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COUNTY GOVERNMENT OF BUNGOMA



**COUNTY ASSEMBLY OF BUNGOMA
OFFICE OF THE CLERK**

THIRD ASSEMBLY
SECOND SESSION

COMMITTEE ON EDUCATION AND VOCATIONAL TRAINING

**REPORT ON THE VETTING OF NOMINEE FOR APPOINTMENT TO THE
OFFICE OF COUNTY CHIEF OFFICER IN THE DEPARTMENT OF
EDUCATION AND VOCATIONAL TRAINING IN BUNGOMA COUNTY**

**Clerks Chambers
County Assembly Buildings
P.O BOX 1886 - 50200
BUNGOMA, KENYA**

APRIL, 2023

Contents

EXECUTIVE SUMMARY	iv
CHAPTER ONE	1
1.0 PREFACE	1
1.1 Establishment and Mandate of the Committee	1
1.2 Committee Membership	2
1.3 Acknowledgement	3
CHAPTER TWO	4
2.0 BACKGROUND INFORMATION	4
2.1 ESTABLISHMENT OF THE OFFICE OF THE CHIEF OFFICER	4
2.2 Nomination of the Chief Officer Education and Vocational Training	4
2.3 Notification to the House and Committal to the Committee of Education and Vocational Training	4
2.4 Notification to the Public	4
2.5 Notification to the Nominee	5
2.6 Clearance and Compliance Requirements	5
2.7 Report of the CPSB on the nomination of the Chief Officer	6
2.8 Issues for Consideration during the Approval Hearings	6
a) Procedure for Nomination	6
b) Constitutional and Statutory Requirements	6
c) Suitability of the nominees with regard to the nominees' abilities, experience and qualities	8
2.9 Memoranda from Members of the Public in respect of the Nominees	8
2.10 Pre- Approval Hearing Meeting	8
CHAPTER THREE	10
3.0 APPROVAL HEARINGS OF THE NOMINEE	10
3.1 MR. NICHOLAS J.T KIBOI: - NOMINEE FOR THE POSITION OF CHIEF OFFICER EDUCATION AND VOCATIONAL TRAINING	10
Date and Place of Birth	10
Academic and Professional Qualification	10
Employment Record	10
Income and net worth	10
Professional association and membership	11
Published writings	11
Potential Conflict of Interest	11

Pro-bono/Charity Work	11
Integrity	11
3.1.1 General and Sector Specific Questions	11
3.1.2 Committee’s observations on the suitability of the nominee	12
CHAPTER FOUR	14
4.0 COMMITTEE GENERAL RECOMMENDATION	14
ANNEXURES	16

EXECUTIVE SUMMARY.

Pursuant to Section 45(1)(a) 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 one **Mr. Nicholas J.T. Kiboi**, for appointment as Chief Officer Education and Vocational Training. The nomination was conveyed to the Speaker of the County Assembly through letter Ref. No. CG/BGM/GVN/CA/VOL.I/02 dated 13th April, 2023 (Annexure 1). The nominees' curriculum vitae and testimonials were enclosed in the letter.

On Thursday, 13th April, 2023 and pursuant to Standing Order 45 (1), the Speaker of the County Assembly read the Message from His Excellency the Governor communicating the names of the nominees to the House. Pursuant to section 4 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 217(5) (g), the name of the nominee was committed to the Committee on Education and Vocational Training 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 each of the nominees in accordance with the Public Appointments (County Assemblies Approval) Act, 2017. The advertisement indicated that 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 touching 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, 2022, notified the public through the print media that the Committee on Education and Vocational Training would conduct the approval hearing on Tuesday, 25th April, 2023 at 10:30 A.M.

The nominee appeared before the Committee as scheduled on Tuesday, 25th April, 2023 for approval hearings in accordance with the provisions of the Constitution, the

Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly Standing Orders on their suitability or otherwise for appointment to the positions of County Chief Officer.

CHAPTER ONE

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

Mr. Speaker Sir,

The Sectoral Education and Vocational Training is constituted pursuant to the provisions of Standing Order No. 217(1) of the County Assembly of Bungoma Standing Orders and executes its mandate in accordance with Standing order 217(5) which provides as follows:

- a) 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 program and policy objectives of departments and 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;
- f) 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 law requires the House to approve, except those under Standing Order 208 (Committee on Appointments); and
- h) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

1.2 Committee Membership

Mr. Speaker,

The committee currently is constituted by the following members.

- | | | |
|----------------------------|---|---------------|
| 1. Hon. Benjamin Otsiula | - | Chairperson |
| 2. Hon. Stephen Kaiser | - | V/Chairperson |
| 3. Hon. Joan Kirong | - | Member |
| 4. Hon. George Makari | - | Member |
| 5. Hon. Ali Machani | - | Member |
| 6. Hon. Jack Kawa | - | Member |
| 7. Hon. Jeremiah Kuloba | - | Member |
| 8. Hon. Christine Mukhongo | - | Member |
| 9. Hon. Abraham Obama | - | Member |
| 10. Hon. Aggrey Mulongo | - | Member |
| 11. Hon. Jacob Psero | - | Member |
| 12. Hon. Mildred Barasa | - | Member |
| 13. Hon. Linda Kharakha | - | Member |
| 14. Hon. John K. Wanyama | - | Member |
| 15. Hon. Allan Wanyama | - | Member |

1.3 Acknowledgement

May I take this opportunity to acknowledge all the Members of the Committee of Education and Vocational Training for their input and valuable contributions and time during the approval hearings and deliberations during the writing of this report. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the logistics and technical support accorded to it during the exercise.

On behalf of the Committee of Education and pursuant to section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and the provisions of Standing Order 202 (7), it is now my duty and privilege to present to the House, the Report of the Committee on Education and Vocational Training on the approval hearings of the nominee for appointment to the position of County Chief Officer.



Hon. Otsiula Benjamin,
MCA KHASOKO WARD

Date: 21/05/2023

Chairperson, Education and Vocational Training

CHAPTER TWO

2.0 BACKGROUND INFORMATION

2.1 ESTABLISHMENT OF THE OFFICE OF THE CHIEF OFFICER.

Section 45 (2) of the County Government's Act, 2012 states that the office of a County Chief Officer shall be an office in the public Service.

2.2 Nomination of the Chief Officer Education and Vocational Training.

Section 45 (1) (a)(b) of the County Governments Act, 2012 states that the governor shall nominate qualified and experienced county chief officers from among persons competitively sourced and recommended by the County Public Service Board.

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, Education and Vocational Training.

From the documents submitted by the nominee, Mr. Nicholas J.T Kiboi applied for the position of County Chief Officer, Education and Vocational Training and submitted the letter to the County Public Service Board Office.

2.3 Notification to the House and Committal to the Committee of Education and Vocational Training.

Pursuant to the provisions of Standing Order 45(1), the Speaker, vide a communication dated Thursday 13th April, 2023, informed the House of the Governor's message to the House on nomination of Chief Officers, for approval by the County Assembly.

Pursuant to Section 7(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 56 (1), the name and curriculum vitae of the nominee was committed to the Committee of Education and Vocational Training for approval hearings and reporting to the House on or before 4th May, 2023.

2.4 Notification to the Public

Article 196 of the Constitution provides that the County Assembly shall facilitate public participation and involvement in the legislative business and other business of County Assembly and its Committees.

Section 7 (5) of the Act further provides that the Clerk shall notify the public of the time and place for holding approval hearings at least seven days prior to the hearings.

Further, Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that;

“any person may, prior to the approval hearings 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.”

Pursuant to Article 196 of the Constitution as read with section 7 (4), and (10) of Public Appointments (County Assemblies Approval) At, 2017, the Clerk of the County Assembly placed an advertisement in the print media on Saturday, 15th April, 2023 (annexure 2) inviting the public to submit memoranda by way of a written statement on oath (affidavit) on the suitability or otherwise of the nominees in conformity with section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017. The advertisement indicated that the submissions were to be received by Thursday 20th April, 2023 by 3:00 P.M.

Further, pursuant to Article 196 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 notified the general public in the print media that the approval hearings of the nominees would be conducted on Tuesday, 25th April, 2023.

2.5 Notification to the Nominee

On Saturday 15th April, 2023, the Clerk of the County Assembly invited the nominee, in writing and through print media, for the approval hearings in accordance with Section 7 (4) of the Public Appointments (County Assemblies Approval) Act, 2017 (

2.6 Clearance and Compliance Requirements.

On the notice of appearance for approval hearings, the Clerk of the County Assembly informed the Nominees to provide Clearance and Compliance requirements from Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA),

Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB) and the Credit Reference Bureau (CRB)

On matters ethics and integrity, the nominee availed to the Committee certified clearance copies issued on diverse dates as follows;

NOMINEE	KRA	EACC	HELB	DCI	CRB
Nicholas J.T Kiboi	16/03/2023	20/04/2023	17/03/2023	03/04/2022	As at 28/03/2022

2.7 Report of the CPSB on the nomination of the Chief Officer

Following the advertisement by the County Government Service Board on Tuesday 4th October 2022. The Position for Chief Officer Education and Vocational Training attracted 128 applicants. The nominee emerged the best candidate having scored 86%.

2.8 Issues for Consideration during the Approval Hearings

a) Procedure for Nomination

Sections 4 and 6 (1) of the Public Appointments (County Assemblies Approval) Act, 2017 further requires the appointing authority, upon nominating a person for appointment, to notify the relevant County Assembly.

In this regard, pursuant to section 4 and 6(1) of the Public Appointments (County Assemblies Approval) Act, 2017, the Governor notified the County Assembly of the nomination of Mr. Nicholas J.T Kiboi for the position of Chief Officer Education and Vocational Training.

b) Constitutional and Statutory Requirements

The Constitution and the County Governments Act, 2012 Section 45 and the Public Appointments (County Assemblies Approval) Act, 2017, gives guidelines on how to appoint persons to public office which include:-

(i) Two-Third Gender Rule

Article 27(8) of the Constitution provides that the County Assembly shall take measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

(ii) Leadership Integrity

The Committee in determining the suitability of the nominees was also guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 73 (2) of the Constitution provides that the guiding principles of leadership and integrity include: -

73 (2)

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

Article 75 of the Constitution requires a State Officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties.

This Article further prohibits a State Officer who has been removed from office under it from holding any other State Office.

Article 77(1) of the Constitution prohibits a full time State Officer from participating in any other gainful employment.

Article 78 of the Constitution disqualifies persons who are not Kenyan Citizens from appointment as State Officers.

In addition, the Committee considered Section 10 of the Leadership and Integrity Act, 2012 in particular which provides that

A State Officer shall to the best of their ability

- a) Carry out the duties of the Office efficiently and honestly.*
- b) carry out the duties in a transparent and accountable manner*
- c) keep accurate records and documents relating to the functions of the office;
and*
- d) report truthfully on all matters of the organization which they represent.*

c) Suitability of the nominees with regard to the nominees' abilities, experience and qualities.

The suitability of the nominees was assessed after scrutiny of the academic credentials, professional training and experience, personal integrity, background and qualities as well as their performance during the approval hearings conducted on Tuesday, 25th April 27, 2023.

2.9 Memoranda from Members of the Public in respect of the Nominees

Pursuant to Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017

“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 office to which the candidates has been nominated”,

The Clerk of the County Assembly placed an advertisement in the print media on 15th April 2023 inviting the Public to submit memoranda by way of written statements on oath (affidavit) on the suitability or otherwise of the nominees in conformity with section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017. In this regard, by Monday 24th April, 2023 at 9:00 A.M. the Committee had not received any memoranda.

2.10 Pre- Approval Hearing Meeting

The Committee held a pre-approval hearing meeting on Monday 24th April, 2023 and noted the following: -

- (i) **THAT**, the nominee had not notified the Clerk of the County Assembly of his 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 nominee in accordance with the criteria set out in section 8 of the Public Appointments (County Assemblies Approval) Act, 2017.

CHAPTER THREE

3.0 APPROVAL HEARINGS OF THE NOMINEE.

The Committee proceeded with the approval hearing 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.

3.1 MR. NICHOLAS J.T KIBOI: - NOMINEE FOR THE POSITION OF CHIEF OFFICER EDUCATION AND VOCATIONAL TRAINING.

Mr. Nicholas J.T Kiboi appeared before the committee on Tuesday 25th April at 10:30 am, 2023 and orally responded to the questions from the Committee Members as follows:

Date and Place of Birth

Mr. Nicholas J.T Kiboi was born on 28th of August 1968 in former Mt. Elgon District, Cheptais Location, Ngachi Sub-location. Currently, Bungoma County, Mt Elgon Subcounty, Cheptais Ward.

He is a Kenyan Citizen of ID 9239383. and does not hold any other citizenship.

Academic and Professional Qualification

The nominee is a holder of a Bachelor's degree in Education (Science) from Kabarak University. In addition, he holds a diploma in Education (Science) from the Kenya Science Teachers College. These two were achieved on 18th December, 2015 and 6th August 1992 respectively.

Employment Record

The nominee has a cumulative 31 years working experience; 20 of which, he served as a principal in various secondary schools in Bungoma, Siaya and Trans-Nzoia Counties. Until the appointment to this position, he had resigned from the position of Senior Principal of Namanjalala Secondary School.

Income and net worth

The nominee submitted that he had a net worth of 30 million with sources of income from four developed plots, 5 acres of land, domesticated animals, banana plantation and a home.

Professional association and membership

Other than being registered by the Teachers Service Commission, he is a delegate to Stawisha SACCO.

Published writings

The nominee did not submit any published works.

Potential Conflict of Interest

The questionnaire filled by the nominee indicated that there were no areas that would create potential conflict of interest. During the approval hearing he stated that as a public officer if such cases arise then he would declare his interest and disqualify himself from participating in the process.

Pro-bono/Charity Work

The nominee is involved in charity work through contributions and donations to churches and other institutions.

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. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

3.1.1 General and Sector Specific Questions

The Committee posed several questions to the nominee on his knowledge of the public Service. The nominee responded as follows: -

- On the roles of a Chief Officer and suitability, the nominee stated that he was aware of the functions of the Chief Officer pursuant to Article 45 of the County Governments Act, 2012.
- On Matters Scholarships, the nominee identified the program as a noble course and that its sustainability would give equal education opportunities to the less privileged but bright students across the County.
- On functions of the County Assembly and creation of a good and symbiotic working relationship, the nominee stated that he was aware of the functions of the County Assembly. He also identified that a good relationship between the two arms of government in the County shall play a key role in steering the County in a good direction.

- The nominee knew about who constitutes the County Executive Committee and the functions of the Committee together with the departments that exist in the County.
- About the working relationships with the County Assembly, the nominee confirmed that he will create a synergized relationship with the County Assembly.
- The nominee was aware of the current affairs. In addition, he identified statutory instruments that he would use when executing his duties as a Chief Officer.

3.1.2 Committee's 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, his curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on his suitability for appointment as a Chief Officer;

1. **THAT**, the nominee meets the requirements of Chapter Six of the Constitution on leadership and integrity; he had a police clearance Certificate and a duly filled self-declaration form.
2. **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for Contravention of the Provisions of Article 75(1) (conflict of interest) and Article 76 (financial probity).
3. **THAT**, up to the time of his nomination, he had previously worked and risen to a position of a Senior Principal of Namanjalala Secondary School before resigning.
4. **THAT**, from his submission during vetting he demonstrated knowledge, skills and experience in leadership and institutional management. He was also conversant with role of the County Chief Officer as well as laws and policies related to his position.
5. **THAT**, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to State Office since he is a Kenyan citizen born on 28th August, 1968 in Bungoma County and does not hold dual citizenship.

6. **THAT** the nominee satisfied the Committee on his suitability and was awarded an average score of 80%.

CHAPTER FOUR

4.0 COMMITTEE GENERAL RECOMMENDATION

Having Considered the suitability, capacity and integrity of the nominee and pursuant to **Section (9) (2) of The Public Appointments (County Assembly Approval) Act N.O 5 of 2017**, The Committee recommends that the County Assembly **approves** the nomination and subsequent appointment of Mr. Nicholas J.T. Kiboi; as Chief Officer in the department of Education and Vocational Training in the County Government of Bungoma.

ADOPTION SCHEDULE

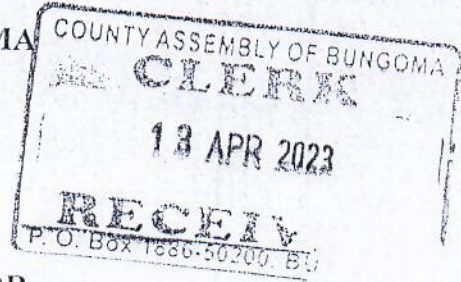
We the undersigned Members affix our signatures adopting this report with the contents therein.

- | | | | |
|-----------------------------|---|---------------|-------|
| 1. Hon. Benjamin Otsiula | - | Chairperson | ..... |
| 2. Hon. Stephen Kaiser | - | V/Chairperson | ..... |
| 3. Hon. Aggrey Mulongo | - | Member | ..... |
| 4. Hon. Ali Machani | - | Member | ..... |
| 5. Hon. George Makari | - | Member | ..... |
| 6. Hon. Jeremiah Kuloba | - | Member | ..... |
| 7. Hon. Jack Kawa | - | Member | ..... |
| 8. Hon. Allan Wanyama | - | Member | ..... |
| 9. Hon. Mildred Barasa | - | Member | ..... |
| 10. Hon. Joan Kirong | - | Member | ..... |
| 11. Hon. Linda Kharakha | - | Member | ..... |
| 12. Hon. John K. Wanyama | - | Member | ..... |
| 13. Hon. Christine Mukhongo | - | Member | ..... |
| 14. Hon. Abraham Obama | - | Member | ..... |
| 15. Hon. Jacob Psero. | - | Member | ..... |

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 hearings and inviting the nominees for approval hearing.

COUNTY GOVERNMENT OF BUNGOMA



OFFICE OF H.E THE GOVERNOR

Del
7.4.23
13/4/23
Hon Speaker In
Communication
3263
12/4/23

Telephone: 0725-393939
E-mail: governor@bungoma.go.ke

Municipal Building
P.O Box 437- 50200
BUNGOMA

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

Date: 13th April 2023

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

REF: **FORWARDED NAMES OF NOMINEES FOR CONSIDERATION 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	Gender	Subcounty	Qualification
Education and Vocational Training	Nicholas Kiboi	Male	Mt Elgon	BeD Science
Trade, Energy and Industrialization	Reuben Wambwa	Male	Kanduyi	Master of Business Administration
Health and Sanitation	Dr Mayama Magrina Kilul	Female	Webuye West	Bachelor of Dental Surgery
Public Service and Management	Everly Teresa Wekesa	Female	Sirisia	Master of Education in English Education
Agriculture	Robert J Simiyu	Male	Kanduyi	MA Planning
Department of Cooperatives	Beatrice Nakhumicha Wafula	Female	Kabuchai	BA with Education

Yours Sincerely,

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



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:

Name of Committee	Name of Nominee	Gender	Date	Time
Appointments	Agnes Naliaka Wachie	Female	25.04.2023	9:00-10:00 A.M
Education and Vocational Training	Nicholas Kiboi	Male	25.04.2023	10:30-11:30 A.M
Trade, Energy and Industrialization	Reuben Wambwa	Male	25.04.2023	11:30A.M -12:30 P.M
Health and Sanitation	Dr. Mayama Magrina Kilui	Female	25.04.2023	2:00-3:00 P.M
Public Service and Management	Everly Teresa Wekesa	Female	26.04.2023	9:00-10:00A.M
Agriculture	Robert J Simiyu	Male	26.04.2023	10:30A.M-11:30 A.M
Cooperatives Development	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