

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th May, 2024

Special Sitting

*(Convened via Kenya Gazette Notice No. 6415
(Vol. CXXVI-No.71) of 24th May, 2024)*

The House met at 10.34 a.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR
CONVENING OF SPECIAL SITTING

Hon. Speaker: I have a communication to make this morning. This special sitting is informed by the County Assembly of Machakos Standing Order 26(1) and (2) which states that:

(1) Whenever during a Session, the House stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may appoint a day for a special sitting of the House—

- (a) On request of the Leader of the Majority Party or the Leader of the Minority Party, appoint a day for a special sitting of the House;
- (b) On the signed request by Members not less than a third of the Membership of the Assembly, such a request shall be addressed to the Speaker.

(2) The Speaker may allow a request under paragraph (1) if the Speaker is satisfied that the business proposed to be transacted is urgent or exceptional.”

Hon. Members, this sitting has been convened vide Gazette Notice No.6415 (Vol. CXXVI-No.71) issued on 24th May, 2024. The Gazette Notice partly reads; Notice is given to all members of the County Assembly of Machakos and the general public that pursuant to Standing Order 26 of the County Assembly of Machakos Standing Orders that, I have appointed Wednesday 29th May, 2024 as a day for Special Sitting of the County Assembly of Machakos.

The business to be transacted during this special sitting shall be:

- (a) Approval of Report of Committee on Appointments on Vetting of nominees for appointment to the Selection Panel for recruitment of the Machakos County Public Service Board Secretary.
- (b) Any other business pursuant to Standing Order 151(6)(d), (e) and (f) as may be admitted by the Speaker.

Thank you, Hon. Members.

MESSAGE

NOMINATION OF COUNTY EXECUTIVE COMMITTEE MEMBER FOR DEPARTMENT OF WATER, IRRIGATION, CLIMATE CHANGE AND ENVIRONMENT

Hon. Speaker: I have the following messages from Her Excellency, Hon. Wavinya Ndeti, Governor of Machakos County pursuant to Standing Order No. 39. Hon. Members, Article 179 of the Constitution of Kenya, 2010 provides that:

- (1) The executive authority of the County is vested in, and exercised by a County Executive Committee.
- (2) The County Executive Committee consists of—
 - a. the county governor and the deputy county governor; and
 - b. Members appointed by the County Governor, with the approval of the Assembly, from among persons who are not members of the assembly.

Section 35 of the County Governments Act, 2012 provides for the procedure of appointment of County Executive Members by the Governor.

Hon. Members in this the Office of the Clerk is in receipt of a letter dated 27th May, 2024 nominating Hon. Elizabeth Katile Mutua of ID No. 10862062 as CECM, Department of Water, Irrigation, Climate Change and Environment. Pursuant to Section 7 of the Public Appointments (County Assemblies Approval), 2017 the nominee is hereby committed to the Committee on Appointments for vetting and reporting within 21 days.

NOMINATION OF THREE CHIEF OFFICERS

Hon. Members, Section 8 of the County Governments Act, 2012 as amended in 2020 provides that the county assembly shall vet and approve nominees for appointment to County Public offices as may be provided for in this Act or any other law;

Section 45 of the same Act further provides that the Governor shall nominate qualified and experienced County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board. Section 6 of the Public Appointments (County Assemblies Approval Act, 2017) provides that notification of appointments shall be from an appointing authority, shall be launched with the Clerk of the County Assembly.

Hon. Members I am in receipt of a letter dated 27th May 2024, forwarding nominees for the position of chief officers nominated by the Governor from among persons competitively sourced and recommended by the County Public Service Board. Pursuant to Section 7 of the public Appointments (County Assemblies Approval Act, 2017) the nominees are hereby committed to various sectoral committees as in the schedule below for vetting and reporting within 21 days.

1. Joyce Wairimu Gituro, department of Communications, committed to the Labour, Public Service and ICT.
2. Dr. Julian Ndunge Wambua, department of Sewerage and Sanitation to be committed to the committee on Water and Irrigation.
3. Francis Musembi Munyambu, department of Inspectorate, Firefighting and Emergency Services to be committed to the decentralized units and County Administration.

Thank you very much, Hon. Members.

PAPER LAID

VETTING OF NOMINEES TO THE SELECTION PANNEL FOR RECRUITMENT OF SECRETARY OF MACHAKOS COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: May I invite Hon. Stephen Mwanthi, Vice Chairperson, committee on Appointments to come forward and lay a Paper.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today Wednesday, 29th May, 2024; the firth report of the committee on Appointments on the vetting of nominees to the Selection Panel for recruitment of the Secretary to the Machakos County Public Service Board. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

(The Paper was laid on the Table)

NOTICE OF MOTION

VETTING OF NOMINEES TO THE SELECTION PANNEL FOR RECRUITMENT OF SECRETARY OF MACHAKOS COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: May I invite again Hon. Stephen Mwanthi, vice chairperson, committee on Appointments to come forward and give some notices of motion.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker.

Hon. Speaker, I wish to give notice of the motion, THAT, this House adopts the fifth report of the Committee on Appointments on the vetting of nominees to the Selection Panel for recruitment of the Secretary to the Machakos County Public Service Board laid on the table of the House on Wednesday, 29th May, 2024 and pursuant to the provisions of Section 58A of the County Governments Act, 2012, Sections 4 and 6 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 184, this House approves the appointment of Gregory Kavua, Nelson Osiemo Wanyonyi, John Mwangi Thiong'o, Ruth John and Deborah Muya as Members of the Selection Panel for recruitment of the Secretary to the Machakos County Public Service Board.

Thank you, Madam Speaker.

Hon Speaker: Thank you, Hon. Member.

MOTION

VETTING OF NOMINEES TO THE SELECTION PANNEL FOR RECRUITMENT OF SECRETARY OF MACHAKOS COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: Thank you, Clerk. May I invite Hon. Stephen Mwanthi, vice chairperson Committee on Appointments to come forward and take us through the motion?

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker.

I wish to move the motion that this House adopts the fifth report of the Committee on Appointments on the vetting of nominees to the Selection Panel for recruitment of the Secretary to the Machakos County Public Service Board laid on the Table of the House on Wednesday, 29th May, 2024 and pursuant to the provisions of Sections 58 of the County Governments Act 2012, Sections 4 and 6 of the Public Appointments (County Assembly Approval) Act, 2017 and Standing Order 184, this House approves the Appointment of Gregory Kavua, Nelson Wanyonyi, John Mwangi Thiong'o, Ruth John and Deborah Muya as members of the Selection Panel for the recruitment of the Secretary to the Machakos County Public Service Board.

I call upon Hon. Brian Kisila to second my motion.

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

Hon. Brian Kisila (Makutano/Mwala, MCCC): Thank you, Hon. Speaker. I stand here to support the motion; the five nominees, we sat in the committee and the nominees presented passed and exceeded the pass mark of what we had set and Madam Speaker, I am standing here to second and request that we.....the Members have actually read the report so we do not need to deliberate a lot. We just need to move straight and put the question.

Hon. Speaker: Thank you, Hon. Kisila.

(Question proposed)

Before I invite Members to debate this motion, I would like to request the mover to come forward and give us the highlight of the report. Hon. Stephen Mwanthi and I suggest that you take s through the foreword and the recommendations. Thank you.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I will do exactly that.

FOREWORD

Pursuant to Section 58A(1) of the County Governments Act, No.17 of 2012, Her Excellency, the Governor of Machakos County nominated five persons to be vetted for the position of Chairperson and members of the Selection Panel for recruitment of the Secretary to Machakos County Public Service Board (CPSB).

The notification of the nominations was conveyed to the Speaker of the County Assembly vide letter Ref No. GMC/2/CS/CA/VOL.XII/105 dated 11th April, 2024 and received at the County Assembly on 3rd May, 2024 nominating Gregory Kavua as Chairperson of the Selection Panel, Nelson Osiemo Wanyonyi, an advocate of the High Court of Kenya and a member of the Law Society of Kenya, John Mwangi Thiong'o, an Accountant and a member of the Institute of Certified Public Accountants of Kenya (ICPAK), Ruth John who is from association

representing workers and Deborah Muya who is a representative of private sector as members of the Selection Panel.

On Tuesday, 7th May, 2024, the Speaker of the County Assembly, pursuant to Standing Orders 39(1) and 42(2), read the message from Her Excellency the Governor, Machakos County communicating the names of the nominees. Further, pursuant to Section 7(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Orders 39(3)(c) and 184(4), the names of the nominees were committed to the Committee on Appointments for approval hearings and reporting to the House within twenty one days.

Consequently, and in accordance with Article 196(1) of the Constitution, Section 7(5) and (10) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 42(5) and (6), the Clerk of the County Assembly placed an advertisement in the print media on Friday, 10th May, 2024 inviting the public to attend the approval hearings and/or submit any information or comments on suitability or otherwise for appointment of the nominees. The submissions were to be by way of sworn affidavits or hand-delivered to the Office of the Clerk of the Assembly by 15th May, 2024.

By close of the submission deadline, the committee had not received any memoranda touching on the suitability of the nominees for appointment. In the same advertisement, the Clerk of the County Assembly notified the public that the Committee on Appointments would conduct the approval hearings on 20th May, 2024.

The nominees appeared before the Committee as scheduled for approval hearings in accordance with the provisions of the Constitution, County Governments Act, 2012, Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly of Machakos Standing Orders.

Pursuant to Section 7(8) and (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that the nominees met the requirements of Chapter Six of the Constitution, demonstrated knowledge on the role of the Selection Panel, understood composition and functions of the CPSB and had the requisite qualifications.

The nominees scored above the pass mark of 60 per cent set by the Committee to be approved for appointment as members of the Selection Panel for purpose of selecting the Secretary of the CPSB. The nominees are:

- (1) Gregory Kavua as Chairperson of the Selection Panel (average mark of 81.4 per cent)
- (2) Nelson Osiemo Wanyonyi, an advocate of the High Court of Kenya who is a member of the Law Society of Kenya (average mark of 87.7 per cent)
- (3) John Mwangi Thiong'o, an Accountant who is a member of the Institute of Certified Public Accountants of Kenya (average mark of 85.2 per cent)
- (4) Ruth John, member from an association representing workers (average mark of 76.4 per cent)
- (5) Deborah Muya, member from the private sector (average mark of 81.8 per cent)

Having conducted the approval hearings for the nominees pursuant to Section 58A(1) of the County Governments Act, 2012, Sections 4 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 184(4), the Committee recommends that the House:

- (1) Approves Gregory Kavua of ID No.6420053, as Chairperson of the Selection Panel;
- (2) Approves Nelson Wanyonyi Osiemo, as a member of the Selection Panel;
- (3) Approves John Mwangi Thiong'o, as a member of the Selection Panel;
- (4) Approves Ruth Mutindi John, as a member of the Selection Panel;
- (5) Approves Deborah Muoti Muya, as a member of the Selection Panel.

The Committee is grateful to the Offices of the Speaker and the Clerk of the County Assembly for the support accorded to it during the approval hearings. The Committee further appreciates the civil society and members of the public for following the proceedings at the County Assembly public gallery, through the Assembly YouTube and other media platforms.

Gratitude also goes to the Fourth Estate for being available to cover the proceedings of the Committee thus enhancing accountability and transparency of the process. I wish to express my appreciation to the Hon. Members of the Committee for their dedication and participation in this exercise.

On behalf of the Committee on Appointments and Pursuant to Section 58(A) subsection 1 of the County Government Act 2012 Section 9 sub-section 1 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 179(6), it is now my duty and privilege to present to the Committee the 5th Report of the Committee on Appointments on the approval hearings of the nominees to the Selection Panel for the purpose of recruiting the Secretary of County Public Service Board.

Madam Speaker, I now go to the Committees recommendations

Hon. Speaker: You may proceed.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Having conducted the approval hearings for the nominees pursuant to Section 58A of the County Governments Act, 2012, the Committee recommends that this House:

- (1) Approves the nomination of Gregory Mosu Kavua for appointment as Chairperson of the Selection Panel by H.E the Governor of Machakos County;
- (2) Approves nomination of Nelson Wanyonyi Osiemo as a Member of the Selection Panel by H.E the Governor of Machakos County;
- (3) Approves nomination of John Mwangi Thiong'o as a Member of the Selection Panel by H.E the Governor of Machakos County;
- (4) Approves nomination of Ruth Mutindi John as a Member of the Selection Panel by H.E the Governor of Machakos County; and
- (5) Approves nomination of Deborah Muoti Muya for appointment as a Member of the Selection Panel by H.E the Governor of Machakos County.

Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. May I now invite Members to debate this Motion? Hon. Kavyu and then Hon. Johanna in that order.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker. This report was shared earlier with us and we have sufficiently gone through it.

(Applause)

The report is self-explanatory and also the Committee on Appointments did a thorough job so Madam Speaker I would request that we save some time so that we can go back and utilize the time that we are supposed to be engaging the electorate during this recess by proceeding and putting the question after Hon. Johanna has given his input. Thank you.

(Applause)

Hon. Speaker: Thank you, Hon. Kavyu for putting that across. Before I do that I would like to ask Hon. Johanna just to say maybe he has something to add to that.

Hon. Johana Munyao (Mutituni/Ngelani, MCCC): Thank you, Madam Speaker. Mine was to applaud that Committee and congratulate the nominees for scouring clean As during the vetting process.

(Applause)

Madam Speaker, I have seen the nominees come in with a lot of experience and qualifications. I have all the confidence that they are up to the task and they will be able to do a nice job for this County. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: The House adjourns to Tuesday, 18th June, 2024 at 10.00 a.m. in the morning. See you then Members. Thank you.

The House rose at 11.00 a.m.

