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COUNTY GOVERNMENT OF BUNGOMA



COUNTY ASSEMBLY OF BUNGOMA

O 2 MAY 2023

COUNTY ASSEMBLY OF BUNGOMA

THIRD ASSEMBLY-SECOND SESSION

COMMITTEE ON HEALTH AND SANITATION REPORT
ON
THE VETTING OF NOMINEE FOR APPOINTMENT TO THE OFFICE OF
COUNTY CHIEF OFFICER IN THE DEPARTMENT OF HEALTH AND
SANITATION IN BUNGOMA COUNTY

Clerk's Chambers
County Assembly of Bungoma
P.O BOX 1886-50200
BUNGOMA, KENYA

APRIL, 2023

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EXECUTIVE SUMMARY

Honorable Speaker, Pursuant to Section 45 (2) of the County Governments' Act, 2012 and Section 4 of the Public Appointments (County Assemblies Approval) Act No. 33 of 2017, His Excellency the Governor nominated **Dr. Magrina Kiluyi Mayama** for appointment as the Chief Officer, **Health and Sanitation.** This nomination was conveyed to the Speaker of the County Assembly through the letter **Ref. No. CG/BGM/CS/GEN/VOL.VI (14) dated 10th April, 2023.** Pursuant to Standing Order 45 (1), the Speaker of the County Assembly on Thursday, 13th April, 2023 read the Message from His Excellency the Governor communicating the name of the nominee to the House and pursuant to Section 4 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 208(4), committed the name of the nominee to the Committee on Health and Sanitation for vetting and reporting to the House within twenty-one (21) sitting days.

Consequently, and in accordance with Section 7 (10) of the Public Appointments (County Assemblies Approval) Act, 2017, the Clerk of the County Assembly placed an advertisement in the print media on Saturday, 15th April, 2023 inviting the public to submit memoranda by way of written statements on oath (affidavits) on the suitability or otherwise of the nominee.

The submissions were to be received by Thursday, 20th April, 2023 at 3.00 p.m. By close of the submission deadline, the Committee had not received any memoranda on the suitability of the nominee for appointment.

Further, in fulfillment of the provisions of Article 196 (1) of the Constitution, Section 7 (5) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 56(3), the Clerk of the County Assembly on Saturday, 15th April, 2023, notified the public through the print media that the Committee on Health and Sanitation would conduct the approval hearing on Tuesday 25th April, 2023 at 2:00 p.m. The nominee appeared before the Committee as scheduled for approval hearing in accordance with the provisions of the Constitution of Kenya 2010, the Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly Standing Orders(2nd Edition) on the suitability or otherwise for appointment to the position of County Chief Officer, Health Sanitation.

CHAPTER ONE

Mr., Speaker Sir, on behalf of the Members of the Committee on Health and Sanitation, it is my pleasure and duty to present to this House the Report of the committee on the vetting of the nominee for County Chief Officer Health and Sanitation.

1.1 Committee's Mandate

Mr. Speaker, the sectoral Committee on Health and Sanitation is constituted pursuant to the provisions of standing order No. (217) (1) of the County Assembly of Bungoma Standing Orders. Its mandate pursuant to Standing Order 217(5) shall be to:

- Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b) Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c) Study the programme and policy objectives of the effectiveness of the implementation;
- d) Study and review all county legislation referred to it;
- e) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- g) To vet and report on all appointments where the constitution or any requires the House to approve, except those under Standing Order 209(Committee on Appointments); and
- h) Make reports and recommendations to the House as often as possible, including recommendation of the proposed legislation.

1.2 Committee membership

Mr. Speaker Sir, the Committee on Health and Sanitation as currently constituted comprises the following Members:

1. Hon. George	Makari	Chai
2. Hon. Jerusa	Aleu	Chairperson
3. Hon. Anthony	Lusenaka	Vice – Chairperson Member
4. Hon. Joan	Kirong'	Member
5. Hon. Meshack	Simiyu	Member
6. Hon. Milliah	Masungo	Member
7. Hon. Grace	Sundukwa	Member
8. Hon. Vitalis	Wangila	Member
9. Hon. Tony	Barasa	Member
10. Hon. Jack	Wambulwa	Member
11. Hon. Orize	Kundu	Member
12. Hon. Mourine	Wafula	Member
13. Hon. Dorcas	Ndasaba	Member
14. Hon. Jacob	Psero	Member
15. Hon. Job	Mukoyandali	Member

1.3 Acknowledgement

The Committee takes this opportunity to thank the offices of the Speaker and the Clerk of the County Assembly for logistical support accorded to it during the vetting exercise. Further, I would like to thank the Members of the Committee for their dedication, commitment, integrity, and valuable contributions in carrying out the pre-vetting and the vetting exercise. The Committee also wishes to thank the secretariat for the support extended to it

On behalf of the Committee on Health and Sanitation, I now have the honour and privilege to present this report on vetting of Dr. Magrina Kiluyi Mayama as the nominee to the position of Chief Officer Heath and Sanitation for adoption by this honorable

House.

Sign....

- MCA MUSIKOMA WARD HON. GEORGE MAKARI

CHAIRPERSON, COMMITTEE ON HEALTH AND SANITATION

CHAPTER TWO

2.0 BACKGROUND INFORMATION

2.1 ESTABLISHMENT OF THE OFFICE OF COUNTY CHIEF OFFICER Mr. Speaker Sir,

Section 45(1) of the County government act 2012 provides that;

- 1. The governor shall
 - a) Nominate qualified and experience County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board
 - b) With the approval of the County Assembly, appoint County Chief Officer
- 2. The office County Chief Officer shall be an office in the county public service
- A County chief officer shall report to the respective County Executive Committee Member for the administration of a County department as provided under section 46.
- 4. The County Chief Officer shall be the authorized officer in respect of exercise of delegated power.
- 5. The governor may re-assign a County Chief officer
- 6. A county chief officer may resign from office by giving in writing to the governor

2.3 NOMINATION OF THE CHIEF OFFICER HEALTH AND SANITATION

The County Government of Bungoma County Public Service Board made an advert in the Standard newspaper on 4th October, 2022 seeking to recruit competent and qualified person to fill the vacant position of Chief Officer Health and Sanitation among others.

From the documents submitted by the nominee, she applied for the position of County Chief Officer Health and Sanitation and submitted the letter to the County Public Service Board.

Upon completion of shortlisting and interviewing of the nominees interested in the position of County Chief Officer for Health and Sanitation, the following three names were forwarded to H.E the Governor for nomination and onward forwarding to the County Assembly for vetting and approval.

1.	Dr. Sylvester Simiyu Mutoro	9232889	1966	M	Master of Medicine (In surgery)	87	0727543925
2.	Mayama Magrina Kiluyi	9995217	1968	F	Bachelor of Dental Surgery	86	0724974589
3.	David Maling'a Chemayiek	8013926	1965	M	M/Sci in procurement and logistics	84	0722696411

2.4 NOTIFICATION TO THE HOUSE

Pursuant to the Public Appointment Act No. 7 of 2017, on 13th April, 2023 in a communication made by the Speaker of the County Assembly, the Assembly was informed that H.E the Governor had submitted the name of the nominee for County Chief Officer Health and Sanitation for vetting and approval by the House.

Further, the Speaker committed the name of the nominee to the committee on Health and Sanitation for vetting and reporting to the House within 21 sitting days.

2.5 NOTICATION TO THE PUBLIC AND THE NOMINEE

Mr. Speaker Sir, in accordance with the provisions of the Public Appointment Act No.7(4) and (5), on 15th April, 2023 vide the Standard newspaper, the nominee was notified to appear before the County Assembly Committee on Health and Sanitation on 25th April, 2023 at 2:00 p.m for approval hearing.

The nominee was required to collect the vetting questionnaire from the office of the Clerk to the County Assembly or download from the County Assembly Website www.bungomaassembly.go.ke and return the copies of the following on or before Thursday, 20th April,2023 at 3.00 p.m.

- 1. Copy of National Identity card or passport
- 2. Curriculum Vitae and other personal credentials

- 3. Current Compliance certificate from the Kenya Revenue Authority(KRA)
- 4. Current clearance or compliance certificate from from Higher Loans Board
- 5. Current Clearance certificate from Ethics and Anti-Corruption Commission (EACC)
- 6. Current certificate of good conduct from National Police Service (Directorate of criminal Investigations
- 7. Current Clearance from respective professional bodies
- 8. Current Clearance certificate from Credit Reference Bureau (CRB)

The nominee was also required to provide originals of the above documents on the vetting day.

Members of the public were invited to attend the vetting sessions and prior to approval hearing, submit written statements or memorandum to the Clerk of the County Assembly with evidence contesting the suitability or otherwise of the nominee but as at the time of vetting, none had been received.

2.6 CLEARANCE AND COMPLIANCE CERTIFICATES

To ensure compliance with chapter 6 of the constitution, the nominee was asked to submit clearance certificate from the Kenya Revenue Authority that indicated she fully complied with all her tax obligations, the Ethics and Anti-corruption commission (EACC) clearance to confirm that there was no outstanding issues or ongoing investigations against the nominee, the Higher Education Loans Board, the National Police Clearance certificate (Directorate of criminal investigation). The nominee also had to submit clearance certificate from Credit Reference Bureau (CRB).

The clearance by the foregoing institutions was primarily to provide information about the nominee on:

- a) Matters touching on integrity;
- b) Tax compliance;
- c) Loan repayment; and
- d) Presence or absence of criminal records.

The public was expected to participate in the vetting process through submission of memorandum (affidavits) on the suitability or otherwise of the nominee. On on 15TH April, 2023 vide the Standard newspaper, the Clerk of the County Assembly placed a notice inviting the public to submit memoranda on the suitability of the nominee or otherwise. However, no memorandum was received from the public.

2.7 SUITABILITY OF THE NOMINEE WITH REGARD TO THE NOMINEE'S ABILITY, EXPERIENCE AND QUALITIES

From the nominee's questionnaire and curriculum vitae, the nominee submitted that:

- She has worked as a dentist for more than 25 years where she has served in different capacities and facilities as dental officer intern, senior dental officer, dental specialist, and senior dental specialist. The different facilities include; Kenyatta National Hospital, Uasin Gishu district hospital, Bungoma County Referral hospital and Webuye County hospital.
- 2. The nominee has knowledge and experience in the health sector having worked as a medic for over 25 years.
- The nominee also submitted academic credentials and testimonials that proved she was qualified for the position.
- 4. The nominee demonstrated confidence, knowledge, skills and experience in leadership and management having previously served as a Medical Superintendent at Bungoma County Referral Hospital.

CHAPTER THREE

3.0 VETTING OF THE NOMINEE FOR THE POSITION OF THE CHIEF OFFICER HEALTH AND SANITATION

3.1 PRE-APPROVAL HEARING MEETING

Mr. Speaker Sir, the Committee had two preliminary meetings prior to the vetting exercise in order to familiarize themselves with the vetting procedure and to formulate questions in line with the Public Appointment Act of 2017.

The Committee held a pre-approval hearing meeting on Monday 24^{th} and Tuesday 25^{th} April, 2023 and noted the following;-

- (i) **THAT**, none of the nominees had notified the Clerk of the County Assembly of their withdrawal from the approval process as outlined under section 7(12) of the Public Appointments (County Assemblies Approvals) Act, 2017.
- (ii) **THAT**, the Committee would examine the nominees against the criteria set out in section 8 of the Public Appointments (County Assemblies Approval) Act, 2017.

3.2 APPROVAL HEARING OF THE NOMINEE

The Committee proceeded with the approval hearings on Tuesday 25th April, 2023 and the nominee was vetted under oath pursuant to the Public Appointments (County Assemblies Approval) Act, 2017 and the Standing Orders of the Bungoma County Assembly.

3.3 APPEARANCE BEFORE THE COMMITTEE BY DR. MAGRINA KILUYI MAYAMA: NOMINEE FOR THE POSITION OF COUNTY CHIEF OFFICER, HEALTH AND SANITATION.

Mr. Speaker Sir, Dr. Magrina Kiluyi Mayama, the nominee for Chief Officer Health and Sanitation, appeared before the committee on Tuesday 25th April, 2023 at 2:00 p.m. In her oral submission, she informed the committee on the following;

Date and Place of Birth

The nominee is a female Kenyan born on 16th August, 1968 in Kakimanyi village, Webuye West Sub County, Bungoma County. The nominee confirmed that she is a Kenyan citizen and did not hold any other citizenship.

Academic and Professional Qualification

She submitted that;

She is currently a candidate of Masters Programme in dental Surgery, holds a Bachelors Degree in dental Surgery, and has a management certificate in Strategic Leadership from Kenya School of Government.

Employment Record

On employment record, she submitted that;

She has more than 25 years working experience as a civil servant, 21 years of which she served at the Bungoma County referral Hospital rising to the position of Medical Superintendent. The nominee is currently serving as a senior clinician at the Webuye County Hospital, a position she has held since 2017.

Income and net worth

The nominee's estimated net worth is 12 million shillings; with his sources of income being salary, rental houses and farming.

Professional association and membership

The nominee is a Member of Kenya Medical Practitioners and Dentist Council and Kenya Dental Association, North Rift Branch. The nominee is also a Board Member of Michael Wamalwa Kijana, Kakimanyi Secondary School.

Potential Conflict of Interest

There were no areas that could create any potential conflict of interest according to the filled questionnaire returned by the Nominee and from her oral submission.

Pro-bono/Charity Work

The nominee is involved in charity work through contributions and donations to churches and schools; she is currently a Member of the school Board of Michael Kijana Wamalwa Secondary School in Webuye, she mentors students through giving talks and shes paying fees for two vulnerable students.

Integrity

The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry in the last three (3) years. She has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

3.4 GENERAL AND SECTOR SPECIFIC QUESTIONS

The Committee posed several questions to the nominee on her knowledge of the public Service, leadership and governance. The nominee responded as follows:-

- 1. On the functions of the County chief Officer, the nominee stated that the County Chief Office is the accounting officer responsible for a County department. In addition, she submitted that her priority would be the welfare of officers through promotions and improvement of the Primary Healthcare.
- 2. With regard to the responsibilities of the County Chief Officers, she stated that they are responsible to their respective County Executive Committee Members for: efficient management and administration; efficient utilization of funds and giving effect to lawful directives by the County Executive Committee Members;

- 3. On the status of Hospital Boards, she submitted that she was quite aware of the status of the Hospital Management Board and committees of the different facilities across the County as having expired and that she will spearhead the appointment of new board members.
- 4. On how the County Assembly is involved in the nomination of members of the Hospital management boards, she stated that Members of the County Assembly in the case of the Sub County Hospitals, appoint a representative member to the Board within the sub-county.
- 5. About the working relationships with the County Assembly, the nominee confirmed that she will create an energized relationship with the County Assembly and shall appear before the committee when invited.
- 6. On how she will ensure that statements of account on operations and expenditures are accounted for as per the PFM act 166, the nominee stated that she will apply the provisions of Section 6(3) of the Bungoma County Health Services Act, 2019 which provides that Boards of Hospitals and Committees of Health Centres or Dispensaries shall submit on quarterly basis management reports to the County Chief Officer which shall include among others the financial reports.
- 7. The nominee when asked about the approach she will consider in honoring the outstanding obligations while avoiding accumulation of more pending bills, said that her department will ensure timely remittance of exchequer releases as per the facility approved budget and that on facilities she will ensure they limit expenditures to activities approved by the hospital management boards and in proportion to the revenue collection.
- 8. On the issue of the department working with the unions whose members are County employees, she submitted that she will ensure there is a harmonious and peaceful working environment without prejudice, threats and intimidation with these Unions by involving the cadres in decision making at different levels.
- $\boldsymbol{9.}$ The committee's average score on the nominee was recorded as 85%

CHAPTER FOUR

4.1 COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE

The Committee having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (County Assembly Approval) Act, 2017, her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations on her suitability for appointment as County Chief Officer-

- (1) **THAT**, the nominee is a Senior dental specialist at the Webuye County Hospital having served for more than 25 years in the medical field, five years in the position of the medical Superintendent at the County Referral Hospital.
- (2) **THAT**, the nominee meets the requirements of Chapter Six of the Constitution on leadership and integrity.
- (3) **THAT**, the nominee has not been charged in a court of law in the past three years.
- (4) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for Contravention of the Provisions of Article 75(1) on conflict of interest, Article 76 on financial probity.
- (5) The nominee submitted academic credentials to the Committee that proved she was qualified for the position.
- (6) **THAT**, from her submission during vetting she was conversant with the role of the County Chief Officer as well as laws and policies related to her position. Has knowledge and experience in the field having worked as a Medical superintendent at the Bungoma Referral Hospital.
- (7) THAT, she was very articulate on the interview questions, confident and has good communication skills.

(8) She understands the challenges in the department of Health and Sanitation for example inadequate personnel in the department, expired hospital boards term and hence can adequately address them.

4.2 COMMITTEE'S RECOMMENDATIONS

- Mr. Speaker Sir, Pursuant to Section 45 (1) of the County Government Act, Section 7(9) and 8 of the Public Appointment (county Assemblies Approval) No 5 of 2017, Standing Orders and other relevant Statutes, Committee recommends that;
- THAT the County Assembly approval of the nomination of Dr. Magrina Kiluyi Mayama for appointment by H.E. Governor as Chief Officer for Health and Sanitation.
- b. THAT the County Assembly adopts the Report of the Health and Sanitation committee on the vetting of Dr. Magrina Kiluyi Mayama to be appointed as the Chief Officer for Health and Sanitation Department in Bungoma County.

ADOPTION OF THE REPORT

We the undersigned members of the Sectoral Committee on Health hereby append our signatures adopting this report with the recommendations therein.

	MEMBERS NAME	DESIGNATION	SIGN
1	Hon. George Makari	Chairperson	11/1/
2	Hon. Jerusa Aleu	Vice- Chairperson	Value
3	Hon. Meshack Simiyu	Member	Aten
4	Hon. Anthony Lusenaka	Member	Sutry 2.
5	Hon Tony Barasa	Member	788
5	Hon. Ndasaba Dorcas	Member	,
7	Hon. Jack Wambulwa	Member	Harabs
3	Hon. Vitalis Wangila	Member	
	Hon. Sundukwa Grace	Member	112
0	Hon. Milliah Masungo	Member	GAR
1	Hon. Job Mukoyandali	Member	
2	Hon. Joan Kirong	Member	
	Hon. Orize Kundu	Member	
	Hon. Mourine Wafula	Member	0.0
	Hon. Jacob Psero	Member	No Orge

ANNEXURES

Annexure 1 Letter of notification from H.E the Governor nominating

the nominee

Annexure 2 Advertisement inviting submission of memoranda from

the public, notifying the public of the approval

hearing and inviting the nominee for approval hearing.



COUNTY ASSEMBLY OF BUNGOMA

Telephone: 055-2030854/020-2030309

Email: bungomacountyassembly@gmail.com

P.O BOX 1886-50200, BUNGOMA, Kenya.

VETTING SCHEDULE FOR THE NOMINEES TO THE POSITION OF COUNTY EXECUTIVE COMMITTEE MEMBER AND CHIEF OFFICERS

Pursuant to Sections 30 (2) (d) and 45 (1) (b) of the County Governments Act 2012, and the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, His Excellency the Governor nominated the following nominees for the positions of County Executive Committee Member and Chief Officers.

The nominees are required to appear before the relevant County Assembly Committees as per the Standing Order No. 208 (4) and 217 (5) (g). The venue will be at the County Assembly Chambers and Precincts.

The vetting schedule is as below:

ame of Committee ppointments	Name of Nominee	Gender	Date	Time
	Agnes Naliaka Wachie		25.04.2023	9:00-10:00 A.M
ducation and Vocational raining	Nicholas Kiboi	Male	25.04.2023	10:30-11:30 A.M
ade, Energy and dustrialization	Reuben Wambwa	Male	25.04.2023	11:30A.M -12:30 P.M
ealth and Sanitation	Dr. Mayama Magrina Kilui	Female	25.04.2023	2:00-3:00 P.M
blic Service and Management	Everly Teresa Wekesa	Female	26.04.2023	9:00-10:00A.M
riculture operatives Development	Robert J Simiyu	Male	26.04.2023	10:30A.M-11:30 A.M
, as a compliment	Beatrice Nakhumicha Wafula	Female	26.04.2023	11:30A.M-12:30P.M

The Nominees are required to collect the vetting questionnaires from the Office of the Clerk to the County Assembly during official working hours or download from the County Assembly website www.bungomaassembly.go.ke and return them with copies of the following documents on or before Thursday, 20th April, 2023 at 3:00 P.M

- 1. Copy of National Identity Card or passport.
- 2. Curriculum Vitae and other personal credentials.
- 3. Current Compliance certificate from Kenya Revenue Authority (KRA)
- 4. Current Clearance or compliance certificate from Higher Education Loans Board.
- 5. Current Clearance certificate from Ethics and Anti-corruption commission (EACC)
- 6. Current Certificate of good conduct from National Police Service (directorate of Criminal Investigation
- 7. Current Clearance from respective professional bodies
- 8. Current Clearance certificate from credit Reference Bureau.

The nominees shall be required to provide originals of the above mentioned documents on the vetting day.

Members of the public are invited to attend the vetting sessions and may, prior to approval hearing submit written statements or memoranda addressed to the Clerk of the County Assembly with evidence contesting the suitability or otherwise of a nominee.

CHARLES W. WAFULA, CLERK OF THE COUNTY ASSEMBLY. - 30 (RX)

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

18 APR 2023

OFFICE OF H.E THE GOVERNOR

Telephone: 0725-393939

E-mail:governor@bungoma.go.ke

Municipal Building P.O Box 437- 50200 BUNGOMA

Date: 13th April 2023

Our Ref: CG/BGM/GVN/CA/VOL.I/02

The Clerk
County Assembly of Bungoma
P.O. Box 1886-50200
BUNGOMA

REF:

FORWARDED NAMES OF NOMINEES FOR CONSIDERATON OF APPOINTMENT TO THE POSITION OF CHIEF OFFICERS, COUNTY GOVERNMENT OF BUNGOMA

Forwarded herewith, please find the details for the nominees for the above position submitted for vetting and approval by the County Assembly.

Department	Name			The second secon	
Education and Vocational		Gender	Subcounty	Qualification	
Training	Nicholas Kibol	Male	Mt Elgon	n n a	
Trade, Energy and		-	THE EIGON	BeD Science	
Industrialization	Reuben Wambwa	Male	Kanduyl	Master of Business	
Health and Sanitation	Dr Mayama Magrina		Wahaa	Administration	
	Kilui	Female	Webuye West	Bachelor of Dental Surgery	
Public Service and Management	Everly Teresa Wekesa	Female	Sirisia	Master of Education in English	
Agriculture	Robert J Simiyu	2.4		Education	
Department of Cooperatives		Male	Kanduyl	MA Planning	
	Beatrice Nakhumlcha Wafula	Female	**	BA with Education	

Yours Sincerely,

H.E Rt. Hon. Kenneth Makelo Lusaka, EGH GOVERNOR - BUNGOMA COUNTY

