairperson and Secretary.

Written Statement on Oath by Mr. Charles Kyalo Mutiso

Madam Speaker, Mr. Charles Kyalo Mutiso submitted an affidavit dated 12th October, 2017 challenging the suitability of the nominee for the appointment of Mr. Kimeu Mbithi Kimeu as the CEC member for Public Service, Labour, Quality Assurance and ICT.

Analysis of Written Statement on Oath Submitted By Mr. Charles Kyalo Mutiso

Madam Speaker, in the statement it is stated that:

- i. the nominee was single handedly appointed as Government inspector and his appointment publicly unveiled by the Governor in a public press conference. The position does not exist as part of the County Government establishment and the nominee was never shortlisted for the said position.
- ii. The nominee is a close relative of the Governor and therefore a beneficiary of nepotism.
- iii. The nominee lacks sufficient merit, exposure, capacity and experience in public administration and that there is no traceable improvement of administrative

or policy action informed by his participation in county government operations or improvement of buildings resultant from his recruitment.

- iv. That the service of the nominee to the County Government of Machakos for the duration of his first appointment amounts to nothing more than joyriding, a prefect of fellow staff and earned regular salary while idling.

Committee Observations

Madam Speaker, the Committee made the following observations from the approval hearing in respect of the nominee;

- i. The nominee does not have the required five years' experience in the field of Public Service, Labour, Quality Assurance and ICT as stated under County Governments Act Section 35(3)(d), 2012 and Sections 8(c) and 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017.
- ii. The nominee does not have a first degree in the field of---

Hon. Museku: Madam Speaker, point of order.

Hon. Speaker: Hon. Deputy Speaker, what is the issue?

Hon. Museku: Madam Speaker, I stand on a point of order under Standing Order 27(3)(a) to seek extension of the sitting until the report is concluded because from the way the report is going, it might exceed the time and therefore, I am seeking extension until he stops reading the report.

(Applause)

Hon. Speaker: Hon. Members, everything we do in this House is for the convenience of the members in service to the public and I am convinced that for the convenience of the members, in service to the public, that extension is necessary. Proceed, Hon. Ngunga.

(Applause)

Hon. Ngunga: Thank you Madam Speaker. Thank you, Chairperson of committees. I was wondering how I was to carry on if we were to break but now that I have time, I will be able to complete this. I was on Committee observations, page 49. The committee made the following;

Madam Speaker, the Committee made the following observations from the approval hearing in respect of the nominee;

- i. The nominee does not have the required five years' experience in the field of Public Service, Labour, Quality Assurance and ICT as stated under County Governments Act Section 35(3)(d), 2012 and Sections 8(c) and 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017.

- i. The nominee does not have a first degree in the field of Public Service, Labour, Quality Assurance and ICT. The nominee does not have a first degree related to the Department as required under Section 35(3)(b) of the County Governments Act, 2012 and Sections 8 (c) and 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017. The nominee holds a BeD degree in Mathematics and Geography.
- ii. In the approval hearing the nominee stated that he is techno-savvy in ICT but he had not shown any academic credentials in ICT.
- iii. That the candidate has been pursuing an MBA degree with specialization in Human Resource since 2008 but as at the date of the interview he had not finalized the nine years down the line. He exhibited transcripts for only three semesters in those nine years.
- iv. That although in the CV the nominee states that he had worked in human resource for several big firms, he did not show any certificate of service or letter of appointment.
- v. Moreover, the nominee obtained his practicing and membership in Human Resource from the Institute of Human Resource Management (IHRM) on 10th October, 2017. This was long after the services he stated to have given to the firms in human resource management. This raises questions of integrity on the part of the nominee as it is a criminal offence to practice as HR practitioner without a valid HR practicing certificate and License under Section 29 of the Human Resource Management Professionals Act, 2012.
- vi. As the Quality Assurance and Human Resource advisor to the Governor, the nominee was not aware of the operations of the County Public Service as shown in paragraph 3.5.13.
- vii. The nominee lacks professionalism as he stated that his advices to the Governor are majorly verbal and that he had very little to show in writing. This puts to question his adherence to the standards of professionalism.

Committee Findings on the Statement of oath

Madam Speaker, the Committee observed the following:

- i. that the nominee could not be faulted for having been appointed to the position of Quality Assurance Advisor to H.E. the Governor of Machakos County.
- ii. The allegation that the nominee is a close relative of the H.E. the Governor was not substantiated and that, there is nothing unlawful in being related to the Governor.
- iii. The Committee found credibility in the allegation that the nominee lacks sufficient merit, exposure, capacity and experience in public administration because he lacked the required five years of experience in the portfolio to which he has been nominated

- iv. On the allegations that there was no traceable improvement of administrative or policy action informed by the nominee's presence in the County executive operations or improvement of buildings resulting from his recruitment, the Committee noted that, as per the nominee's information, the work of the nominee at the office of the Governor was verbal advisory.
- v. On the allegation that the nominee's appointment amounts to nothing more than joy-riding and prefect of fellow staff that earned him regular salary while idling, was not substantiated.

MR. KIMEU MBITHI KIMEU:

Award of marks on the assessment form

	Marks Available	Marks awarded						Total Awarded	Mean
		ASS 1	ASS 2	ASS 3	ASS 4	ASS 5	ASS 6		
Work experience (as it relates to the position)	25	0	0	0	0	0	0	0	0
Education/training(relevant to the position)	25	0	0	0	0	0	0	0	0
Interest in and knowledge relating to specific position	15	5	5	10	10	15	8	53	8.8
Communication skills (written/oral)	10	5	5	10	7	10	10	47	7.8
Presentation (promptness, neatness of resume/application, appearance)	10	5	5	10	8	10	9	47	7.8
Decision making/problem solving skills	15	5	5	10	10	15	2	47	7.8
Total marks	100	20	20	40	35	50	29	194	32.3

Conclusion

Madam Speaker, the nominee is not suitable to be appointed as CEC for Department of Public Service, Labour, Quality Assurance and ICT for the following reasons:

- i. The nominee has not satisfied the requirements of five years of experience in the field of Public Service, Labour, Quality Assurance and ICT as stated under Section 35(3)(d) of the County Governments Act, 2012 and Section 7(9) and 8(c) of the Public Appointments (County Assemblies Approval) Act, 2017.
- ii. The nominee does not have a first degree related to the department Public Service, Labour, Quality Assurance and ICT to which he is nominated as required in Section 35(3)(b) of the County Governments Act, 2012 and Section 8(c) and 7(9) of the Public Appointment (County Assemblies Approval) Act, 2017.
- iii. The nominee has integrity issues in that:
 - a. the nominee obtained his practicing and membership in Human Resource from the Institute of Human Resource Management (IHRM) on 10th October, 2017. This was long after the services he stated to have given to the firms in human resource management, meaning that he had been practicing human resource management without a certificate and license contrary Section 29 of the Human Resource Management Professionals Act, 2012 and without the necessary academic qualification.
 - b. the nominee lacks professionalism as he stated that his advice to the Governor is majorly verbal and had very little to show in writing.
 - c. The nominee did not avail to the Committee the practising certificates for the last five years which he had stated he had and asked for time to avail them.
- iv. The candidate scored 32.3 per cent which is less than the pass mark of 70 per cent.

COMMITTEE GENERAL OBSERVATIONS

Madam Speaker, in the approval hearing the Committee made the following general observations:

- i. That the nominees had academic qualifications and experience in other areas different from the portfolios to which they had been nominated;
- ii. The Committee was not provided with information on the procedure used to arrive at the nominee including the criteria for the shortlisting of the nominees as provided for under Section 8(a) of the Public Appointments (County Assemblies Approval) Act, 2017;
- iii. There was a possibility of mismanagement of public finance and public affairs in the then departments of Health and Emergency

Services; Education Youth, Sports and Social Welfare; Tourism, Culture and Sports and Agriculture, Fisheries, Livestock, Water and Irrigation;

iv. It appeared that the County Government has an extremely bloated workforce which results in the use of development funds in recurrent expenditure thereby compromising development in the County.

COMMITTEE RECOMMENDATIONS

- i. Nominees should be nominated only for the portfolios in which they hold relevant academic credentials as stipulated in Section 35(3)(b) of the County governments Act, 2012.
- ii. Nominees should be nominated only for the portfolios in which they have relevant distinguished experience as stipulated in Section 35(3)(d) of the County Governments Act, 2012.

(Loud consultations)

I appreciate, Madam Speaker, that the members are alert.

- iii. In forwarding the names of the various nominees to the various departments, the nominating authority should furnish the Assembly with all the information on the procedure used to arrive at the nominee including the criteria for the shortlisting of the nominees as provided for under Section 8(a) of the Public Appointments (County Assemblies Approval) Act, 2017.
- iv. There is need for carrying out a special audit by Kenya National Audit Office (KENAO) on the operations of the then departments of Health and Emergency Services; Education Youth, Sports and Social Welfare; Tourism, Culture and Sports and Agriculture, Fisheries, Livestock, Water and Irrigation with a view to establishing potential mismanagement of public funds and public affairs and the necessary legal action be taken against anyone found culpable.
- v. It is necessary that the workforce of the County Government be audited with a view to complying with the staff ceilings set by the Commission on Revenue Allocation (CRA) and for review of the ceilings where necessary.

ADDENDUM

Preface

Pursuant to Article 196) (1)(a), provides that a County Assembly shall conduct its business in an open manner and hold its sittings and those of its Committees in public and Article 196 (2) provides, that a County Assembly may not exclude the public or any media from any sitting unless in exceptional circumstances the Speaker has determined that there are justifiable reasons for doing so.

Madam Speaker, it was pursuant to the above provisions that the Committee received statements on oath from Mr. Charles Kyalo Mutiso challenging the suitability of the three nominees as stated above. Madam Speaker, on 1st November, 2017 the Committee was furnished with documents received in the registry office of the County Assembly on 30th October, 2017, relating to the statements on oath. The documents are as follows:

- i. Notices of withdrawal indicated to be under Order 25 rule 1 of the Civil Procedure Rules, 2010 written by Charles Kyalo Mutiso to the effect that he had wholly discontinued the petitions against the following nominees: Hon. Faith Wathome Kithu, Hon. Naomie Mutie Kamala and Mr.Kimeu Mbithi Kimeu.
- ii. A response to sworn statements challenging the approval for the appointed as CEC Machakos County by Hon. Faith Wathome Kithu dated 30th October, 2017 with an attached copy of a letter by G.N Thiong'o Advocates addressed to B.M. Mung'ata and Co. Advocates and referring to one Charles Kyalo.
It is not lost to this Committee Madam Speaker, that during the approval hearing on 16th October, 2017 the nominee requested the Committee to grant her upto 19th October, 2017 to furnish the Committee with documents in reply the issues raised by members of the public who had sworn statements on oath challenging her suitability. However, the nominee did not present the documents until 11 days after 19th October 2017. Nevertheless, the Committee being objective and seeking to be fair to both the nominee and the public in the approval hearing, considered the documents despite having been presented late.
- iii. Response to petition by Charles Kyalo Mutiso sworn by Hon. Naomi Mutie Kamala on 23rd October, 2017 with 6 annexures bearing various dates.
- iv. Response to e-mail to petition by Helping Hands sworn on 23rd October, 2017 by Hon. Naomi Mutie Kamala.
- v. A response to petition by Committee for Health Machakos County Assembly by Naomi Mutie Kamala sworn on 23rd October, 2017 with four annexures presented as follows:
 - a. invitations to attend a Committee meeting bearing different dates.
 - b. requests for a statement with different dates.

- c. Letter to Hon. Elizabeth Nzyoka, Executive Committee Member, Ministry of Finance and Revenue Management Machakos County, dated 27th November, 2015 by the Clerk, County Assembly.
- d. a letter from the Clerk County Assembly of Machakos dated 19th January, 2017 addressed to the Chief Officer, department of Health and Emergency services, Machakos County.

Committee's Opinion

The Committee considered the above mentioned documents in great detail and formed the opinion that they fall into three categories:

- i. An attempt to respond to the contents of the sworn statement by Mr Charles Kyalo Mutiso, by two of the nominees referred in the statements that is Faith Wathome Kithu and Naomi Mutie Kamala.
- ii. An attempt to portray the statements on oath by Mr Charles Kyalo Mutiso as forgery.
- iii. The third category of the document relates to the withdrawal by Charles Kyalo Mutiso

The document as they relate to Hon. Naomi Mutie Kamala

Madam Speaker, the attempt to respond to the contents of the sworn statement by Mr Charles Kyalo Mutiso do not exonerate the nominee from the allegations as the issues had also been raised in reports of the Health and Emergency Services Committee of the First Assembly. Further, the letters from the nominee as relates the reports of that Committee only goes to confirm the issues raised by the Committee.

Discontinuance of the sworn statements by Charles Kyalo Mutiso against Naomi Mutie Kamala

Madam Speaker, with regard to the discontinuance of the statement of oath by Charles Kyalo Mutiso against Hon. Naomi Mutie Kamala, the Committee notes that the statement had been received by the Committee under Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017, which provides that any person may, prior to the approval hearing, and by written statement of oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

The Committee heard the nominee on the issues raised in the sworn statement on 17th October, 2017. The hearing was held in public as provided under Article 196 of the Constitution and Section 7(3), (4) (5) and (6) of the Public Appointments (County Assemblies Approval) Act, 2017 and the nominee did not seek to be heard in camera as provided under Section 7(7) of the same Act.

The proceedings of the Committee were recorded in the Assembly's HANSARD and therefore, as provided by Article 195 read together with Article 196 of the Constitution of Kenya, the Committee exercised its powers on hearing of witnesses and it would therefore be improper for the Committee to expunge the statement from the HANSARD.

The Committee also noted that the sworn statement by Charles Kyalo Mutiso against the nominee, to have wholly discontinued his statement of oath against Naomi Mutie Kamala, on paragraph 15 of her response sworn on 23rd October, 2017, admits the allegations that indeed only seven (7) of the 40 health facilities budgeted for were completed.

Further, the Committee noted that the issues raised in the sworn statement of Mr Charles Kyalo Mutiso against the nominee were also raised in the reports of the of the First Assembly Committee on Health and Emergency Services and this Committee found the reports to be credible.

The documents as they relate to Hon. Faith Wathome Kithu

Madam Speaker, on attempt to respond to the sworn statement by Charles Kyalo Mutiso the Committee notes, in a letter dated 30th October, 2017 that the statement of oath from Charles Kyalo Mutiso was a forgery. The letter also informs the Committee that the statement of oath by Dr. Edward Katwanzinga, Mr. Paul Katuku Musembi and Mr. Luka Judah Wewa, members of the Machakos County Education Board, was malicious and is not as per the Basic Education Act No. 14 of 2013 and that the statement is sworn by three people instead of one.

Madam Speaker, the Committee has considered the issues indepth and notes that the letter by G.N. Thiong'o addresses itself to an affidavit allegedly sworn by one Charles Kyalo while the sworn statement received by the Committee was by one Charles Kyalo Mutiso and therefore the names of the two petitioners cannot be assumed to be one and the same person. On the second issue on the allegation regarding the Machakos County Education Board, this Committee notes that the petitioners signed the sworn statement as individual members of the Board and not on behalf of the Board. The Committee noted also, that the nominee was raising issues of technicalities and avoiding the real issues raised by the petitioners.

Discontinuance of sworn statement by Charles Kyalo Mutiso against Hon. Faith Wathome Kithu

Madam Speaker, with regard to the discontinuance of the sworn statement by Charles Kyalo Mutiso against Hon. Faith Wathome Kithu, the Committee is of the same view as it has expressed on Hon. Naomi Mutie Kamala, that the Committee notes that the statement had been received by the Committee under Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017, which provides that any person may, prior to the approval hearing, and by written statement of oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

Madam Speaker, the Committee heard the nominee on the issues raised in the statement on 16th October, 2017. The hearing was held in public as provided under Article 196 of the Constitution and Section 7(3), (4), (5) and (6) of the Public Appointments (County Assemblies Approval) Act, 2017 and the nominee did not seek to be heard in camera as provided under Section 7(7) of the same Act. The proceedings of the Committee were recorded in the Assembly's HANSARD and therefore, as provided by Article 195 read together with Article 196 of the Constitution of Kenya, the Committee exercised its powers on hearing of witnesses and it would be improper for the Committee to expunge the statement from the HANSARD.

Conclusion

In conclusion, the decision on the approval hearing taken by this Committee in relation to each one of the nominees have been guided by:

- i. Section 35(3)(a) of the County Governments Act which provides that the nominee must be a Kenyan citizen.
- ii. Section 35(3)(b) of the County Governments Act, 2012 read together with section 7(9) and (8)(c) of the Public Appointments (County Assemblies Approval) Act, 2017, which requires that the nominee must have a first degree in the relevant field to which the nominee is appointed.
- iii. Section 35(3)(d) of the County Governments Act, 2012 which provides that the nominee must have at least five years relevant experience in the position they are being appointed to and Sections 7(9) and 8(c) of the Public Appointments (County Assemblies Approval) Act, 2017, which provides that the suitability of the nominee for the appointment proposed should have regard to whether the nominee's credentials, abilities, experience and qualities meet the needs of the body to which the nomination is being made.
- iv. Chapter six of the Constitution of Kenya, 2010, Section 35 (3) (c) of the County Governments Act, 2012 and Section 8(c) of the Public Appointments (County Assemblies Approval) Act, 2017, which requires that the nominee must pass the test of integrity.

The Committee took note that the following, among others are the principles of integrity as provided by Article 73 of the Constitution of Kenya:

- i. Public trust.
- ii. Personal integrity, competence and suitability.
- iii. Public confidence.
- iv. The responsibility to serve the people rather than the power to rule them.
- v. Objectivity and impartiality in decision-making.
- vi. Honesty in executing public duties.
- vii. Accountability to the public for decisions and actions taken.
- viii. Discipline and commitment in service to the people.

ADOPTION OF THE REPORT BY THE COMMITTEE

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

1. Hon. Florence Muoti Mwangangi - Speaker (Chairperson)
2. Hon. Francis Mwaniki Ngunga - Leader of the Majority Party
3. Hon. Alex Peter Kamitu - Leader of the Minority Party
4. Hon. John Brian Kioko Kisila -Member
5. Hon. Mark Kimanthi Muendo -Member

6. Hon. Winfred Syonindi Mutua -Member

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

(Applause)

Hon. Speaker: Thank you, Hon. Francis Ngunga, Majority Party Leader. Do we have any comment from the Minority Party Leader? Any comment? That is before I call the Hon. Majority to reply.

Hon. Kisila: Madam Speaker, I think I stand here on my own behalf as the Deputy Minority Leader and on behalf of my Minority Leader who is away on official trip to South Africa.

Madam Speaker, Hon. Members, it is a unanimous decision. There is no dissenting view and we were guided by the parameters which we set before we met and I would like to thank you, Madam Speaker, for providing leadership, very exemplary leadership to this Committee, I would like to thank the Majority Leader, Members, that is Mheshimiwa Winfred and Mheshimiwa Muendo for actually doing a professional job because what has guided this House since we started is the way we are going to handle this business in a professional way and we are going to do business in this House without considering our Party affiliations---

(Applause)

Without considering who is behind us and whatever we are going to do in this House, we are going to do for the betterment of the people of Machakos who elected us.

(Applause)

Madam Speaker, the criteria which we came up with, even if any Member here comes to that Committee, you will do the same thing we have done and that is exactly what we have to do as Members. Let us be agreeing on the ground rules in advance so that we avoid subjectivity or any influence from any quarter. The matrix which we came up with was very straight forward. It is either the degree or you do not have in the relevant field.

(Applause)

If you do not have, you do not have, if you do not have five years' experience, I am sorry you do not have.

(Applause)

If you do not have the integrity issues which we are looking at, because, let me remind Members here, the reason why devolution came was so that public funds can be well accounted

for by everyone including ourselves and our role as oversight in this House, it is to ensure that public funds are well utilized and done for the purpose which are meant for.

So, Madam Speaker, I want to support fully that motion and say that, whatever we have done here, is a true reflection of this House and we are going to continue doing the same in respective Committees which we are working with and we are going to do it without fear or favour---

(Applause)

So, that we can be able to transform our County to what it is supposed to be and I want to remind people here, please do not Members, I want to remind Members, Madam Speaker, do not read any political mischief. There is no political mischief in this report. We have gone through the Members who were nominated and we feel that they do not meet the criteria and the positions they are being nominated.

(Applause)

I request His Excellency the Governor, who is my Party Leader to nominate people who meet the criteria in which we are going and we will pass and I can assure him we will pass those Members without blinking if they meet the criteria as per the Constitution of this country.

(Applause)

We have got very competent people in Machakos County....very competent...who can do this job, we have got educationists professionals, we have got health practitioners, doctors, I can name many people from my Ward. Doctors who have done medicine and they can be able to become health practitioners. We have got doctors in veterinary, we have got practitioners in health and human resource. Let him go and vet the people he is going to give us as per these criteria and we will be able to pass them in this House.

As it is, these Members or rather these nominees did not meet the threshold and as you can see, it is a unanimous decision because, Madam Speaker, you led us very well---

Hon. Speaker: Point of order! Hon. Kisila, we are yet to debate. Please just wind up your statement.

Hon. Kisila: I want to....I will not speak again. I just want to echo, I will not speak again. It is a unanimous decision and we want the right things to be done for this County. Thank you, very much, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Kisila. Can I call Hon. Majority to reply to the Motion?

Hon. Ngunga: Thank you, Madam Speaker, thank you, Hon. Members. I now rise to maybe say a few things about this report and now that the report has been laid bare before the House, I think I want to echo what the Minority Leader has said. That, we have been able to sit

very long hours as a Committee and let me start again by thanking Madam Speaker, for the tireless effort that you have put in coming up with this Committee. I want to go in record as one Member who was almost breaking along the way as the report was being written because if you look, this is a document which is thorough, this is a document can stand a test of time.

Madam Speaker, I want to appreciate your effort, I want to appreciate the effort of the Members, the Committee clerks who set nights on end to ensure that this Committee brings such a nice report to this House.

Members, we have been able to sit together impartially away from our political affiliations looking at how we can best assist our County. One way of assisting our County is a House, is to ensure that impartiality becomes the practice of this House. That is why, guided by the Standing Orders we have been able to come up with that assessment form and this assessment form Members is not an assessment from of this Committee. It is an assessment form that is here in Standing Orders and it is here in Acts.

We have been able to follow it Biblically and so if questions were to arise Members, we will be protected by law because as Hon. Brian puts it, that if a Member does not have a degree, my brother, my sister, you do not have a degree. If my brother you do not have the relevant experience because that is what the law says, then it might not be easy to get that within that time.

Members, you realize that in future, we want to implore upon the appointing authority, we have put in recommendations in our report; if these recommendations are taken seriously, in fact, some of the Members that we were able to vet here, could even pass the test in other departments but unfortunately, they were put in departments that they do not qualify. So, if our recommendations are anything to go by then, we believe some Members can find their way in their departments if our recommendations are followed.

Secondly, Hon. Members and Madam Speaker, this is a concern in the County. It is a big concern in this County about the fact that only five CECs that do not therefore meet threshold have been brought to us. I want to implore again upon the Governor, it is urgent now, jokes aside, that the County Government of Machakos must be formed. If it is not formed immediately, then we risk dissolution.

(Applause)

You understand what the law says. There is a stipulated time within which the County Government must be formed and going by the practice, it looks like we are not going to be able to form this Government. So, let the Governor get to know that it is urgent, it cannot be business as usual therefore we need to have the 10 CECs nominated and remember again, we have been able to raise the issue of the CEC Finance.

Hon. Members and Hon. Speaker, the issue of the CEC Finance is critical at this hour.

(Applause)

You are aware that Machakos County is almost grinding to a halt. It is grinding to a halt because of this exercise that now we have undertaken here. Let this not be seen as political, we must do our work and our work we shall do without fear or favor. So, let it be known today that, we risk dissolution as a County, if we do not get the other nominees in the fastest time possible. Madam Speaker, with those remarks, I therefore beg to sit.

(Applause)

Hon. Speaker: Thank you, Hon. Francis Ngunga.

(Question proposed)

I invite Members for a debate on this motion. Hon. Jeremiah.

Hon. Mung'uti: Thank you, Madam Speaker. Hon. Members, this is the high time that we discuss this motion. I will start by commending for the good work that has been done by the Appointments Committee. Actually it is with a lot of respect that those Members burnt the midnight oil to make sure they have done the right job.

(Applause)

What I can say and actually say is that, it is the high time we call upon the Governor to make sure all other nominees have been brought to this House so that they can be vetted and given their relevant jobs so that we can kick start our County.

Hon. Members, I will commend on saying this, it is a good job that has been done by the Members who were in the Appointments Committee. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Hellen Ndeti.

Hon. (Ms.) Ndeti: I would like to comment by stating that, from all that we have read and heard from our Majority Leader, it seems like the Governor gave us names of people who are not qualified to serve in this County and there is no need of wasting time debating on this because according to the report, these people are not qualified and we need people who can be able to serve, who understand the areas of the jobs that they are supposed to be doing.

So, personally I would state that, somebody should talk to the Governor so that we can get names of qualified people within the shortest period possible.

Hon. Speaker: Hon. Angela.

Hon. (Ms.) Munyasya: Thank you, Madam Speaker. I would like to reiterate that the report is quite comprehensive and by the way it was presented, Members here present will agree with me that every aspect was put into consideration and to test. It is---

(Applause)

It is my submission that, the Hon. House just adopts the report and we proceed with other matters and wait for the Governor to present names of more qualified members. Thank you.

(Applause)

Hon. Speaker: Hon. Kalumu.

Hon. Kalumu: Thank you, Madam Speaker. I would like first of all to thank the Appointments Committee for a good work they have done. As you have heard and seen and read for yourselves you have seen that the information that we have been given, the law has been followed and it is sure that the nominees that were presented for approval and for vetting did not meet the criteria that was put by the law.

I stand now to support the work of the Committee on Appointments and say that, in our County, there are so many professionals who can meet the criteria, who can meet the law as required. So, it is my cry to the Governor of Machakos County to fast track this issue and brings good people, professionals who can actually pass the exam and we want to communicate very well that, we can see impunity took a chance in the first appointment but this one will follow the law. Thank you, Madam Speaker.

Hon. Speaker: I will come to this side Hon. Members, just a moment. Hon. Robert Kisini.

Hon. Kisini: Thank you, Madam Speaker for giving me this time. I want to say that the report was very elaborate and if I can rate you as you rated the 70 percent as the pass mark, you are 90 percent in elaborating that report.

(Applause)

You really did a good job, you were not partisan. In fact, the person who scored the highest marks, 50 percent who was close to the 70 percent is not a Kamba---

(Applause)

Sorry to say and we see that you were dictated by a very good workplan. I think we have also learnt a lesson and may be also in our committees, we are also going to borrow a leaf from that approach and while also presenting our reports for various departments, we will seek your guidance and help. I do not know why the Hon. Governor did not present to us three names as it is required so that you can compare, he selected and brought only one name for each department.

So, we are requesting and I think in your report you also pointed out that, he brings to us competent people relevant to the fields and we also request that, he brings the other nominees as soon as possible. Thank you, Madam Speaker.

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

Hon. Muia: Thank you, Madam Speaker. I want to recommend the committee on Appointments for what they did. They actually did a good job and from the report everything is clear, black and white. So, we need to have competent CECs who can be able to work and I have one request to the Committee on Appointments, if they can go upward on the pass mark to about 80 percent.

(Applause)

We need serious people who can work. For example, you have seen, a CEC was given to do 40 ECDEs and she does 20 or 30. That means some ten MCAs will not have those ECDEs. That will not be the failure of the elected Member of that Ward, it is going to be the failure of that CEC. So, if we mean business and seriousness let the Committee of Appointments get the best that can do the job without any compromise. Thank you, Madam Speaker.

Hon. Speaker: Thank you. Hon. Kiilu.

Hon. Kiilu: Thank you, Madam Speaker. Allow me to reiterate the good words of Mheshimiwa Nick. Number one, I believe that I was listening carefully just as the other Members were doing and this was not a fault-finding issue; we want to make Machakos better than we found it and actually as Hon. Nick has said, I was here as you were doing the vetting and I was surprised that a whole CEC, having been told or given the responsibility of making 40 ECDEs, she was requested to mention five and she did not mention. She was requested to mention the County, Director of Education here and she could not and I believe every other Member here knows who the County Director of Education is.

So, that is mere ignorance, I want to believe. Otherwise, we want to say that, we are not saying that they are the worst people, they are not the worst even they are good because even I want to believe the worst people can also be used as a good example. So, they are also good people, they can be used as examples by the others. Thank you.

(Laughter)

Hon. Speaker: Hon. Mark Muendo, allow me to come back to you because I know you are a Member of the Committee. Let us hear the views of those who are not Members first. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. Mine is to congratulate the committee for the good work they have done under your leadership. You have done the best and even Machakos today is going to have another direction and not the one that was there because I think you were not given something small to agree. So, mine is to ask you just to put the question we go. Everything is the way the other members are saying. It is white and black because if you do not have a degree you, you do not have.

They have been working can you ask yourself why were they working and whom they were working with. They were working with the people who were at home and you want to be in the assembly. Thank you.

Hon. Speaker: Hon. Kituku.

Hon. Kituku: Thank you, Madam Speaker. The work done by that committee is commendable and in Machakos County we are not falling short of professionals. So, can they be considered so that we can have a county moving in the right direction? Thank you, Madam Speaker.

Hon. Speaker: Hon. Margaret.

Hon. (Ms.) Mwikali: Thank you, Madam Speaker. I want to take this opportunity to really congratulate that committee on appointments under you, Madam Speaker because they did work above board. This is something very much applaudable in our great county of Machakos and I wish to state here without fear, without any doubt that if it continues like this, indeed Machakos will be county number 1.

One, that committee did great work without personal vendetta. They did not carry their own personal feelings, they did not have any emotions and they did not count their party affiliations. They just counted Machakos.

This work is beyond any reproach and I think anybody would have wished to be in that committee. If I was in that committee, Madam Speaker, I am sure I would not have done better than then. You were very generous in your award of marks and you awarded them just 70; none could attain that. Therefore, I wish to congratulate them without any.....and I do not even fit in that committee because they did better than I would have thought to do.

(Laughter)

Thank you for that House you made us well, you made us proud and I just want to say actually it is in black and white and every other committee we are going to follow that example of that committee and the other thing, you were not emotional. Our nominees, I attended one day and they were the most emotional ones but you maintained that calmness. I think I am proud to be in this House. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, I will come to you we have time. We must have an exhaustive debate. So just be patient I will come to you. Hon. Mulatya.

Hon. Mulatya: Thank you, Madam Speaker and the Hon House. Let me start by congratulating the appointments committee by confirming that this committee is non-corrupt. Also to say that this committee was transparent, they compiled this report within the law and they have proved that they were non-political. So, I really thank them for this. Also bearing in mind that our governor was the first Governor to be sworn in in Kenya, it is really a shame to be at this particular time we have not set our county departments in place.

(Applause)

We have seen Kitui County, our neighboring counties with Makueni and others Nairobi they have already set their ministries and their CECs in place. But us we are just around in Machakos. I think we are joking too much and I think it is about time now our governor got serious. It is a big shame when you go through the report, Madam Speaker and the Hon. House, you find these people working in the same departments. They were just changed from this department to another. They are just rotating in our county government and you see how incompetent they were.

So, I am calling upon the Governor, several times personally I have told him, I came to the assembly by being elected by Masinga Central people who elected him. So, it is about time now not to fight but to bring professionalism in the county of Machakos. So, I call upon the Governor to be a little bit serious and go very fast. Stop the fights, nobody is ready to fight with him. I think all the members who came here have their own wealth. We have not come here to

look for wealth but to save the county government of Machakos.

(Applause)

Nobody needs money here. So, if you go to the Governor's side people are saying you have been bought. Bought for what? Every member here is satisfied. What we want is professionals to come and work with us and we will give our Governor the easiest time possible. Because the law is very clear, if he does not follow the law we will make him follow the law. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Mulatya. Hon. Constance.

Hon. (Ms.) C. Nzioki: Thank you Madam Speaker. I want to thank the committee for the work they have done. They have really done it and as we sit here we are here for the people for the community and not for the parties and we must go with what is there in reality. I want to say just unfortunate that our Governor from this report, seems to have an advisor who was not also qualified and so the advisor put the Governor out of place and I want to say there is no malice in this report. It is exactly what it's supposed to be.

(Applause)

Anybody who has looked at it as we went through seriously there was no party affiliations, there was no nothing except the working for the Machakos people and the guidelines on how to go by it.

Personally, I would urge the Governor to get people who can work for the county. People who are qualified, people who we can look at and say 'yes that is it.' So, let us all work together, if there is another report coming we adopt it, we also adopt this one and as somebody said, the people in that report, the committee could not have gone wrong on everybody, the committee could not have hated everybody in that report. We can see they all failed. Is that party affiliation? That is a paper at hand and that is the truth of the matter.

I believe our Governor can do better than this, can give us people so that we can move on with the work we are supposed to do. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Constance. Hon. Betty.

Hon. (Ms.) B. Nzioki: Thank you, Madam Speaker. First, I want to take this opportunity to thank the committee through the Chair. I want to say that it is a recommendable job. Secondly allow me to congratulate the Deputy Minority Leader Hon. Kisila saying that we are here all to serve the people of Machakos County despite our parties.

It is a good job that you have done. I would rather ask the Governor, for the sake of the people who elected us, seriously we need these people on board so that we can accomplish what we were telling our people down there at our ground. Honestly, it is a good job and I want to ask

all the members in this House that we adopt the committee report and say that in future we hope we are going to work all of us as one family going to the same direction for the sake of the people of Machakos County. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Betty. Hon. Kalumu not Kalumu sorry Hon. Katumo.

Hon. Katumo: Thank you, Madam Speaker. Much has been said concerning this report. This report is elaborate; it is detailed and it is good. What I would wish for this committee is a proper retreat because I know you have been doing a working retreat. If anything can be done to this committee towards that end I would be very happy because they have done a good job.

Firstly, let me say you have done a good job as a committee, Madam, Speaker. On the matrix there is something I think you should also include going forward that we are also considering gender parity. We are also considering people with disabilities as you look for these CECs going forward. The last County Government did not consider that but we assume that can go by but now as you retreat again because I know a lot of work is before you, make sure you look at the gender parity at the same time you look at persons with disabilities to avoid those legal challenges going forward.

For me, I just want to zero in on one of your recommendations; that is recommendation number one which says nominees should not be nominated only for the portfolios in which they qualify for the academic qualifications. Now that is very true but when you look at what was presented to this Hon. House, it was a mockery.

(Applause)

Now when somebody has done medicine, you put them into education or to livestock, I think that is not being serious. So, unto the Governor we want to say this; it is not good if you want to sack people, sack them honorably because these have been your CECs for the last five years. They have helped you if you want to sack them just sack them honorably because now when you give like Nduku here, Naomi, to that department which she knows nothing about is just taking them categorically on the public ridicule.

So, going forward I would wish we work harmoniously, the Governor should not take this House for granted. If he wants to bring nominees, he should bring nominees that qualify, he know that very well and therefore, we do not want to be treated in circus. We want to move forward as a county government of Machakos. We want to do what we told our residents we are going to do and constituencies and wards and therefore, it is within my belief that we can work without much pulling and bashing.

Therefore, within the next few days we should receive all the nominees and I know if we receive five nominees, three nominees we will not be able to meet the law. We want to receive 10 nominees at a go so that we can look at the gender parity, we can look at the disability and we can look at the qualification. I do not know, I want to seek guidance, if we have rejected a nominee here can that nominee come back on another docket or once you are rejected you are rejected. Thank you, Madam Speaker.

Hon. Speaker: Hon. Rozina.

Hon. (Ms.) Kanini: Thank you, Madam Speaker. First, I want to applaud the committee on appointments for excellent work. I want to reiterate that Machakos is not short of professionals so let the Governor bring us the right people. We have educated people back in our areas. It is also my belief that incompetent CECs may have led to the failure of the First Assembly, so let him bring us the right people. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Hon. Paul Nyanzi.

Hon. Nyanzi: Mimi nataka kupongeza Majority Leader na hiyo kamati yote na wewe mwenyewe kwa hiyo kazi nzuri ambayo mmefanya. Kwa maoni yangu naona hii council ilikua ikwishe. Mimi miaka mitano nilikua kwa board ambayo ilikua inaangalia walemavu, groups na wakati tulichaguliwa kwa hiyo board tukiwa watu kumi tuliambiwa tutakuwa tukisaidia hawa na pesa ikawekwa kwa county Ksh. 160 milioni ili tuwe tukisaidia na mimi leo nimejua tulipata only Ksh. 40 million hizo zingine zilipotela hapo hapo na huo ni mfano wao ya kila department ilikuwa ikiendelea namna hiyo.

(Applause)

Kwa hivyo mimi nina hakika hii bunge ikifuata mfano wa leo hii bunge itaokaka. Itakuwa number one katika Kenya mzima na itaendelea sana. Kwa hivyo fuateni huo mfano wa Majority Leader, Spika wetu na hiyo timu yote. Kila kamati iwe ikifanya haki kama hawa na bunge itaendelea vizuri sana. Maoni yangu nikwamba Governor ambaye ni rafiki yangu, ni rafiki ya watu wengi hapa, kuna wale walikuwa wakimuhadaa na tumejua na labda kama hakuwa na Deputy wake kwa hiyo miaka yote, sasa ako na Deputy na aambiwe akileta kitu alete watu ambao wamesomea ile kazi ambao kama ni waziriwa afya awe na digrii ya afya, akiwa ni waziri wa barabara awe ni mtu amesomea barabara. Asante sana.

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

Hon. Mutiso: Thank you, Madam Speaker. Mine is just to congratulate the committee which under your leadership you have come up with a good report which is a nice report. I think it is good because there were guidelines which guided you to come up with this report. So, mine is to urge our Governor Dr. Alfred Mutua to give us the right people. This is the right time now for him to do that as soon as possible because for instance, here in Machakos town, many things are failing because we do not have the CECs.

That is failure to all of us and an exit now for members of this assembly because people outside there are seeing us as not working and it is because of the CECs. One, when you go to those offices to seek for certain matter, for example, a vehicle, you are told that there is nobody who can address that issue, if it is grading because there are no CECs. So, it is my request that if he can give us first the finance CEC because that is the backbone of everything, if I may say. So, let him give us the right people. We have so many professionals as Hon. Kisini has said and we need them as quickly as possible if he wants us to move ahead.

If he gives us the right people, I am totally happy with this committee they will pass them through and even the members of this assembly. So, let people who can advise our Governor advise him as soon as possible and he should not use patronage because sometimes, if you have interest to reward people, you totally mess because you do not give us the right people or professionals. So, thank you, Madam Speaker. I rest my case.

Hon. Speaker: Hon. Mutinda.

Hon. Mutinda: Thank you, Madam Speaker. I thank the committee of appointments for the good job done and I think that it is good that the report is very clear and it is the high time the Governor gives us the right people to work with. I think the people of Machakos County elected good people. The MCAs here, most are professionals, they are learned and it is funny that we will have committees filled with professionals, filled with people of relevant knowledge to those committees and come to meet CECs who have no knowledge of the ministries or the departments they are heading.

These are people who are charged with responsibilities of formulating policies for the departments for the betterment of the people of Machakos County and if one is given the wrong ministry or department which he has no knowledge of even it will be very hard for that person to work as Chief Officer because they will not be in tandem; the knowledge and the sharing of whatever they are sharing if it is knowledge they will be different.

They have different knowledge; this one knows this the other one knows this and you find our county will not be moving ahead. So, I think if it was performance contract, these proposed members who were here have failed and I think if it is an issue of renewing contracts they would not have been renewed. So, on the same context we should reject these people and expect new names to be brought to us.

Also we see the regional balance of the county in the naming of these members and the marginalized groups, the physically challenged and on the gender parity so that every constituency is represented. So, I think it is good for this House we reject the report as proposed by the committee of appointments and expect another report, other nominees for the relevant jobs. Thank you, Madam Speaker.

Hon. Speaker: Hon. Kiteng'u.

Hon. Kiteng'u: Thank you, Madam Speaker. I would like to congratulate the appointments committee for the good job they did and request you once the Governor provides more names of the 10 waziris, you make sure you tighten also your belt more even if it means that they all do not qualify if they do not meet the qualifications let them be until we get the correct professionals for specific departments.

Madam Speaker, I would have wished one Ruth Nduku Mutua to have been qualified or passed because she is my immediate neighbor and I thought actually I had my neighbor as a waziri and Justus Kitengu as an MCA and you could have imagined how that location would have brought development but since she did not qualify who am I? So---

(Laughter)

Madam Speaker, I would wish to advise the Governor, the time or the moment he will be trying to consider more nominees to consider in each sub-county we get one nominee and then

he can fulfill the other nominees maybe Kivaa got two or three but then provided we have each sub-county has a nominee because I understand they can all deliver and produce professionals for various departments.

Madam Speaker, as you know you have heard the department of finance, the Governor had suspended all the employees and I think this came out because of these unprofessional employees who have been working with the Governor in the First Assembly and I would request the Governor to look at his advisors and do a complete overhaul because I understand if these people have been working with the Governor and they cannot qualify when they are being vetted then I think now the whole of the county has got unprofessional people who are delivering various professional jobs to the people of Machakos.

Hon. Mulatya: Point of information.

Hon. Speaker: Point of information.

Hon. Mulatya: I would like add something on whatjust to give a point of information that the Governor of Machakos is not only to get advisors but to go and get some advice from the public service board. Thank you.

Hon. Speaker: Hon. Kiteng'u?

Hon. Kiteng'u: Thank you, Madam Speaker. As I finish, I would request the Governor, as I was saying that the advisors who advised the Governor of the five CECs to make sure they do not advise him for more CECs because they will still advise him for the same unprofessional people and in Machakos we want to deliver to the people. We want professional people. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members we have time to debate this motion let me come to this side I will still come back to you. Any member on this side wishing to contribute? Hon. Caleb.

Hon. Mule: Thank you, Madam Speaker, and the House at large. I stand here to commend the good job the committee on appointments has done and however, we are expecting the governor to bring another list of 10 nominees in the hose. However, I have pointed out some issues. One, maybe the implementation committee has put a very high mark for appointments, sorry, have put a very high mark for the nominees. 70 marks might be high when we look at the report, we see that barely no one has passed half the pass mark. Secondly, on the first degree issue, county assembly is a replica---

Hon. Speaker: Point of order Hon. Cosmus.

Hon. Masesi: I would like to remind the Hon. Member that we have someone by Mohammed Maalim who has 50.3 per cent which is very much above half the pass mark.

Hon. Speaker: That would be a point of information and I hope it is well taken.

Hon. Mule: Point of information taken. I said most of them did not even pass the half of the 70 percent marks. You see we have 30, 30, 20 but point of information taken. On the first degree, with the county assembly having being a replica of the national government, we have seen CSs who have been appointed by the national government. Like for example, we have CS Kaimenyi who is a dental surgeon by profession and he is heading ministry of lands and he was also heading ministry of education.

(Applause)

We also have Matiangi now who is an educationist but he is heading the ministry of interior. We also had Mutula Kilonzo who was a lawyer and he did very well in education. In our workshop in Mombasa, we were given a very good example by our facilitator Bonny Khalwale who is a gynaecologist but he did very well in the committee of PAC. So, my plea and my prayer is that in the next appointment you should relax those rules which are very strict and see because it is our duty as an assembly to make sure that we have a working county and to put in place the CECs and start working.

Another thing is on the committee on appointments, we should reduce questions like who is the president of other countries.

(Laughter)

For example, our Majority Leader wouldn't know the President of Peru or Guatemala and all those. We should reduce all those questions. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Caleb. Hon. Ikusya.

Hon. Kaloki: Thank you Madam Speaker. I want start by thanking the able Committee on Appointments for their good work; you did a commendable job. One or two things I want to point out but before that I want to say that CECs which are equivalent of cabinet ministers are the drivers of any government. They equally deserve more or less like the principal advisers to the Governor or President on matter relating to their respective ministries.

If it is the department of health, it is the CEC Health to advice the Governor on what is happening on the ground, the position of the department, who needs to be employed, shortage of drugs and so forth. For the County Government of Machakos to prosper, for the Governor to have an easy job, for him to be able to manage this County without a lot of stress, he needs to have competent and qualified CECs.

What I want to point out is that, the CECs who were brought before the House, I am not saying they are not competent and whoever says they are not competent, I can correct him, the have first degrees, other diplomas and postgraduate qualifications; its only that they are misplaced, they are placed in the wrong departments.

Again, I want to echo the sentiments of Hon. Caleb, that if you look at the structure of the National Government, you find so many ministers who are not experts in their current ministries and they are still doing a very good job.

Another issue I want to disagree with the Committee is when you talk about conflict of interest and then you point out an issue of the pharmacist, that he vied for a parliamentary seat, I

tend to disagree with you for one simple reason; if you look at Najib Balala, he was once a Member of Parliament, he also contested and lost and he is still doing very well.

Hon. Speaker: Point of information, Hon. Museku.

Hon. Museku: Thank you, Madam Speaker. My point of information to the Member is that currently there is now a guideline on public appointments which is in place, so if we start comparing ourselves with the National Government not following those guidelines, then we cannot be performing according to the law. Thank you.

(Applause)

Hon. Speaker: Thank you. You can proceed, Hon. Ikusya.

Hon. Kaloki: Thank you. Point taken. My other point was on the issue of conflicts of interest; if one has vied for a parliamentary seat, I don't think that would bar this person if he is competent enough for being appointed as a CEC, and I gave an example of the Minister Najib Balala who vied for a parliamentary seat and he lost.

Hon. Speaker: Point of information, Hon. Helen.

Hon. (Ms.) Ndeti: There was a criterion, there is a matrix that our able Appointments Committee came up with, so we cannot pin-point one item out of that matrix and capitalize on that. So, for them to arrive at the total marks which helped them on deciding whether the candidate is qualified or not, let us not go back into the nitty-gritties and capitalize on one area. I am very happy with this House and I am very happy with the Appointments Committee because they have worked above board, they want the best for the people of Machakos.

Hon. Speaker: Hon. Ikusya.

Hon. Kaloki: Thank you, Madam Speaker. I am well versed with the criteria they used and I have not disagreed with that, I was only giving an example of a case of Balala and the CEC nominee for health.

My other concern was on the issue of diversion; for example, if you are a lawyer by profession and you establish a business in any other industry, that does not mean you are no longer a lawyer by profession, it is only a side business that you have established. I don't think that would be used as a basis of disqualifying a candidate.

Another thing I observed and am very happy with the team that was working on this; is the way they scrutinized the CVs, you were very thorough. I have seen a lot of inconsistencies, I cannot imagine someone who says I graduated in this year, but the certificate reads a different year. Number two, someone qualified with a diploma in medical administration or something of that sort, then he comes back and says no, 'I did this', but the degrees name was changed. Sometimes degree names can be changed by the senate but you don't put the two, you only put one and the final one which appeared in your transcript.

The other issue was on Kimeu wa Kimeu, who did Geography and Mathematics. I became a member of the Institute of Human Resource Management in 2010 and the Act came into force in 2012 and that Act is very strict. Unless you have a diploma or a post graduate diploma or a first

degree in Human Resource, there is no way you can be licensed to practice as an HR practitioner and without this certificate of registration?

(Applause)

I can confirm for real, because I have my current certificate, I have looked at the signatures but to me, why would one stay for 10 years without being admitted in to the Board of Practitioners only to apply for a certificate 10 years down the line when he was just about to apply for this kind of a position. I highly doubt that,

Number two, there is no way you can be an advisor; a Geography and Mathematics person, I expect him to be a teacher somewhere in a secondary school but not an adviser to the able Governor, so to me I think you were very thorough---

Hon. Speaker: Point of information. Hon. Caleb.

Hon. Mule: Thank you, Madam Speaker. I think it's in order for someone to find interest in a field and start going to school in that field and graduate later. One Kimeu wa Kimeu may be found interest in HR and went to school after he had done his education.

(Loud consultations)

Hon. Speaker: Don't murmur, Hon. Members. If you have any point of information or point of order put up your hand so that we can hear you. Otherwise, you keep quiet.

Hon. Mule: Therefore the Hon. Member and a friend is not in order when he say that one Kimeu wa Kimeu graduated later. You can graduate even now and I think he told me he is in school, I don't know what he is studying but he can graduate later and have interest in that field. Thank you, Madam Speaker.

Hon. Speaker: Hon. Ikusya, please proceed.

Hon. Kaloki: Thank you Madam Speaker. Hon. Caleb, unless you are not in this House; I did not say he graduated. I said he became a member of the Institute of Human Resource Management 10 years down the line that is different from graduating.

(Applause)

As I speak, I did my Masters about three years ago, 15 years difference from when I did my first degree and there is nothing wrong with that. We have people seen people who are in their 80s and 90s still pursuing their degree qualifications.

A very good example; if you did a certain course say Geography and Mathematics, then 10 years down the line we see you coming with a certificate from the Law Society of Kenya as a lawyer; you can see the difference between the two. I have looked at the graduation certificate and it is not a graduation certificate it is a membership certificate; you only become a member of a professional body were you have qualified and graduated in that field.

To summarize, I want to say this; the Appointments Committee, whether there is a criteria or not, a first degree is a management qualification. CECs are policy makers and again they should be placed in the departments where they qualify.

If the law says they must have a degree in the relevant field but if there are exemptions especially on the departments which are very technical like Water and Health, I do agree with you they must have qualifications in that area. For other departments, we can somehow relax the criteria and consider these kind of qualifications because these are policy makers and not accounting officers. Thank you, very much.

Hon. Speaker: Hon. Cosmus.

Hon. Masesi: Thank you, Madam Speaker. I want to congratulate the Appointments Committee and say that they have done a recommendable job, in fact I want to believe this is the best kind of report we could get from such an assessment. Again my prayer is that, this Hon. Member could have a copy of the County Governments Acts. We don't have such and I am sure if we get them, we will have a lot in our minds.

Again, I want to say that we are learning from the same. We want to assure you when it comes to the vetting the Chief Officers, a lot will be done Madam Speaker. I want to say that I am happy because in your report you pointed out that there is nothing wrong being a relative to someone in power, also I want to say that the trend and fashion of this county is that the roll down of ten CECs; it will be good for the Governor to furnish us with the list of the ten CECs at once which will also save us funds for the Appointments Committee to retreat and write a report of 10 instead of five CECs.

Madam Speaker, I want to say that it is my prayer that, when you retreat again to do a report, may be you can relax a bit on the issue of experience, because we may have nominees who meet the other thresholds but they don't have the experience which will also help us to nurture the talent of our young people in the locality. Thank you, Madam Speaker.

Hon. Speaker: Hon. Daniel Mbevi.

Hon. Mbevi: Thank you, Madam Speaker. First and foremost, I want to appreciate the Appointments Committee for the work they have done. It is a job well done. I don't want to repeat a lot but my main concern is time and the resources. When I look at all of us here, I know what we stand for, what our Governor stands for; actually I fail to understand why this has happened. Although I am still learning, I am new in this but I wonder why we can have such nominees without the qualifications and I am sure there is a criteria followed to appoint these nominees.

I don't know whether it is on this side or the Executive side of the Governor who doesn't them or know. He has been in leadership for the last five years, we are new and it is like we are teaching them how to appoint these people.

(Applause)

My main concern is, one; I have been insisting on how we can have a meeting or a retreat with the Governor to have a free ground to talk, we know him, he gets to know us, because it's like he is not aware of the Assembly, probably he might be thinking it is like the other Assembly.

We cannot have such a big blow; time, expenses and I can refer to one of our members Hon. Mulatya, when we had a meeting with the Governor and the Majority, he was asked a question and one of the Hon. Members, how do we find some projects had been done in our areas and when we get into the books, they have been done but on the ground they have not been done. To him, his answer was very simple; that these MCAs were thieves. So, I tend to think the MCAs worked together with the CECs. So it is like even the CECs were thieves.

By him bringing the CECs who were there in the last assembly again for vetting, it is like he is bringing thieves in the House, because that one came him and I talked with Hon Mulatya, because they asked the Governor, why some projects are done in the books but on the ground they are not there. The Governor said, those MCAs were thieves; I understand they were working with the CECs---

Hon. Speaker: Point of order from, Hon. Katumo.

Hon. Katumo: Madam Speaker, I seek your guidance; can we have that conversation of the Governor because it seems it touches on us so that the member cannot be referring to something that we don't know of what he said of us.

Hon. Speaker: Hon. Member I would ask Hon. Mbevi to stick to the motion that is in the House.

Hon Mbevi: Thank you, Madam Speaker. I beg to stick to the motion. To finalize, I would request if we can have a retreat with the Governor, as a House, we have some bonding---

Hon. Speaker: Hon. Mbevi, that is not the motion in the House.

Hon. Mbevi: Thank you, Madam Speaker. Let me get back to the motion.

(Laughter)

Actually it is out of frustration. Because all of us here members, discussing something that the Governor is aware, it is very sad. So, let me conclude by saying this; let us have our able Governor giving us the 10 CECs altogether and I would request him to do some more consultations before he brings the names to the House so that he is sure the CECs qualify for what they are applying for. Thank you, Madam Speaker.

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

Hon. Museku: Thank you, Madam Speaker for catching my eye. I would like to congratulate the Appointments Committee on the very detailed and thorough job they have done on this report. If you look at this report Hon. Members, you can see a lot of professionalism went in this process.

They followed professional ethics which enabled them to come out with detailed and clear report, pointing out on the key issues affecting each and every member who was interviewed. Like other members have said; there being a criteria in place, the law is very clear; it has given a criteria for appointments of these positions. There is a guideline in place. What criteria is the

Governor using in appointing people outside a criteria which is already predetermined?

(Applause)

What is so hard in following a simple procedure? You are told, criteria one, he must have a relevant degree in that field. What is so difficult in getting somebody with a relevant degree in that field? These are simple things which have been put there to provide commonness as to how public officers are going to be appointed in these offices. Therefore, let him follow that criteria and give us 10 nominees to look at.

There are timelines, as you have heard, within which the Governor is supposed to make a government, otherwise dissolution comes into place. Can we know these timelines, I may pose it as a question; is it a trick on delaying in bringing them so that when they are brought, when no time left, this House has no recourse than to pass them to avoid dissolution.

(Applause)

So, if there is a timeline within which the Government is supposed to be formed, we need to know it, when this time is going to elapse so that we can be able to know and put within our schedules the time required to vet these officers, so that we do not fall outside the law.

I have heard a few questions from the other side concerning changing of the criteria. We don't change the game when it has already started. We follow the same rules which we played in the first half of football. When we come in the second half, we don't change the rules of football and say, now if you score from the middle you will get three points. No.

(Laughter)

My request is that we stick to the guidelines which the committee came up with which to me are very generous; they look straightforward and to the point. Some of the things they did like the aptitude test; when you are asking somebody who is the president of South Africa, he never asked for a president outside the continent of Africa, sincerely it is common knowledge to anybody in a public who the president is His Excellency Zuma.

The other thing which I noted from that report which is fundamental is integrity. The minute an officer; the issue of integrity is touched, the game ends there. To me, integrity comes above everything else and in all these officers who were brought here, we have seen detailed analysis on why the Committee doubted on their personal integrity.

On things which came out touching on their integrity; if for example you say you did a degree in 2008 and at that time you were supposed to have been working in Minnesota, and you are doing a degree in Kenya and you are working In Minnesota, you understand what I mean by integrity issues.

So, I would like to add one more thing before I sit down; Master's Degree, why do we call it Masters? Are we diluting the meaning of the word Masters. You are mastering what you did in your undergraduate. That is the most common thing, I cannot be a lawyer by profession and I go do a Masters in surgery and I say that I am surgeon doctor. It is not possible---

Hon. Speaker: Point of information.

Hon. Kaloki: Thank you Madam Speaker. I want to inform the Hon. Member that there is no harm doing a degree, I know of a case of a lawyer who is also a doctor. I know other professionals like accountants who have done Masters in Business Administration. I also know of a lawyer who has done a Master's in Business Administration and pursuing a PhD in Finance and he is a lawyer, there is nothing with that. Thank you.

Hon. Speaker: Point of order, Hon. Ngunga.

Hon. Ngunga: Thank you Madam Speaker. I stand to correct Hon. Kaloki, when it comes to matters of education Muheshimiwa you need to consult. I think Hon. Museku is right on that because when you talk about a Master's degree, the word Masters speaks for itself. So, I think it is not in order for Hon. Ikusya to mislead the House. Look at it this way, when you say that a lawyer has done his first degree, nobody prohibits him to start another degree, but will you call the second degree a Masters? It will still be a first degree in that field he is doing. Madam Speaker, may I proceed---

Hon. Speaker: You were giving a point of order and it is never long. Hon. Museku.

(Laughter)

Hon. Museku: Thank you, Members, thank you Majority Leader for the point of information and correction on Hon Ikusya's purported interruption. So, on Masters, I was saying people need to have Masters in the relevant degrees which they are doing because as Hon. Ikusya he said that these CECs are going to be the chief advisers to the Governor. So, if you are going to head the department of health, the CEC in health should be able to have a first degree at the very least in health so that when it comes to discussing and advising the Governor matters pertaining health, then you are talking about something you know.

But if your degree is in philosophy, then you will be philosophizing on health matters which could lead to bad issues in our health system in the county.

(Laughter)

Therefore, I would request that the Governor goes ahead and gives us 10 nominees who are going to meet the criteria for this House to be able to vet them and meet the guidelines as they are, meet the timelines as they have been set out to avoid the dissolution of the Machakos Government. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Museku. Hon. Ngunga, I will come to you last. Who else, Hon. Geoffrey.

Hon. Kamulu: Thank you Madam Speaker. I want to give my contribution in several areas and one of them is to congratulate the 'big six' because of work well done.

(Applause)

I think we should be having a contest as far as the reports are concerned---

Hon. Speaker: Point of order. Hon. Ndambuki, you want to give point of order?

Hon. Ndambuki: Yes. I would wish to seek clarification from the Hon. Member who is on his feet; he has referred to members of the committee on appointments as the big six. Would wish to know the meaning of that word, the big six.

Hon. Speaker: I think I can give you the answer. There is no big six, there is no small six, and they are just members of the committee on appointments. Please proceed, Hon. Kamulu.

Hon. Kamulu: Thank you, Madam Speaker. That is the lot I was referring to and I was trying to appraise them because they have done very good work. Actually, there is need to adopt this report because it is the best. One way of making sure that these appointees come and go is to follow the checklist of the criteria when the Governor is making these nominations.

I commend the committee's recommendation that before the Governor maybe brings the name to us in this assembly, follow that section 8(a) of the Public Appointments (County Approvals) Act 2017 that they supply the assembly with the criteria which was followed so that they can work in consultation and at least approve them. If he continues bringing us names on his own sake we will continue rejecting them. I do not want us to act in fear because some of the members are fearing dissolution.

I recommended that the committee should never qualify unqualified CECs in order to evade dissolution.

(Applause)

Let us continue working and getting the best just the way they have done. Madam Speaker, I have noted during your work as a committee, you have come to discover some mismanagement in various disciplines. That is why you have recommended an action be taken after the Kenya National Audit Office on operations of the departments which actually have been listed in the committee that one should not be left. That is an area which should be observed.

Otherwise the disqualification of those members who were appointed by then leads to these mismanagement which of course the committee started smelling a rat. So, Madam Speaker I stand to support this report. Thank you.

(Applause)

Hon. Speaker: Hon. Mwanthi.

Hon. Mwanthi: Thank you, Madam Speaker. Let me start by congratulating the appointment committee for the comprehensive report they have brought to this House, and I would also recommend that the same report be given to the respective nominees to go through

them because I think it is the best that we could have and also as we serve the office of the Governor with the same, the Governor is also supposed to do the needful to the people of Machakos who are suffering. I want to understand that without the CEC finance and all those other departments, the people are suffering.

It is in Machakos where we had the first Governor sworn in in this Republic of Kenya and unfortunately it is in Machakos where the assembly was the last to be sworn in in this Republic of Kenya.

(Applause)

Now it is also worrying that the same county has never constituted the department CECs or the government from the executive. So, I think it is the high time for the Governor to move fast bring or present other nominees for vetting and if maybe the same is repeated I would recommend the committee just to do the same as it has done to the names we already have on the table with us here.

There is also this problem that this same people I think in Machakos already some workers has been given, they have been suspended in the county already and the same CECs I understand they are the ones who are still vetting them. We are being told they are thieves they have been---

Hon. Speaker: Hon. Member, please stick to the motion before this House and for your information, the matter of the staff is pending before two able committees and is yet to come to this House.

(Applause)

Hon. Mwanthi: Thank you, Madam Speaker, for the correction. So it is my plea that we be given other names for the CECs for vetting so that the county of Machakos may move on as fast as possible. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mwanthi. Hon. Members, I believe the members who wanted to contribute have had an occasion to do so. May I call upon the Majority Leader, the mover of the motion to reply, very briefly, to the debate?

Hon. Ngunga: Thank you, Madam Speaker, thank you Hon. Members. I would like to not even reply, I would like to take about a minute or two just to may be appreciate the members for the kind words that they have said to the committee and probably again pinpoint a few things that maybe may go assisting the consumers of this report. Firstly, is to say that I like appreciating the wisdom of the chairperson of committees who happens to be our Deputy Speaker. Moments when we share during our intellectual interactions, he tells me garbage in is garbage out.

So, simply this is to say if law was to be bent so that we accommodate what Hon. Caleb and Hon. Ikusya said, that we definitely have garbage out. So, this is to say that this committee was guided by law. One of the laws that have been quote extensively is Section 35(3)(d) of the County Governments Act of 2013. That is the one that provides for the relevant degree.

If you look at the assessment form, if a nominee is brought before the committee and did not have the relevant degree, then he loses 25 marks. If you go again down there on the same Act number three, look at our recommendations and conclusions as a committee they will say that we were guided by section 35(3)(d) as well, it indicates that if a nominee did not have the relevant experience, then he/she loses 25 marks and this is law. This assessment form is not a product of the committee, it is a product of the Public Appointments (County Assemblies Approval) Act, 2017. So what does this mean, it means therefore, this is a dry run.

A dry run is a good example. Now that we are only given five CECs, we are likely to repeat the exercise. So the challenge here is to the nominating authority; let us get serious about this issues because as we indicated earlier in the report, that some of these nominees are likely to qualify in other dockets but if they are place in the same dockets, then they don't get those marks. You can imagine a situation where a nominee starts the assessment at 50 per cent because he has lost relevance and he has lost degree, Madam Speaker.

Just to say that the least, so law is our provider and our defender as a committee and as a House. Let me say again as a House, we will need the indulgence of the Speaker and the guidance of the Speaker, on what happens if this House adopts this report because I am aware that most of the CECs that have not been able to meet the threshold of being in office are still in office, I do not know if the House approves this report, then do those CECs continue sitting in those offices? Madam Speaker, that is for you to guide the House.

I would like to say that as a county, we are faced with numerous challenges and those challenges as the most of the members pinpointed, will only be sorted out when we put a proper government in office. Madam Speaker, yesterday I happened to sit or be in a committee at the County Assemblies Forum and that is a forum where the Majority Leaders were invited by the chairman of the County Assemblies Forum and so in our discussion we were sharing about how the counties have been able to perform.

I realized that almost about 90 per cent of the counties have been able to form their governments and they are functional but when we come down home, it looks like we are grappling with still the initial stages. This is a big challenge and I think members have been able as much to point out in their contributions. So, it is a challenge to the Governor, who is the nominating arm to get to realize that we have these challenges that have been raised by the committee on appointment.

Let us take these challenges positively; this is not going to be war. It cannot be war when we are doing the right thing but it can only be war when maybe law seems to be bend. Madam Speaker, I would like to say in conclusion that as a committee as a House we are ready to approve, but I want to request that this House moves that because of finances, because of time, this piecemeal approval of members, I thinks it is not going to serve us any good. I would like to

request to the members, to agree to the committees proposal that any other nominees to be brought to the committee should be full. We get 10 members, we look at them having looked at the recommendations of the committee.

If you nominate somebody for the CEC health, you know the first degree would be something to do with even pharmacy, with something to do with medicine. If you nominate somebody for example in the department of Education, probably a degree in education will be a B.Ed that will be already a yardstick of qualification. If you are looking for somebody in HR., the relevant degree is known and so it will be easy for us to realize these 10 nominees.

It will be a waste of this House, Madam Speaker, every other time for us to go and retreat and write a report about three nominees who do not even qualify to make a quorum of the government because a quorum of the government will be six or seven members. So, what would be the use of this House to spend money to go and sit down and write a report on half way appointments? It is therefore my request and that of this committee that members approve that the next nominees will be 10 in number and mandatory that of finance.

Madam Speaker, I would like to settle my case there and say that members we want to appreciate your remarks. Our committees' recommendations were based, were informed on one thing; that law was followed, not even law, impartiality. Some of the issues that probably members were able to raise about maybe questions here and there, Mheshimiwa Caleb, it will not be for you to ask me who the president of Peru would be, but in case I was coming to an interview, I would definitely prepare myself and I am sure I would be able to get somewhere.

Surely, if you asked a nominee about the director of education that you share an office and that does not know, surely when it comes to the issues that I think is under-performance. Members, lets rest our case, Madam Speaker, we appreciate the committees' work, and we appreciate the member's contributions. Thank you so much and good afternoon.

(Applause)

Hon. Speaker: Thank you, Hon. Majority Leader, the mover of the motion that is at hand.

(Question put and agreed to)

Hon. Speaker: Hon. Members, I take this opportunity to notify you that under section 11(1) of the Public Appointments (County Assemblies Approval) Act, 2017, the report on this motion is to be forwarded to the nominating authority and that is the Governor within 14 days.

The second information, I wish to convey to the members is a point that arouse out of the reply by the mover of the motion, as to whether some of the nominees who are in this report and who are still serving as CECs in the county executive will continue to serve in view of this report. Hon. Members, I will defer my response to that to the 9th November, 2017 at 2.30 p.m. The reason I am deferring is that the laws that I have here because that is a matter I will cite

the law on, I have only the County Governments Act and I will need another law that is also relevant so that I can give you one response as a direction.

(Applause)

ADJOURNMENT

Hon. Speaker: Hon. Members, with that, the House adjourns up to 9th November, 2017 Thursday at 2.30 p.m. Have a good afternoon.

The House rose at 2.07 p.m.