

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY 3RD MAY, 2023

Morning Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY 3RD MAY, 2023

The House met at 9:30 a.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

PAPERS

REPORT OF THE AUDITOR GENERAL ON BUNGOMA COUNTY TRADE DEVELOPMENT LOANS FUND YEAR ENDED 30TH JUNE 2022

Mr. Speaker: Hon. Joseph Nyongesa, our Majority leader.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. Allow me table the report of the Auditor General of Bungoma County Trade Development Loans Fund for the year ended 30th June 2022.

Mr. Speaker: Honourable members, the report of the Auditor General on the Bungoma County Trade Development Loans Fund for the year ending 30th June, 2022 is hereby tabled and subsequently I commit the same to the Committee on Public Accounts and Public Investment for processing.

Report of the Auditor General for Bungoma County Education Support Scheme for the year ended 30th June, 2022.

Mr. Speaker: Hon. Joseph Nyongesa!

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. Allow me again table the report of the Auditor General on Bungoma County Education Support Scheme for the year ended 30th June 2022.

Mr. Speaker: Honourable members, equally the report of the Auditor General on Bungoma County Education support scheme for the year ending 30th June 2022 is hereby tabled and subsequently I commit the same to the Committee of Public Accounts and Investment for processing the same and reporting back to the House accordingly.

STATEMENTS

THE IMPLEMENTATION STATUS OF A MOTION ON DECENTRALISATION OF DUMPSITES TO EVERY SUB COUNTY

Mr. Speaker: Hon. Sudi Kalasinga, kindly proceed. Hon. Sudi, your mic is already on. Honourable members, just understand that he underwent eye treatment and he is recovering slowly

Hon. Isaiah Sudi: It is important that I also be on other than you putting me on because I remember in your last communication, you said that EACC have brought a report on us, so I should not forget about that because the statement is not going anywhere.

I rise to have a statement on implementation status of a motion on decentralisation of dumpsite to every sub county. This Honourable House passed a motion in the last session. Those members who were re-elected are aware of that, so on strength I rise to seek a statement pursuant to Standing Order No. 47(2) (c) from the Chairperson of the committee on Tourism, Environment, Water and Natural Resources. In the statement, let the Chairperson explain the following;

1. How far the motion been implemented by the department.
2. Specify the location of identified sites in the prioritised sub counties and the amount that has been allocated in the current financial year.
3. Provide documentation for evidence and intent to buy land (acreage for identified sub counties)
4. Locations for dumpsites earmarked for Bungoma and Kimilili Municipalities.
5. How much has been allocated in the current Financial Year for the development of Bungoma and Kimilili dumpsites, if there are any that have been identified.
6. Provide the Budgetary allocation for the on-going fence constructions at the existing dumpsite.

Mr. Speaker: Thank you, Hon. Sudi Kalasinga. Chairperson for the Committee on Tourism, Environment, Water and Natural Resources or Vice Chair or any Honourable member! Hon. Meshack Museveni!

Hon. Meshack Simiyu: Mheshimiwa Spika naomba unipe muda wa siku thelathini, nitaleta ripoti.

Mr. Speaker: Honourable members, the Honourable member of the said committee has sought for 30 days, as you are all aware this House is proceeding on long recess from tomorrow after our 2:00 p.m. sitting. Order Honourable members!

Subsequently we allow the committee to give us a feedback on the 7th of June 2023 in our 2:30 p.m, we expect the concerned CEC for Tourism, Environment, Water and Natural Resources to appear here in person and respond to this statement as sought by Hon. Sudi Kalasinga, Honourable MCA for South Bukusu.

MOTIONS

REPORT BY THE COMMITTEE ON APPOINTMENTS ON THE VETTING OF THE NOMINEE FOR APPOINTMENT TO THE OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR YOUTHS, GENDER, CULTURE AND SPORTS

Mr. Speaker: Hon. Joseph Nyongesa, our Majority Leader is the one moving the motion. Yes, Hon. Lusenaka!

Hon. Antony Luseneka: Thank you, Honourable Speaker. I rise on Standing Order 109. Looking at the business we have today this morning and afternoon, we have to pass 6 reports and my request is if you can limit the number of speakers and time to enable us go through all the reports. My request is we can limit the number of Speakers to the mover, the seconder and two other members who will be given maybe three minutes maximum, so that we can be able to finish the reports by the end of the day today. Arising from that, I want to ask Honourable James Mukhongo to second.

Mr. Speaker: I think the best could have been they move the motion, second it then you come up but as you come up, you frame your motion properly that you want us to limit the speakers to maximum two or three then equally you also specify the number of the minutes you want members to speak, so that you say three minutes... I have my time here once you exceed I cut you off.

Hon. Antony Lusenaka: I am well guided Sir.

Mr. Speaker: Once I propose a motion for debate, you now rise up to move your motion so it is a motion within a motion but this one is premature. It's a motion outside the main motion. Let's proceed!

Hon. Antony Lusenaka: I am well guided

Mr. Speaker: Hon. James Barasa!

Hon. James Mukhongo: Thank you, Honourable Speaker for your guidance. Otherwise, I was very much ready to second the motion.

Mr. Speaker: Keep on preparing for seconding that motion when it comes up. Hon. Barasa, add some flesh to your motion to second it once I call upon you to second. Hon. Sudi what is the issue.

Hon. Isaiah Sudi: Information Honourable Speaker!

Mr. Speaker: Yes please!

Hon. Isaiah Sudi: I wonder Hon. Barasa Mukhongo was to second under what Standing Order?

Mr. Speaker: Seconding does not require...

Hon. Isaiah Sudi: Because already the owner of the motion did not even use. He was completely out of order.

Hon. Isaiah Sudi: You are out of order Hon. Sudi

(Laughter)

Hon. Isaiah Sudi: Under what Standing Order?

Mr. Speaker: You are out of order because he said he was ready to second, he did not second. You are out of order yourself!

Hon. Sudi, you are out of order. Hon. Joseph Nyongesa proceed. Let's be patient. Order members!

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. At least you are also learning something. You see the mood of the House; they are ready to pass the reports and I am very happy.

This is the report on the vetting of the nominee for appointment to the Office of the County Executive Committee Member for Gender, Culture, Youths and Sports in the County Government of Bungoma. We have the table of contents, forward. Allow me skip this one so that I can start on acknowledgement.

Acknowledgement

Honourable Speaker, I therefore take this opportunity to acknowledge all members of the committee for their input and valuable contribution and time during the approval hearing and deliberation during the compilation of the report.

The committee also takes this opportunity to thank the offices of the Speaker and the Clerk of the County Assembly.

Mr. Speaker: Honourable majority, you went to the forward but which nominee are you forwarding? You left out the crucial part of the first page of the nominee.

Hon. Joseph Barasa: You know Mr. Speaker I was looking at the issue of time.

Mr. Speaker: We will adjust time.

Hon. Joseph Nyongesa: And also the mood of the House. So allow me start from the foreword.

Foreword

Pursuant to Article 179(2)(b) of the Constitution, Section 30 (2) (d) 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 Eng. Agnes Naliaka Wachie for appointment as County Executive Committee Member for Gender, Culture, Youth and Sports; vide letter Ref. No. CG/BGM/GVN/CA/VOL.1/02 dated 13th April, 2023.

On Thursday 13th April, 2023 the Honourable Speaker of the County Assembly read the Message from His Excellency the Governor to the House pursuant to Standing Order 45 (1). The name of the nominee was committed to the Committee on Appointments for vetting and reporting to the House within twenty-one (21) sitting days; pursuant to section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 208(4).

Subsequently, the Clerk of the County Assembly while complying with Section 7 (10) of the Public Appointments (County Assemblies Approval) Act, 2017, 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 as stipulated in the Public Appointments (County Assemblies Approval) Act, 2017.

By the close of the submission deadline on 20th April, 2023, the Committee had not received any memoranda regarding the suitability of the nominee.

The Clerk of the County Assembly through an advertisement in the print media on Saturday 15th April, 2023, notified the public that the Committee on Appointments would conduct the approval hearing for the nominee on Tuesday 25th April, 2023 at 9:00 a.m. This was in fulfilment 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 nominee appeared before the Committee as scheduled on Tuesday 25th April, 2023 for approval hearing in accordance with the provisions of the Constitution, the Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly Standing Orders.

Acknowledgement

I therefore take this opportunity to acknowledge all Members of the Committee for their input and valuable contributions and time during the approval hearing and deliberations during the compilation of this report. The Committee also takes this opportunity to thank the Offices of the Speaker and the Clerk of the County Assembly for the technical support accorded to it during the exercise.

On behalf of the Committee on Appointments and pursuant to section 14(3)(b) of the County Governments Act, 2012, 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 Appointments on the approval hearing of the nominee for appointment to the position of County Executive Committee Member for Gender, Culture, Youth and Sports.

Signed by Hon. Emmanuel Mukhebi Situma, Chairperson - Committee on Appointments

Preface

Establishment and Mandate of the Committee

Section 14 (3) (a) of the County Governments' Act, 2012 provides that in considering any appointment for which approval of the County Assembly is required under the Constitution, an Act of Parliament or County Legislation; the appointment shall be considered by a Committee of the County Assembly.

The Committee on Appointments is established under Standing Order 208(1). Standing Order 208(4) provides that the Committee on appointments shall consider, for approval by the House, appointments under Article 179(2) (b) of the Constitution.

Committee Membership

1. Hon. Emmanuel Situma	Chairperson
2. Hon. Stephen Wamalwa	Member
3. Hon. Joseph Nyongesa	Member
4. Hon. Anthony Lusena	Member
5. Hon. Joan Kirong	Member
6. Hon. Everlyne Mutiembu	Member
7. Hon. Grace Sundukwa	Member
8. Hon. James Mukhongo	Member
9. Hon. Francis Chemion	Member
10. Hon. George Makari	Member
11. Hon. Vitalis Wangila	Member

BACKGROUND

Notification of Nomination

Pursuant to Article 179(2) of the Constitution as read with Sections 4 and 6 of the Public Appointments (County Assemblies Approval) Act, 2017, His Excellency the Governor, vide a letter dated 13th April, 2023, referenced CG/BGM/GVN/CA/VOL.1/02; forwarded to the Clerk of the County Assembly the name of the person nominated for appointment as County Executive Committee Member for Youth, Gender, Culture and Sports.

Notification to the House and Committal to the Committee on Appointments

The Speaker, in adhering to the provisions of Standing Order 45(1) and vide a communication dated Thursday 13th April, 2023, informed the House of the Governor's message on nomination of County Executive Committee Member, for Youth, Gender, Culture and Sports.

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 on Appointments for approval hearings and reporting to the House on or before Thursday 1st June, 2023.

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 Committee shall 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 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.”

Pursuant to Article 196 of the Constitution as read 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. The advert contained a notification inviting the public to submit memoranda by Thursday 20th April, 2023 at 3:00 p.m. in conformity with section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017.

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 on Saturday 15th April, 2023 through the print media that the approval hearing of the nominee would be conducted on Tuesday 25th April, 2023.

Notification to the Nominee

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

Clearance and Compliance Requirements

On the notice of appearance for the approval hearing, the Clerk of the County Assembly informed the nominee 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 before the Committee certified clearance copies issued on diverse dates as follows:

NOMINEE	KRA	EACC	HELB	DCI	CRB
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AGNES NALIAKA WACHIE	21/12/2022	27/04/2023	21/12/2022	15/03/2023	As at 21/12/2022
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Issues for Consideration during the Approval Hearing

Section 7(8) and (9) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that:

(8) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

(9) The criteria specified in the schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate.

Additionally, Section 8 of the Act provides that the issues for consideration by the relevant House in relation to any nomination shall be:

(a) the procedure used to arrive at the nominee

(b) any Constitutional or statutory requirements relating to the office in question, and

(c) The suitability of the nominee for the appointment proposed having regard to whether the nominees' abilities, experience and qualifications meet the needs of the body to which nomination is being made.

While conducting the approval hearings, the Committee was guided by the provisions of Section 7 (8) and (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017.

a) Procedure for Nomination

Articles 179(2) of the Constitution of Kenya, 2010, Section 30 (2) (d) of the County Governments Act, 2012 confers upon the Governor the power to appoint County Executive Committee Members for the approval of the County Assembly.

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 Article 179(2) of the Constitution and section 4 and 6(1) of the Public Appointments (County Assemblies Approval) Act, 2017, the Governor notified the County Assembly of the nomination of Eng. Agnes Naliaka Wachie for appointment to the office of County Executive Committee Member for Gender, Culture, Youth and Sports.

b) Constitutional and Statutory Requirements

Besides the Constitution, the County Governments Act, 2012 Section 35 (2) gives guidelines on how to appoint persons to public office. They include:-

(i) Two-Third Gender Rule

Article 27(8) of the Constitution and Section 35 (2) of the County Governments' Act, 2012 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) Representation of Regional and Ethnic Diversity

Section 35 (2) (b), (c) of the County Governments Act, 2012 provides that the composition of the County Executive shall reflect the representation of the minorities, marginalized groups and communities; community and cultural diversity within the County.

(iii) Leadership and Integrity

The Committee in determining the suitability of the nominees 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:-

- a) Carry out 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
- d) Report truthfully on all matters of the organisation which they represent..

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

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

Memoranda from members of the public in respect of the nominee

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 candidate has been nominated.”

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 (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 as at the date of the approval hearing, the committee had not received any memorandum from the public

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 her 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 proceed with the approval hearing on Tuesday 25th April, 2023 at 9:00 a.m.
- (iii) **THAT**, the Committee would examine the nominee against the criteria set out in section 8 of the Public Appointments (County Assemblies Approval) Act, 2017

APPROVAL HEARING OF THE NOMINEE

The Committee conducted the approval hearing of the nominee on Tuesday 25th April 2023. The nominee, Eng. Agnes Naliaka Wachie was vetted under oath pursuant to the Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly of Bungoma Standing Orders.

ENG. AGNES NALIKA WACHIE: - NOMINEE FOR THE POSITION OF COUNTY EXECUTIVE COMMITTEE MEMBER FOR GENDER, CULTURE, YOUTH AND SPORTS

Eng. Agnes Naliaka Wachie, the nominee for the position of County Executive Committee Member for Gender, Culture, Youth and Sports appeared before the Committee on Tuesday 25th April, 2023 at 9:00 a.m. in the County Assembly Plenary. The Committee noted the following;

i) Date and Place of Birth

The nominee of ID No. 7908394 is a Kenyan female born on 31/03/1966, in Sirisia, Mayekwe Sub-location, Lwandanyi Location, Bungoma West district in Bungoma County. Apart from being a Kenyan citizen, the nominee confirmed that she did not hold any dual citizenship.

ii) Academic and Professional Qualifications

The nominee holds a Bachelor of Philosophy Degree in Technology (Electrical and Electronic Engineering Technology) from the University of Nairobi, higher national diploma in Electrical Engineering (Power Systems) from Kenya Polytechnic, diploma in Project Management from Galilee International Management Institute, Israel. Further, she holds a diploma in Technical Education - Kenya Technical Teachers College (KTTC)

Further, she holds a certificate in corporate Governance from the Centre for Corporate Governance (CCG), certificate in Senior Management Course from the Kenya School of Government and a certificate in the science and Art of Leadership from Eastern & Southern African Management Institute (ESAMI).

iii) Employment Record

The nominee has worked in various positions; she is the current Manager, Surveillance and Enforcement and Regional Manager North Rift Region at the Energy and Petroleum Regulatory Authority (EPRA). At the same organization, she also worked as the Senior Technical Officer-electricity from 2005 to 2018 and Electrical Inspector from 1999 to 2004.

From 1991 to 1995, the nominee worked as the Technician Engineer (Commercial) at the Kenya Power and Lighting Company Limited (KPLC). The nominee has a cumulative of 28 years work experience.

iv) Income and net worth

The nominee's estimated net worth is 30 million Kenyan shillings; with her sources of income being from salary, benefits, rental income, dividends from shares and a hotel.

v) Professional association and membership

The nominee has been a member of the Kenya Engineering Technology Registration Body (KETRB) since 2016. She was also the chairperson of the Kenya Engineering Technology Registration Body (KETRB) from November, 2016 to 2019.

Additionally, the nominee has been a member of the Association of Energy Professions (AEP) since 2016 and Institution of Engineering Technologist (IET) as from 2012 to date. Further, the nominee indicated that she was a member of the Engineering Board of Kenya (EBK) as a graduate technician engineer in 2006.

Potential Conflict of Interest

The nominee highlighted that she would endeavour to separate personal interest from public office by establishing policies and procedures in accomplishing the mandate of the ministry.

Pro-bono/Charity Work

The nominee has been involved in charity work through mobilising professionals from Lwandanyi ward with an objective of constructing and equipping Mayekwe ACK Secondary School library. They completed the library and handed it over to the Bishop of ACK church in 2022. Through Motisha Women Initiative, the nominee secured a Corporate Social Responsibility (CSR) award from Energy and Petroleum Regulatory Authority (EPRA). The nominee has also supported electrical connection in Lwandanyi, Sikusi, Tongaren and Webuye. Further, she has participated in capacity development of the youth in acquiring electrical workers and electrical contractor's licences technicians.

Integrity

The nominee further submitted that she has not been adversely associated with practices that depict bias, favouritism, or nepotism in the discharge of public duties. She 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. The nominee has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.

GENERAL AND SECTOR SPECIFIC QUESTIONS

The Committee posed several questions to the nominee on her knowledge of Gender, Culture, Youth and Sports to which she responded as follows:

- (1) On the functions of the County Executive Committee, the nominee was aware of the functions of the County Executive Committee as outlined in Article 183 of the Constitution of Kenya, 2010.
- (2) Regarding values and principles of Public Service, the nominee was aware of the values and principles of public service as enshrined in Article 232 of the Constitution of Kenya, 2010.
- (3) On measures she would put in place towards the revival and sustainability of Bungoma County Disability Empowerment Fund (BUCODEF), Bungoma County Youth Empowerment Fund (BUCOYEF) and Bungoma County Women Empowerment fund (BUCOWEF), the nominee informed the Committee that she would go through the documents and review them in order to determine how they can be revived.
- (4) With regard to the youth, women and Persons Living with Disabilities (PLWDs) feeling segregated, the nominee stated that if approved, she will work to have a policy in place that will lay a level ground for the three groups in sharing resources equitably.
- (5) On utilization of the Kshs 700 million grants that was signed towards prevention of Gender Based Violence (GBV), the nominee informed the Committee that she would work with Chief Officers and Directors by studying the agreement signed between the County Government and the Government of Finland. She further stated that Bungoma County as one of the beneficiaries will only be required to provide necessary information.
- (6) On ensuring that the Gender Based Violence Rescue Centre at Ndengelwa becomes fully operational, the nominee informed the Committee that if approved, she would seek audience with the County Women Representative to get more information about the centre and how it is being utilized. Additionally, she stated that she would inspect the centre to get a clear picture of the facility then present a report to the County Assembly for consideration.
- (7) On how she would match her skills into practice as she discharges her duties, the nominee informed the Committee that she would foster a relationship with the Department of Education and Vocational Training to have the youth acquire the requisite skills.
- (8) Regarding full integration and harmonization of challenges facing the youth, the nominee indicated that the County has scholarships and bursaries for students. She also indicated that Technical Institutions offer training opportunities. She would therefore put in place mechanisms to sensitize the youth on how to access such opportunities.

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 Assemblies Approval) Act, 2017 her curriculum vitae and having heard her oral submission during the approval hearing, made the following observations:-

- (1) THAT, the nominee is the current Manager, Surveillance and Enforcement and also the Regional Manager North Rift Region at the Energy and Petroleum Regulatory Authority (EPRA).
- (2) THAT, the nominee meets the requirements of Chapter Six of the Constitution of Kenya, 2010 on Leadership and Integrity.
- (3) THAT, the nominee has not been charged in a court of law in the past three (3) 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) (conflict of interest) and Article 76 (financial probity).
- (5) THAT, from her submission during the approval hearing, she demonstrated knowledge, skills and experience in leadership and institutional management. She was also conversant with role of the County Executive Committee Member as well as laws and policies related to her position.
- (6) THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to state office since she is a Kenyan citizen born on 31st March, 1966 in Bungoma County and does not hold dual citizenship.
- (7) THAT, the Committee's average score on the nominee was recorded as 64.75%

Pursuant to Section 7(8) & (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that the nominee met the integrity threshold; demonstrated knowledge of topical, administrative and technical issues touching on the portfolio to which she had been nominated; and had the requisite abilities, academic qualifications and professional experience to be CONSIDERED for appointment as the County Executive Committee Member for Gender, Culture, Youth and Sports in Bungoma County.

COMMITTEE'S RECOMMENDATION

Having conducted the approval hearing for the nominee pursuant to Article 179 (2) of the Constitution, Sections 4, 7 and 8 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 208 (4), the Committee recommends that this House Approves the nomination of Eng. Agnes Naliaka Wachie as the County Executive Committee Member for Gender, Culture, Youth and Sports in Bungoma County by His Excellency the Governor.

Having reached there, allow me call upon the Leader of Minority Hon. Antony Lusenaka to second the report.

Mr. Speaker: Thank you Honourable for moving the report on behalf of the Committee on Appointments.

Hon. Antony Lusenaka: I rise to second the report as moved by the Majority Leader on the Nominee for that position. I won't say much but from that process of vetting, the Nominee qualifies. She has requisite documents academically but no one is 100% perfect. From our observations and back ground checks, she appears to be high tempered.

From the reports we got she is a bully, so I want to ask the chair of that Committee Hon. Kawa to be vigilant so that the Committee is not bullied. They should play their oversight role and make sure that she performs. Otherwise, I want to ask this House to approve the nominee.

Mr. Speaker: Thank you, Hon. Lusenaka. You know a spade is a spade. It can't be called a bigger spoon. Honorable Members, allow me be able to propose a Motion for debate. Honorable Members, a Motion has been moved and seconded that this House adopts the report by the Committee on Appointments on the vetting of the Nominee for appointment to the Office of the County Executive Member for Youth, Gender, Culture and Sports. I propose.

(Question proposed)

Hon. James Mukhongo: I'm not rising to make the contribution but I'm ably guided by Standing Order No. 109. Allow me to move this Motion that we limit the contributions from the Honorable members. Each and every Member to take at most 3 Minutes, so that we can allow other Members also to make contributions because of the work load ahead of us. It will also assist us to move very fast, so that we can approve the names before this Honorable House for the County Government to start working effectively.

I'm not going to curtail the number of Honorable Members but I'm only requesting for limitation of time because when we say three minutes, we can have like ten Members speaking in thirty minutes and we are done, then we move to other business. Having said that let me request my brother Hon. Jack Kawa to second this Motion.

Hon. Jack Kawa: Than you, Mr. Speaker. I would like to second the Motion moved by Hon. Barasa Mukhongo aka *Biashara Mbali mbali*. As you have heard, we have several businesses today, so that we can move with time, knowing very well that tomorrow is our last day then we proceed to our long recess. I second that we limit the time for each member to contribute and five Members on every report. I second.

Mr. Speaker: Honorable Members, I think we can only rely on Standing Order 109 (i) and (ii) that allows for limitation on time. As spoken by Hon. Barasa, the discretion on the Membership to speak lies in the preserve of the Speaker of the day. So I will be able to

propose. Honorable Members, a Motion has been moved and seconded that this House do limit time for the speakers to a maximum of three minutes. I propose.

(Motion on limitation of time proposed)

Honorable Members, thank you very much for your contributions. Allow me be able to put a question to the said Motion.

Honorable Members, a Motion has been moved and seconded that this House do limit the time for Honorable Members contributions to a maximum of three minutes.

(Question on Motion on limitation of time put and agreed to)

Honorable Members, just compress your contributions to three minutes or 2 minutes and thirty five seconds so that I can't curtail you contributions.

Hon. Francis Chemion: In the interest of time, the nominee by the name Wachie is a very competent lady. I looked at her pro-bono work; she has done much in Sirisia in terms of provision of electricity. She has assisted schools within that area. Apart from Sirisia, she has also done some works in other Sub Counties in Bungoma, having been a Manager in the whole of North rift in terms of Managing issues to do with EPRA and Electricity supplies. I think she has the knowledge and the capabilities to serve this County. She is also a lady, bringing the Gender issue in play.

The only issue is the one that has been mentioned by the minority leader which she has to check for that area. She will be interacting with the Honorable Members. She will be interacting with the public and so we are asking that we approve the name so that she corrects what we have said. I support that we approve the nominee.

Hon. Tony Barasa: First, I want to thank the Appointment Committee for coming up with the name of Agnes Wachie. Allow me call her Engineer Agnes Wachie for she happens to come from my Ward and not only my Ward but Sirisia and she stays in Kabuchai/Chwele Ward and when we empower a girl child, we are empowering the Community. I want to thank Members that this lady has been abroad as a private citizen.

We remember she brought what we call Public Library that is in Lwandanyi. The other day she brought some sheets and mattresses in a small school called Mayekwe Girls and being a Member or a director at EPRA, she has done a lot. If we are going to empower her and give her this opportunity, I believe, because of her weaknesses that we are going to panel beat, we will believe in her as a County.

Hon. George Makari: I wish to state that I'm a Member of the Appointment Committee. I'm among those people who checked how this lady is and we vetted her. I want to reiterate what my colleague Honorable Minority Leader has said. As much as I support the Motion on appointment of this lady, I want to call to your attention, the Chair of the Gender and Culture Committee, you must be very alert. From our background check as the Minority leader has said, this is a bully. You could see the way she was answering questions on the floor, when

she was getting vetted. So the Culture and Gender Committee Chair and the whole House, as much as we approve her name, we must be very careful.

Hon. Charles Nangulu: Thank you, Mr. Speaker. First, let me applaud the Committee on appointment for the job well done. This lady is someone that I know very well. She comes from Sirisia and indeed being an Engineer, a mother and a grandmother, running those positions is not easy. Agnes Wachie having worked for EPRA and being promoted, that is a sign of Leadership and indeed she deserves this position.

On matters of pro-bono, Agnes Wachie really helps everyone across the County. If you detailed and see how she is helping the girl child across the County in Bungoma, there was a time I had good time with her and she was giving sanitary towels across the County. That was way back like 10 years.

She is a person that cares about this County and how I wish that we approve her appointment as the CECM Gender. On pro-bono, this is someone that I met personally and I remember in the last General Elections, she touched my heart in election time and so she is a good person. As a House, let us have her as our CECM Gender.

(Applause)

That is what we call a debate Honorable Members.

Hon. Isaiah Sudi: Hon. Nangulu has said what I wanted to say because despite her being a bully, you can see how she has been promoted. She is now a manager in North Rift Region which is not a small region. She must have performed so well in her career and must have interacted with her colleagues so well. Otherwise how can a bully be promoted up to that extent? I want to urge the Committee leadership that now that you have been told, you must handle her well. She is a performer. We are looking at the service. I support the Motion.

Hon. James Mukhongo: I have never met the nominee whom we are debating about. When my brother Hon. Tony was saying that she is born in Sirisia, but currently staying in Kabuchai, I'm a happy person. I know very soon I will interact with her so much.

However, we have taken care of what Honorable Leader of Minority and Hon. Makari have said because they are the ones who sat in the panel and vetted the Nominee.

I know we have an able Chair for that Committee and I'm also a Member there. Even though we have been having challenges within the department, we will take control of her and I think when the Executive forwarded her name, they were very much aware that she can deliver on behalf of the County Government of Bungoma. Otherwise I beseech the Honorable Members that we approve the name for the Executive to start working.

Hon. Maureen Katila: Engineer Agnes is well known to me personally. She is a good lady and I will request that the word bully is dismissed from the statements of this House. That lady is so polite and a very respectful woman who in her capability is going to work well in

this docket. She has a heart to promote Bukusu Culture because I spoke to her and I felt that she has the heart of promoting the Bukusu Culture.

Mr. Speaker: Just explain to the House how you measured that heart of promoting the culture so that we understand. We are strangers to what you are saying.

Hon. Maureen Katila: When I spoke to her, she told me that she understands the Bukusu Culture so well; she will promote the Bukusu Culture. I therefore request the House to approve her to the position of CECM - Gender and Culture.

Mr. Speaker: Which one are you talking about Hon. Tony Barasa?

Hon. Tony Barasa: (*Point of information*) Thank you, Mr. Speaker. I just want to inform the House that in approval of Engineer Agnes Wachie is not only going to promote the Bukusu culture. We are having Tesos, Sabaots and all other people within Bungoma County. So she is going to promote all the ethnic groups that live within Bungoma County.

Mr. Speaker: Thank you, Hon. Tony. I think the House is properly informed. Members allow me call the mover to reply to the Motion.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. Allow me appreciate every Member who had an opportunity to support the report and urge this House that at least we pass this Nominee Engineer Naliaka Wachie. I also want to applaud this House for being very keen and knowledgeable to detect some characters, though some characters sometimes help somebody to penetrate to some areas. As a human being, we should have strength and our own weaknesses. What is important is that now the House has detected and seen. We really have very stable and accommodative Chair in Gender who can navigate and ensure that all is well.

When we were going through her file, we saw one unique thing which could lead to the issue of bullying. A man or a woman staying alone and yet married; sometimes it may affect your life. Some issues when you meditate on them can raise some other characters. When we were rating, she was married but eventually she is single and for any happy lady or woman, should have a man and for any happy man, you should have a lady. Such things may also contribute. Otherwise, I urge this House to support and pass this nominee.

Mr. Speaker: Thank you, Honorable Members. Those are not just views. They are from the bishop of the Church. I think Hon. Allan you are taking note of what they are saying.

Order Honorable Members. Order!

Honorable Members, a Motion has been moved, seconded and debate having ensued that the House adopts the report on appointment on the vetting of the Nominee and having conducted approval hearings of the nominee pursuant to article 179(ii) of the Constitution, section 4,7 and 8 of the Public appointments(County Assemblies Approval) Act 2017 and Standing Order number 208(iv) the Committee recommends that this House approves the Nomination

of Engineer Agnes Naliaka Wachiye as the County Executive Committee Member for Gender, Culture, Youth and Sports in Bungoma County by His Excellency, the Governor.

(Question put and agreed to)

(Applause)

Honorable Members, pursuant to section 11 of the Public Appointment (County Assembly Approval Act) number 5 of 2017 Section 11, notification of the decision, the clerk shall notify the appointing authority of the decision of the County Assembly within 14 days of the decision and subsection 2, the appointing authority shall upon approval for nominee for appointment by the County Assembly and subject to the applicable written laws appoint the nominee within a period of seven days from the date of the notification of the decision of the County Assembly under subsection 1, the clerk will notify the Governor for the subsequent laws to be complied. Thank you as we move to the next nominee in the next Motion.

**REPORT BY THE COMMITTEE ON EDUCATION AND VOCATIONAL TRAINING
ON THE VETTING OF THE NOMINEE FOR APPROVAL FOR APPOINTMENT TO
THE OFFICE OF THE CHIEF OFFICER FOR EDUCATION AND VOCATIONAL
TRAINING**

Hon. Ali Machani: Thank you. I would wish to inform the House that it is not procedural when the Speaker is on his feet for a member to move from point A to point B even the Sergeant at Arms... I came in when you were on your feet but I have learned something that we are not respecting the Chair.

Mr. Speaker: Honorable Members, I don't want to engage and referring a member to Standing Orders. Just go back to it. It is good to avoid sanctions under Standing Order No. 119 and 120.

Hon. Jack Kawa (Member, Education): I'm on my feet on behalf of the Committee on Education. The report on the vetting of nominee for appointment to the office of the Chief Officer to the Office of the County Chief Officer in the Department of Education and Vocational Training in Bungoma County. Today I'm privileged that I'm moving a Motion on appointment of the Chief Officer. So I want to appreciate my Committee for giving me this chance.

Preface

Establishment and mandate of the Committee

The sector Committee on Education and Vocational Training is constituted pursuant to the provision of Standing Order 217(i) of the County Assembly of Bungoma Standing Orders and executes its mandate in accordance with Standing Orders 217(v) which provides as follows:

1. Investigate, inquire into and report on all matters relating to the mandate, management of activities, administration cooperation, and control and monitoring of Budget.
2. Consider quarterly reports of the assigned departments and report to the House within 21 sitting days upon being laid.
3. Study the program and policy objectives of the department and the effectiveness of the Implementation.
4. Study and review all County Legislations referred to it.
5. Study. Access and analyse the relative success of the department as measured by the results obtained as compared with their stated objectives.
6. Investigate and inquire into all matters relating to the assigned department as they may deem necessary and as may be referred to them as County Assembly.
7. To Vet and report on all appointments where the Constitution or any law requires the House to approve except under Standing Order 208 Committee on appointment and make reports and recommendations to the House as often as possible including recommendation on possible Legislations.

On Committee Membership, we have 15 Honorable Members.

Acknowledgement

May I take this opportunity to acknowledge all the Members of the Committee on 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 the office of the Clerk to the County Assembly for their logistics and technical support accorded to it during this exercise. On behalf of the Committee of Education and pursuant to section 9(i) of the Public Appointments County Assembly Approval Act 2017 and the provisions of Standing Orders 202(7)

It is therefore my pleasant duty and privilege to present to the House the report of the Committee on Education and Vocational Training

BACKGROUND INFORMATION

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.

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.

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.

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) Act, 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.

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 (

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

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%.

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:-

- (iv) *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.

(v) 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, favouritism, 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.

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 have 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.

Pre- Approval Hearing Meeting

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

- (iv) **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.
- (v) **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.

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.

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 a.m., 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 Sub county, 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.

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.

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 that;

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%.

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.

Honourable Speaker, we have the annexures with us, that is the letter of notification from his Excellence the Governor nominating the nominee, annexure 2 has advertisement inviting submission of memoranda from the public notifying the public of approval hearing and inviting nominee for approval hearing.

We have the adoption schedule with us; 15 honourable members have appended their signatures.

Mr. Speaker: That is dangerous, just say it is adopted by the majority membership because what you are saying maybe different with what I am seeing, proceed.

Hon. Jack Kawa: Thank you, Honourable Speaker. Having reached there, allow me with a lot of honour invite Hon. Jacob Psero to second.

Hon. Jacob Psero: Thank you Mr. Speaker for this opportunity...

Mr. Speaker: Honourable members, any member of the committee can second the report, don't worry about the vice chair or the chair, you are equal to the task. Any of you can be a chair tomorrow or a vice chair so don't worry about these issues.

Hon. Jacob Psero: Thank you Mr. Speaker for this opportunity to say something about Mr. Nicholas Kiboi. First, I want to thank Hon. Kawa for reading the report eloquently to the members. I want to support the nomination of Mr. Nicholas to the position of the Chief Officer Education because I have seen him grow as a teacher. At the same time, I have seen him grow through the various posts as a principal of various schools in Mt. Elgon, in Bungoma and even Siaya to the extent of Trans Nzoia.

Mr. Nicholas has gone to school well; we have heard he was in Kabarak for his degree and the same time Kenya Science for the Diploma course. He is well versed in terms of education and is suitable for this particular position.

I want to second the motion by saying this is a person that is going to serve us very well particularly in the areas of scholarship and bursaries because these are the areas he has been handling. I know he is going to have a very easy time sorting out the problems that we have had in the department. I beg to submit.

Mr. Speaker: Thank you Hon. Jacob for seconding the motion before the House. Honourable members, allow me now be able to proceed and propose a motion for the House to debate.

(Question proposed)

Hon. Stephen Wafula: Thank you, Honourable Speaker. I stand to support the report on nomination and approval of the Chief Officer for Education.

As we approve and pray that the nominee starts his work in this very good office, we want to pray he will adhere to the calling of devolution. Devolution came for purposes of empowering the people in various counties and every county has its own diverse challenges. We know very well that education was partially devolved which include Early Childhood Education the Vocational Training Centres.

TVET is where some of our children who have not been able to join various tertiary colleges or university, some of them have not made it to secondary schools because of fees challenges and those are very many children and I must say this, as the Chief Officer comes to office, let him not forget the devolved units. We should not forget about Vocational Training Centres, we should not forget about equipping our ECDE Centres and take all the money to the national function which is scholarship and bursaries.

In as much as we need bursaries and scholarship, let us also factor in the empowerment of vocational training and equipping of ECDE centers. I rest my case.

Mr. Speaker: Honourable members, for guidance and what you have forgotten again, is that when you moved the motion of time limitation, it was only applicable to the first motion; it was not meant for the whole day. That is it.

Honourable majority, I don't want to cut you short because there is no motion but just be able to use common sense.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. Common sense is not common to all. First, allow me appreciate members of the committee on Education and also the mover who is Hon. Kawa.

There is a unique character which I learnt from this gentleman and allow me share with this House. During our campaigns, we had members who were aspiring to be Deputy Governors of this County and Mr. Kiboi was one of them. You know it is not so easy for any man to leave and support a lady, but this gentleman was very humble and gave in and supported the movement. Others ran away and supported our opponents, you know. I saw Honourable Ali Machani is not feeling well but that is the reality.

That he exhibited a unique character by stepping down and joining the team. We had the former Deputy Governor; he cried and uttered a lot of words, so I respect this gentleman and by saying so I see him as a team player, focused person who has an intention of supporting this County. Some of us wish that he could be part of the cabinet but unfortunately, he was appointed as a Chief Officer.

As we wish him well and support him, there is a key challenge in Education Department whereby with him we know he could help resolve. This department needs a man who can stand, talk and engage leaders so that a solution is found and this is the one gentleman who can do so. I support.

Hon. Martin Cheseto: Thank you, Honourable Speaker for giving me this chance. I also want to contribute on this nominee Nicholas. He was my teacher and I was actually his first

student when he came from college after graduating. He is an educationist, very powerful and knowledgeable; he has a vast wealth of knowledge as a teacher, as an educationist and also as a community member. With this kind of knowledge, I know he is up to the task to move this department to the next level.

He is very much willing and ready to sacrifice, the way the leader of majority has said because I come from Cheptais where he also comes from. I could see him in campaigns after being disappointed on missing out the nomination as Deputy Governor. The guy was very much willing to reach out to the voters to vote for the Kenya Kwanza Governor and he delivered. I could read from social media and even news that he was in Bumula soliciting for votes for the Governor and he is one of the people who ensured the current government is in power. I am congratulating him for that work.

At the same time, this guy is very wise. Unlike others, he grabbed on the opportunity after missing out on nomination, he was not a cry baby but he said this is an opportunity to prove my worthiness and that is why he moved out. I beg this House to support his nomination so that he steers this department to another level.

At the same time, he is a risk- taker. I was following keenly the Deputy Speaker talking about this department assuming the core mandate or responsibility...

Mr. Speaker: Hon. Ali Machani, I have been patient to allow him finish. What is the information?

Hon. Ali Machani: (*On a Point of Information*) Honourable Speaker, allow me to put it to the House, the contributor is doing very well but let it not be on record that he was rewarded because he campaigned but that he is competent. I think that should be expunged from the records.

Mr. Speaker: Hon. Cheseto, you proceed without that line of saying he was rewarded but there are rewards in politics anyway.

Hon. Martin Cheseto: Thank you, Mr. Speaker for that correction. I beg this House to support this nominee to be appointed as Chief Officer for this department, so that he can help us achieve the objective of the department.

Hon. Cornelius Makhanu: Thank you, Mr. Speaker for the opportunity. I also rise to support this report. I attended his vetting as a friend of the committee and there is one thing that interested me with this gentleman. First of all, the unique thing that I got from this gentleman was from his questionnaire about his family. It stated that he is married but to 'she' wife. When he was asked to clarify he said that nowadays we have these LGBTQ issues, so he was saying he doesn't support that and that is why he stated to having married to a 'she' wife. I am happy that this House is going to approve him and when I will visit his office I will remind him that. Otherwise I support.

Mr. Speaker: Thank you. Members you are hearing there are some 'he' wives. Proceed Hon. Eunice.

Hon. Eunice Kirui: Asante sana Ndugu Spika kwa kunipa pia nafasi hii kumzungumzia Mwalimu Kiboi. Nilimjua huyu mwalimu wakati alikuwa Mwalimu Mkuu wa Shule ya Upili ya Cheptais. Wakati huo nilikuwa na wanafunzi katika hiyo shule na ilikuwa imerudi chini kimasomo. Wakati alipokuwa katika hiyo shule bado nikiwa mzazi niliona ukakamavu wake na nikajua ya kwamba ni kiongozi. Mwalimu Kiboi aliweza kuinua hali ya masomo katika shule hiyo na watoto wetu wakafanya vizuri katika mitihani yao.

Pia wakati wa kampeni Kiboi alijitolea kwa kufanya kazi yeye hufanya hiyo kazi na roho moja, si mtu ambaye anajisukuma. Kwa ufupi nataka kusema kwamba tayari mtu amepata kazi na kazi hii pia imempata mtu anayestahili. Kiboi ni mkakamavu na ataifanya hii kazi kwa uzuri, upendo na kwa bidii yake yote.

Mr. Speaker: Members, I said that we should have few speakers because we have one report to lunch break and another 3 reports at 3 p.m. If we continue this way, we will extend to 1:00 p.m.

Hon. Caleb Wanjala: Thank you, Mr. Speaker. I also rise to support the report that Kiboi is equal to the task having an educational background. I think he is going to be of help to this county on the side of scholarship. I support the report.

Hon. Isaiah Sudi: Thank you, Mr. Speaker. I also rise to support the nominee because this County requires this nominee as early as tomorrow. Because even the bursaries as we are speaking schools are about to re-open and we are in a serious mess. Therefore, the department needs somebody to support the CECM so that together they deliver.

The scholarship is now the talk of everywhere even on the streets. As we approve this nominee, I wish that he comes and solves this issue and also assist us to deliver on our mandate as members of County Assembly of Bungoma.

Education is key and if we perform well in education, I'm sure as a County we shall be on the map of the country as a county that is exporting professionals. I know he is equal to the task and I support.

Hon. Johnstone Ipara: Thank you, Mr. Speaker Sir. First of all, let me commend Hon. Kawa for reading out a good report and gave all the details that we required. I'm not supporting this motion because the nominee comes from Mt. Elgon or from a minority but because education department is important that it makes everything happen. What I pray is that the nominee brings team spirit that is missing in the department.

Secondly, I also pray that he will partner well with the CECM because right now it seems the CECM does not have a good partner to work with. I also hope he will help to clean the dirt that has strangled the department.

Lastly, it is my prayer that he will use vast experience and the professionalism to shake away the shackles of poor management that is evidence in department. On the issue of scholarship and bursaries, I believe he will address these issues. As other speakers have said that bursary is not necessary, I want to say that bursary is necessary. When we have vocational training centres and we have children of the poor peasants, we need to support their education. I support.

Hon. Meshack Museveni: Asante Ndugu Spika kunipa nafasi. Kwanza nataka nishukuru Mheshimiwa Kawa jinsi alivyosoma ripoti vizuri. Namjua Kiboi amefanya kazi nzuri katika eneo la Mlima Elgon kwa upande wa elimu. Shule ya Upili ya Kapkateny haikuwa inafanya vizuri katika masomo pamoja na Terem. Kiboi aliwaita walimu wakaketi pamoja na akawaeleza kwamba atawasaidia ili kuwawezesha wanafunzi kufanya vizuri kwenye mitihani. Namjua Kiboi kwa upande wa elimu. Kwa hayo machache, naunga mkono ripoti hii.

Hon. George Makari: Thank you, Honorable Speaker. I happen to be a member of the Education Committee and my chairperson is Advocate Otsiula. I want to applaud Hon. Kawa who is also a member of this committee for reading a report so well. If there is a person that we vetted and I saw that he is qualified and vast in matters education, it is Kiboi. I want to applaud the Governor for nominating this man. This gentleman even when you are around him, you feel at ease, not like the other nominee we have just approved. This one you are at ease with him, he talks to you directly. You can observe somebody through interaction and know that this is a good man. I support the report and Kiboi will do a good job.

Hon. Jack Kawa: Thank you, Hon. Speaker. First and foremost, allow me congratulate my colleagues for the contributions they have made on this nominee. I want to start where Hon. Makari has stopped; that the nominee deserves our approval.

I know Namanjalala Friends Secondary School; before the nominee resigned to come and give back to the community, he went to that school when it was a day school and he left the school as a boarding and the school had also acquired a school bus through his effort and good relationship with other leaders.

I want to urge honorable members support the approval of this nominee because as a committee alone we cannot manage. Let us support the nominee and the leadership in this County led by Governor that the issues of scholarships and bursaries are ironed out once and for all.

Without much ado, I thank the members for their support and urge them to approve our nominee J. Kiboi as the Chief Officer Education and Vocational Training. Thank you Mr. Speaker.

Mr. Speaker: Thank you, Hon. Kawa for your reply to the motion. I put the question that this House do agree with the committee that the nominee be appointed as Chief Officer Education by His Excellence the Governor.

(Question put and agreed to)

The ayes have it. The nominee is approved for appointment.

Back to Section 11 of the Public Appointments (County Approvals Act No.5) 2017, Section 11 on the notification of the decision. Honorable members, the Clerk shall notify the Appointing authority of the decision of the County Assembly within 14 days of the decision. Equally, the appointing authority shall upon the approval of the nominee for appointment by the County Assembly and subject to the applicable written law, appoint the nominee within a period of 7 days from the date of the notification of the decision of the Assembly under Sub-Section (1).

Next item.

REPORT BY THE SECTORAL COMMITTEE ON PUBLIC ADMINISTRATION ON THE
VETTING OF THE NOMINEE FOR APPOINTMENT TO THE OFFICE OF CHIEF
OFFICER FOR PUBLIC SERVICE AND MANAGEMENT

Hon. Caleb Wanjala (Vice Chair, PA): Thank you, Mr. Speaker Sir. 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 Ms. Evelyn Teresa Wekesa for appointment as the Chief Officer, Public Service Management and Administration.

The nomination of the Chief Officer was conveyed to the Speaker of the County Assembly through letter Ref. No. CG/BGM/CS/GEN/VOL.VI (14) dated 10th April, 2023.

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 name of the nominee to the House. Pursuant to Section 4 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 208(4), the name of the nominee was committed to the Committee on Public Administration and ICT 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 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 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 Public Administration and ICT would conduct the approval hearings on Wednesday 26th April, 2023 at 9:00 a.m.

The nominee appeared before the Committee as scheduled on Wednesday 26th April, 2023 for approval hearings 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, Public Service Management and Administration.

Preface

Honorable members, on behalf of the Committee on Public Administration and ICT and pursuant to the provisions of Standing Order No 217 (5) (g) of the Bungoma County Assembly, it is my pleasure and duty to present to the House, the Committee's report on the Vetting of the nominee for Appointment to the position of Chief Officer, Public Service Management and Administration.

1.1 Establishment and Mandate of the Committee

The Public Administration & ICT Committee was established on 26th October, 2022 in accordance with the County Assembly of Bungoma Standing Order No.179.

The mandate of the Committee is derived from the Standing Order 217 (5) and matters assigned under the Second Schedule which shall be exercised within the limits contemplated under Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010.

The functions of a Sectoral Committee shall be to;-

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Consider quarterly reports of the assigned departments and report to the house within twenty one sitting days upon being laid
- (c) Study the programme 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 County Assembly to approve, except those under Standing Order 208 (Committee on Appointments); and

(h) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Committee Membership

The following is the current membership of the Committee

1.	Hon. Tony Barasa	Chair person
2.	Hon. Caleb Wanjala	Vice chair
3.	Hon. Stephen Wamalwa	Member
4.	Hon. Joseph Nyongesa	Member
5.	Hon. Jackson Wambulwa	Member
6.	Hon. Busolo Sudi	Member
7.	Hon. Francis Chemion	Member
8.	Hon. Simotwo Franklin	Member
9.	Hon. Grace Sundukwa	Member
10.	Hon. Cornelius Makhanu	Member
11.	Hon. Timothy Chikati	Member
12.	Hon. Stephen Kaiser	Member
13.	Hon. Jeremiah Kuloba	Member
14.	Hon. Florence Juma	Member
15.	Hon. Brigid Katasi	Member

Acknowledgement

The Committee is grateful to your Office and that of the Clerk of the County Assembly for the tireless effort towards making this undertaking a success through facilitation and other Logistics offered as the Committee discharged its mandate.

Secondly, the Committee wishes to register its appreciation to the nominee and members of the public for their cooperation throughout the exercise.

In addition, the Committee is greatly indebted to the committee members for their overwhelming participation in the entire process. It is as a result of their commitment and dedication to duty that the work of the Committee and production of this report came to completion.

The significant role played by the Secretariat for their steadfastness in the compilation and accomplishment of this report cannot be overlooked.

I wish to confirm that the recommendations of the Committee in this report were unanimous. It is now my pleasant duty and privilege, on behalf of the members of the Committee of Public Administration and ICT, to table this report and recommend for its adoption by the County Assembly. This report has been signed by the chairperson.

Background Information

Establishment of the Office of the Chief Officer

Section 45 of the County Governments Act 2012, establishes the office of the County Chief Officer. The section provides that the Governor nominates and with the approval of the

County Assembly appoints County Chief Officers. Section 45 (1) of the County Governments Act 2012 stipulates that the Governor shall;

- a) nominate qualified and experienced County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board; and;
- b) With the approval of the County Assembly, appoint county Chief Officers.

Additionally, the procedure for approval hearing, issues for consideration and the period for consideration and reporting is provided for under the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017.

Nomination of the Chief Officer

Pursuant to section 45(I) (a) of the County Government's Act 2012, H.E the Governor, forwarded to the Speaker of the County Assembly, the name of the nominee Ms. Evelyn Teresa Wekesa vide letter dated 10th April, 2023 Ref. No. CG/BGM/CS/GEN/VOL.VI (14) for vetting by the Committee on Public Administration and ICT and consideration for approval by this House for appointment as Chief Officer Public Service Management.

On the same date, the Honorable Speaker in a message informed the House that he had received the name of the said nominee and committed it to this Committee for vetting and reporting to the House.

Notification to the House and Committal to the Committee

Pursuant to the provisions of Standing Order 45(1), on 13th April, 2023 the Speaker, vide a letter Ref. No. CG/BGM/CS/GEN/VOL.VI (14) dated 13th April 2023, informed the House of the Governor's message to the House on nomination of Ms. Evelyn Teresa Wekesa, for Chief Officer-Public Service Management 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 this Committee for approval hearings and reporting to the House accordingly.

Notification to the Public

Article 196 of the Constitution of Kenya, 2010 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."

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 memorandum 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 3:00p.m.

Further, the Clerk of the County Assembly notified the general public on 15th April 2023, in the print media that the approval hearings of the nominee would be conducted on Wednesday 26th April 2023 at 9:00a.m in the County Assembly precincts.

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.

Clearance and Compliance Requirements

On the notice of appearance for approval hearings, the Clerk of the County Assembly informed the Nominee 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).

The nominee was compliant as evidenced from all the submitted valid clearance certificates from the above agencies.

Report of the CPSB on the nomination of the Chief Officer

The County Public Service Board (CSPB) advertised for the positions of the County Chief Officers in the Standard Newspaper on Tuesday, 4th October, 2022 of which one hundred and nineteen candidates applied for the position of County Chief Officer, Public Service Management and Administration and nineteen applicants were shortlisted and invited for interviews.

The shortlisted candidates were put in the print media (Daily Nation Newspaper) of Monday, 6th February, 2023. The interviews were conducted on 24th February, 2023.

Further, the report from CPSB revealed that, the nominee was among the three names forwarded to H.E the Governor for consideration.

Issues for Consideration during the Approval Hearings

Section 7(8) and (9) of the Public Appointments (County Assemblies Approval) Act, 2017 provides that:

7(8) an approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

(9) The criteria specified in the schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate.

Additionally, Section 8 of the Act provides that the issues for consideration by the relevant House in relation to any nomination shall be: ...

8. *The procedure used to arrive at the nominee*

(a) *Any Constitutional or statutory requirements relating to the office in question, and*

(b) *The suitability of the nominee for the appointment proposed having regard to whether the nominees' abilities, experience and qualifications meet the needs of the body to which nomination is being made.*

While conducting the approval hearings, the committee was guided by the provisions of Section 7 (8) & (9), Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017.

(a) *Procedure for Nomination*

(b) Constitutional and Statutory Requirements

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

Procedure for Nomination

Section 45 (1) (a) (b) of the County Governments Act, 2012 confers upon the Governor the power to appoint County Chief Officers with the approval of the County Assembly.

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 the Chief Officer.

Memoranda from Members of the Public in respect to the Nominee

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 candidate has been nominated”,

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 (affidavit) on the suitability or otherwise of the nominee in conformity with section 7 (10) of the Public Appointments (County Assemblies Approval) Act, 2017.

In this regard, by close of business on 20th April, 2023, the Committee had not received any memoranda from the public.

Pre- Approval Hearing Meeting

The Committee held a pre- approval hearing meeting on Tuesday, 25th April 2023 and noted the following:-

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

APPROVAL HEARINGS OF THE NOMINEE

MS. EVELYN TERESA WEKESA: NOMINEE FOR THE POSITION OF CHIEF OFFICER PUBLIC SERVICE MANAGEMENT AND ADMINISTRATION

MS Evelyn Teresa Wekesa appeared before the committee on Wednesday 26th April, 2023 at 9:00a.m and the Committee examined the nominee against the following criteria amongst others;

i) Date and Place of Birth

The nominee is a female Kenyan citizen of ID number 1159110 born on 28th July, 1972 in Mufungu village, Lwandanyi Ward, Sirisia Sub-county in Bungoma County and does not hold dual citizenship.

ii) Academic and Professional Qualification

The nominee holds a Master of Philosophy in Language Education (English) and Bachelor of Education in Arts (English Literature) both from Moi University.

She also holds a Higher Diploma in Project Management from Kenya Institute of Management, Kenya Certificate of Secondary Education (K.C.S.E) from Loreto High School, Limuru and a Certificate of Kenya Certificate of Primary Education from St. Mary's Kibabii Girls' Primary School.

iii) Employment Record

She's currently the Acting County Director-Administration in the Department of Education and Vocational Training in the County Government of Bungoma.

She previously worked as a Sub-County Administrator of Sirisia and Kabuchai Sub-Counties. Before joining the County Government of Bungoma, the nominee had worked for the Teachers Service Commission as a teacher of English/Literature in Maeni Girls' Secondary School for four years and then promoted to a Deputy Principal at Matili and Bituyu Secondary Schools.

iv) Income and net worth

The nominee's net worth is Kshs. 15M.

v) Published writings

She submitted to have published a Master of Education Thesis titled- 'Teaching the Integrated English in Secondary Schools; A study of Teacher Preparedness in Bungoma North District, June, 2013'

vi) Potential Conflict of Interest

Ms Evelyn Teresa Wekesa cited that the potential areas of interest can be in relation to - recruitment, employment, tendering and administrative work like disciplinary action. She declared that in such cases she will open a register for declaration of interest so that she steps out when such occasion dictates.

vii) Pro-bono/Charity Work

The nominee donated desks to vulnerable schools worth Kshs. 8,000, tiled the church at Kshs. 185,000, bought keyboard and curtains for the church worth Kshs 75,000, offered food and clothes to Kanduyi children's home, donated a television set to Bungoma Prisons and

currently pays school fees for five secondary school students and sponsoring three church choirs.

The nominee has neither been charged in a court of law nor mentioned in any investigation report or commission of inquiry in the last five years. Equally, she has never been dismissed from her duties or removed from office for contravention of the provisions of Article 75 of the Constitution of Kenya 2010.

General and Sector Specific Questions

The committee posed several questions to the nominee on her knowledge of public service. The nominee responded as follows:

1. On how she plans to address issues of Financial Accountability and Transparency within the Public Service Management department; she would be guided by PFM Act and various laws that relate to prudent financial accountability and transparency.

2. When asked on how she will handle pending bills in her department

She submitted that pending bills is a matter that has affected the entire County, adding that even the National Government is not spared on the same.

On priority of payment of pending bills; she will carry out thorough scrutiny of all pending bills to ascertain whether the works were done according to the contracts and also prioritize those that have taken long.

3. With regards to recruitment and confirmation of casual workers; the nominee stated that there is need for proper audit to identify those who meet required qualifications as per various cadres of staff. She promised to consider recommendations of the Taskforce on Human Resource, Court ruling on the casual's case and Ad hoc Committee Report.

4. On construction of ward offices and official residence for the Governor & Deputy Governor; Ms Evelyn Teresa Wekesa informed the committee that she will give priority to the construction of ward offices that will house Members of County Assembly and staff of County Government to improve service delivery at the grassroots level.

On the construction of the official residence of the Governor; she said the move will save the County Government money that is paid as rent, which can be used to fund other projects. She added that construction of Governor and Deputy Governor's residence is provided for in the SRC circular and therefore she will ensure that it is done.

5. About the transfers/deployment/probationary period, disciplinary actions and promotions; she informed the committee that being a member of the Human Resource Advisory Committee, they were receiving letters of transfers and deployment from different departments and they were being guided by the scheme of service to deploy or transfer. She added that Transfers and Deployment is a common practise in Human Resource management. On whether she has been a victim; the nominee stated that she has never faced any disciplinary action but she has been a victim of deployment.

6. When asked about the current working relationship between the offices of MCAs and Ward Administrators and how she will ensure that both offices work harmoniously; the

nominee acknowledged that some Ward Administrators do not know their boundaries and added that there should be clear set out boundaries to avoid conflicts.

She further expounded that some Ward Administrators and area MCAs have cordial relationships but if approved by this Honorable House, she will strive to strengthen the relationship between and among all stakeholders for the benefit of the people of Bungoma.

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 Appointment (County Assemblies) Approval Act, 2017, her Curriculum Vitae and having heard oral submission during the approval hearing, the committee made the following observations on her suitability for appointment as Chief Officer Public Service Management and Administration

1. THAT, H. E the Governor complied with provisions of Article 179 (2) (b) of the Constitution of Kenya 2010, sections 45 and 66 of the County Governments Act, 2012 and Section 7 of the Public Appointment (County Assemblies Approval) Act, 2017 on the nomination of the nominee.
2. THAT, no memorandum was received from the members of the public on the suitability of the nominee for the stated position.
3. THAT, the nominee is currently the Acting County Director of Administration in the Department of Education and Vocational Training in Bungoma County Government.
4. THAT, the nominee meets the requirements of Chapter Six of the Constitution of Kenya, 2010 on Leadership and Integrity.
5. THAT, the nominee has not been charged in any court of law in the past five years.
6. THAT, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Article 75(1) of the Constitution.
7. THAT, from her submission during vetting she demonstrated competence, leadership, knowledge on matters of administration and well conversant with the role of the Chief Officer Public Service Management and Administration.
8. THAT, in accordance with Article 78(1) and (2) of the Constitution, the nominee is eligible for appointment to state office since she is suitable, of high integrity and a Kenyan citizen born on 28th July 1972 in Mufungu Village, Lwandanyi Ward, Sirisia Sub-County in Bungoma County and does not hold dual citizenship.
9. THAT the nominee's average score was 78.75%

Committee's General Recommendation

THAT, having considered suitability, capacity and integrity of the nominee, and pursuant to section 45 (1) of the County Governments Act, 2012, section 8 of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 and Standing Order 217(5) (g) of the Bungoma County Assembly, the Committee recommends that this House approves the

Appointment of MS. Evelyn Teresa Wekesa as the Chief Officer, Public Service Management and Administration in the County Government of Bungoma. I table the report

Mr. Speaker: You call your seconder of the report.

Hon. Caleb Wanjala: I call the Leader of Majority to second the report.

Mr. Speaker: Hon. Joseph Nyongesa, you have the honour of seconding the report of the committee.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. First and foremost, let me appreciate our Vice chair, Public Administration for having taken us through that report of our nominee. As I second as you are aware actually, Public Administration needs very tough steady person. When this Lady appeared before the committee, there was a unique character. The lady was smart, tough and much focused.

In answering questions, you could detect that actually she can change that department. We have been having this issue of relationship between MCAs and the Ward Administrator but she assured us that she will do her best to ensure that actually there is that harmonious way of working to serve our people. I want to urge this Honourable House to support and pass this nominee and even we also thank the Governor for also believing in women. Otherwise, I second.

Mr. Speaker: Thank you Hon. Caleb for moving the motion on behalf of the committee and equally Hon. Joseph Nyongesa for seconding the motion. Honourable members, a motion has been moved and seconded that the House adopts the report by the sector Committee on Public Administration on the vetting of the nominee for appointment to the Office of the Chief Officer for Public Service and Management. I propose.

(Question proposed)

Hon. James Mukhongo: Mr. Speaker, I know Evelyn so well because I was here in the first regime when she was appointed as the Sub County Administrator for Sirisia. She was transferred to Kabuchai; I know her working relationship with Honourable Members. Honourable members, let us be very clear on this; we should not hide something. We need to flag them out, so that when we approve her then she must work well for the County Government of Bungoma. Was later deployed to the department, she is one of the members who have been a road block on the issue of scholarship. That is what I can say...

(Applause)

Wherever she is, she must be aware that we are keenly watching her steps, but I thank God the executive thought it fit to appoint her as a Chief Officer in the department of Public Administration. It is because it is the prerogative of the Executive after looking round they

settled on her, who am I to oppose but I am only making the members to be aware of this nominee. I rest my case and support.

Hon. Florence Juma: Thank you, Mr. Speaker. Madam Evelyn Teresa, she is one person I found very eloquent. She answered all questions very well and also has the knowledge and experience and I truly believe that she will deliver in this department. She also promised to work closely with the members of this Assembly and I am hoping that she will be able to do so. In life there are times that we get second opportunities and I hope she will be able to correct the messes that exist. I support.

Mr. Speaker: Thank you, Hon. Florence. Hon. Chemion.

Hon. Francis Chemion: Thank you, Honourable Speaker. Madam Evelyn has about four names which are all her names. I looked at her academic credentials, she has a Masters Degree. We even goggled to see her thesis and Honourable members could still do it; she came up with a very good thesis and the area of study was Bungoma. So in terms of academic qualifications she is suitable to serve in that area.

Secondly, she has served as a teacher for some years and the Teachers Service Commission itself promoted her just having worked for some few years. She was promoted to become a Deputy Principal and after some few years she was moved to another school in the same capacity.

From there the County government saw her to be a very good person and was given the work as a Sub County Administrator, later deployed as acting Deputy Director in education. So she may have other things but in terms of academic qualifications, she is capable to work in that area. I support that we pass the name so that she starts working immediately.

Hon. Timothy Chikati: Thank you Mr. Speaker for giving me a chance to air my views on this report. Allow me also to thank Hon. Caleb for reading the report to us. Allow me to talk about the nominee one Evelyn Theresa Wekesa and as a member of the Public Administration and ICT and being one of the members who vetted this nominee, I found out that she has education and experience for this job, having worked as a Sub County Administrator both for Sirisia and Kabuchai and currently acting as a Deputy Director in the department of Education and Vocational Training. What impressed me was on pending bills. She said was going to ascertain whether the works were done and prioritize those that have taken long, because we have some pending bills dating up to 2013.

Finally, I would like to tell Hon. Mukhongo that there is nothing that the report is hiding because when she was asked about being a victim of redeployment she admitted and that is well captured in the report. So there is nothing that the report is hiding. I rest my case.

Mr. Speaker: Thank you, Hon. Chikati. After Hon. Okasida, I will be able to ask the mover to respond. Members, if you intend to extend time from 1.00 to 1.30 p.m then you must give a notice half an hour to the time.

Hon. Ipara Johnstone: Thank you, Mr. Speaker. Being a father of several daughters in a House, I also stand to support the nominee's consideration and the approval to the position. I have Honourable Members talk about Evelyn, we talk about the person's reliability and if they are reliable, I don't see any reason as to why we should not consider. Every one of us has a character and it either portrays you positively or negatively. I want to believe that based on the experience and qualification, this particular nominee has prepared herself to occupy the position she has been nominated by the appointing authority.

Independency means is this person able to make a rational decision on very serious issues and most of us you find that most of the time, we ran away from making hard decisions because we refuse to be identified with those decisions. Why we have that internal and external fear which is not anywhere related to this lady.

We are also looking at a team player; I had interacted with this lady for two days and I was in the company of Hon. Orize. She was running from room to room and showed us the person in charge of compilation of the scholarship list. It showed that other colleagues were depending on her decisions and based on that, I have no doubt as to why I should not stamp my authority and my blessings for the adoption and approval of this lady to be appointed as the Chief Officer in the department she has been considered. I support.

Mr. Speaker: Thank you. Hon. Caleb Wanjala. Order Honourable Members.

Hon. Caleb Wanjala: Thank you, Mr. Speaker Sir. I would like to take this opportunity to really appreciate the members for putting into consideration the approval of Ms Evelyn for the Office of Chief Officer, Public Administration. We will work on the issue that member has raised, that she was a problem in the education but the department she is coming in we have an equal chair who is capable and I am very sure that we are going to see tangible results coming out. What I have learnt is that the ladies from Sirisia... I don't know but the parents from Sirisia side they must...

Mr. Speaker: That line of argument is very dangerous. What are you telling mothers from Kimilili and Tongaren?

Hon. Caleb Wanjala: Well but the previous one and this ...

Mr. Speaker: No I am refusing that line; they are all our mothers.

Honourable Caleb Wanjala: Thank you, I support the report.

(Applause)

Mr. Speaker: Thank you, Hon. Caleb. Honourable members, a motion has been moved, seconded and debate having ensued that this House adopts the report by the sector Committee on Public administration on the vetting of the nominee for appointment to the Office of the Chief Officer for Public Service and Management and having considered the suitability, capacity, integrity of the nominee and Pursuant to section 5 1 of the County Government Act 2012 section 8 of the Public Appointment County Assembly Approval Act NO.5 of 2017 and the Standing Orders NO.217(5)(g) of Bungoma County Assembly, the committee recommends that this House approves the appointment of Ms Evelyn Teresa Wekesa as the Chief Officer for Public Service Management and Administration in the County Government of Bungoma.

(Question put and agreed to)

(Applause)

Honourable members, I take this chance to appreciate everybody who has stayed for this long session. That was the last motion on our Order Paper; we will adjourn for now and resume at 2:30 p.m. in the afternoon.

(House adjourns)