

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY 7TH DECEMBER, 2023

Afternoon Sitting

Third County Assembly

Second Session

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COUNTY ASSEMBLY OF BUNGOMA

THE HANSARD- OFFICIAL REPORT

THURSDAY, DECEMBER 7TH, 2023

The House met at the County Assembly Chamber at 2:30 p.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

Honourable Members, I have two communications to make;

1. THE CALENDAR OF THE HOUSE

Honourable Members, this House will be adjourning today for the long recess. This will mark the end of the Second Session of the Third Assembly. The recess runs from today the 7th of December, 2023 and we will be resuming our sittings on the 13th of February, 2024. The Committee of Liaison has made arrangements for committee sittings when we will be on recess except during the Christmas week; but when we resume in the New Year, we will be having all our committee sittings. I urge members to attend their committee sittings; to keep on transacting Business at the committee level.

2. VISITING DELEGATION FROM TRANS NZOIA COUNTY ASSEMBLY

In the speaker's gallery we have visitors from Trans Nzoia County Assembly. They are the secretariat of the Public Accounts and Investments Committee who are conducting a joint audit report with the sister committee from the County Assembly of Bungoma. Be upstanding when I call out your name;

1. Cyrus Mulefu- Chief Clerk,
2. Loice Ngina- Internal Auditor,
3. Emmanuel Juma- Committee Clerk,
4. Shado Kinara- Committee Clerk,
5. Peter Juma- Committee Clerk,
6. Benjamini Bilosi- Serjeant at Arms

Kindly be seated.

(Applause)

You are welcome to this Assembly. Feel at home as you see how we transact our Business in Bungoma. Let us proceed to the next item.

PETITIONS

1. PETITION BY THE INTEGRATED AND CHEBUI CAVE DWELLERS BASED ORGANIZATION

Mr. Speaker: Honourable Members, I have the petition by the Integrated and Chebui Cave dwellers based organization on the need to assist the IDPs and evacuate the 11 families from Chebui cave. The petition has gone through the Legal Department and is certified that it meets the laid down requirements. I commit the same to the Committee on Justice and Legal for processing and reporting back to the House accordingly.

2. PETITION BY MARTIN MSUNGU KICHAMABA, MARTIN MULUMETI MATWALI, BEN MATABILI , KOI LEONARD WATIMA AND TITUS KIPCHUNE KIMNUCHE CONCERNING THE POOR MANAGEMENT OF NEW CHESIKAKI FARMERS' COOPERATIVE SOCIETY AND THE ILLEGALITY OF THE CURRENT OFFICE BEARERS

Mr. Speaker: Honourable Members, equally, I have a petition to the County Assembly of Bungoma concerning poor management of the New Chesikaki Farmers' Cooperative Society and the illegality of the current office bearers. The said petition has been processed by the Legal Department and it complies with the requisite law and subsequently, I commit it to the Committee on Justice and Legal Affairs for processing and reporting back to the House.

PAPER

1. THE PUBLIC FINANCE MANAGEMENT (BUNGOMA COUNTY EXECUTIVE EMPLOYEES' CAR LOAN AND MORTGAGE SCHEME FUND REGULATIONS, 2023)

Mr. Speaker: Yes. Honourable Member of the Finance Committee; proceed. Hon. Christine?

Hon. Christine Mukhongo: Thank you Speaker. On behalf of the Chairperson, sectoral Committee on Finance and Economic Planning and pursuant to Standing Order No. 214 (3); I table that the Public Finance Management (Bungoma County Executive Employees' Car Loans and Mortgage Scheme Fund Regulations, 2023)

Mr. Speaker: Honourable Members, the Public Finance Management (Bungoma County Executive Employees' Car Loan and Mortgage Scheme Fund Regulations, 2023) having been tabled by the Committee on Finance and Planning, the same are committed to the Committee on Delegated County Legislation for processing and reporting back the House accordingly.

MOTION

1. REPORT BY THE COMMITTEE ON APPOINTMENTS ON THE VETTING OF THE NOMINEE FOR APPOINTMENT TO THE POSITION OF COUNTY SECRETARY AND HEAD OF PUBLIC SERVICE

Mr. Speaker: Hon. Joseph Nyongesa our Leader of Majority proceed and move the report accordingly.

Leader of Majority (Hon. Joseph Nyongesa): Thank you Speaker. Before I read the report, allow me also welcome our colleagues from Trans Nzoia. Feel free in Bungoma; it is a friendly and loving county. Hon. Speaker, I was preparing my person to second through sign language and I think she has taken it positively and I know she will do so.

(Laughter)

Mr. Speaker: Hon. Joseph Nyongesa she understands sign language?

Hon. Joseph Nyongesa: Yeah.

Mr. Speaker: Proceed.

Hon. Joseph Nyongesa: Thank you Speaker. Allow me to start from the acknowledgement.

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 of 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 singular 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 Secretary and Head of Public Service.

Signed by Hon. Emmanuel Situma; Speaker of the County Assembly/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 and appointments under Section 44 of the County Governments Act, 2012

Committee Membership

The Committee on Appointments as currently constituted comprises of the following Members:

1. Hon. Emmanuel Situma	Speaker/Chairperson
2. Hon. Stephen Wamalwa	Deputy Speaker/ Vice Chairperson
3. Hon. Joseph Nyongesa	Member
4. Hon. Anthony Lusenaka	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 Section 44 (2) (b) of the County Governments Act, 2012 as read with Sections 4 and 6 of the Public Appointments (County Assemblies Approval) Act, 2017, His Excellency

the Governor, through the County Secretary and Head of Public Service forwarded to the Clerk of the County Assembly a letter Ref No. CG/BGM/GVN/BCA/VOL.1/006 dated 15th November, 2023, forwarding the name of the person nominated for appointment to the position of County Secretary and Head of Public Service.

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 Tuesday 21st November, 2023 informed the House of the Governor's message on nomination of a person to the position of County Secretary and Head of Public Service.

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 within twenty-one (21) sitting days.

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 the County Assembly and its Committees.

Section 7 (5) of the Public Appointments (County Assemblies Approval) Act, 2017 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 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 Thursday, 23rd November, 2023. The advert contained a notification inviting the public to submit memoranda by Wednesday, 29th November, 2023 at 9:00 a.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 Thursday, 23rd November, 2023 through the print media that the approval hearing of the nominee would be conducted on Thursday 30th November, 2023.

Notification to the Nominee

On Thursday, 23rd November, 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 Monday 27th November, 2023, the Clerk of the County Assembly wrote to the Ethics and Anti-Corruption Commission (EACC) and the National Intelligence Service requesting for reports of the nominee on matters relating to ethics and integrity and criminal records.

On matters ethics and integrity, the Ethics and Anti-Corruption Commission (EACC) vide a letter Ref. No. EACC.7/10/5 VOL XXVI (50) dated 29th November, 2023 stated that it had not undertaken any investigations pursuant to its mandate or recommended prosecution against the nominee.

The National Intelligence Service (NIS) confirmed vide a letter Ref No. BGM/NIS/POL F. 50/4 VOL. 1(139) dated 29th November, 2023 that the nominee is of good moral conduct, has no known criminal record and neither has he have an adverse report.

Further, the nominee availed before the Committee certified clearance copies issued on diverse dates as follows:

Further, the nominee availed before the Committee certified clearance copies issued on diverse dates as follows:

NOMINEE	KRA	EACC	HELB	DCI	CRB
WILLIAM MAKHANU NASONGO	26/07/2023	24/11/2023	26/07/2023	14/12/2022	As at 29/09/2023

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

Section 44 of the County Governments' Act, 2012 confers upon the Governor the power to appoint a County Secretary with the approval of the County Assembly. The Section further provides for the eligibility of appointment of such person thus;

(a) is a citizen of Kenya;

(b) holds a degree from a university recognized in Kenya;

(c) has at least ten years relevant professional experience;

(d) has at least five years' experience in a leadership position at senior management level in a public service or private sector organization; and

(e) meets the requirements of leadership and integrity as prescribed in Chapter Six of the Constitution.

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 44 (2) (b) of the County Governments Act, 2012 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 Mr. William Makhanu Nasongo for appointment to the Office of County Secretary and Head of Public Service.

b) Statutory Requirements

Section 44 of the County Governments Act, 2012 gives guidelines on how to appoint persons to public office.

c) Leadership and Integrity

The Committee in determining the suitability of the nominee is 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 personal interest that may conflict with public duties

d) accountability to the public for decisions and actions; and

e) discipline and commitment in service to the people.

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 or 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 nominee with regard to the nominee's abilities, experience and qualities.

The suitability of the nominee was assessed after scrutiny of his academic credentials, professional training and experience, personal integrity, background and individual qualities as well as his performance during the approval hearing conducted on Thursday 30th November, 2023.

3.7 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 Thursday 23rd November, 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 Wednesday 29th November, 2023 at 9:00 a.m. the County Assembly had received two petitions within the stipulated time while one petition that was filed prematurely was withdrawn. The Committee was to process the two petitions and thereafter vet the nominee.

Petition by Mr. Johnstone B. Webeka

Mr. Johnstone B. Webeka of ID No. 0844736 and of care of P.O Box 1899-50200 Bungoma. He averred that:

- 1) Bumula Constituency has been side-lined in the recruitment process of the County Secretary and Head of Public Service.

- 2) Bukusu community, which is dominant community in Bungoma County, is being marginalised by the minorities who are in the top leadership positions in the County Executive by missing in the top three positions.
- 3) The people of 'wa Sudi' are being side-lined in the appointment of senior positions in the County.
- 4) Mr. William Makhanu Nasongo does not have the qualifications of being a County Secretary and Head of Public Service

Consequently, the petitioner prayed that:

- 1) The County Assembly stops the vetting of Mr. William Nasongo Makhanu
- 2) The County Assembly prevails upon the Governor of the County Government of Bungoma to advertise the position of the County Secretary and Head of Public Service for Bumula Constituency to also be included in the process

Committee Observation

The petition was accompanied by a verifying affidavit sworn by the petitioner verifying the correctness of the facts contained in the petition.

Petition by Mr. Stanley K. Bushuru and Mr. Evelyn Nato Simiyu

Mr. Stanley K. Bushuru of ID No. 1097770 and Mr. Evelyn Nato Simiyu of ID No. 0130538 both of care of P.O Box 60, Misikhu via Webuye. They averred that:

- 1) The minority communities in Webuye East have been denied a chance in the appointments.
- 2) Tachonis are found everywhere in the County so when looking for a Tachoni, it should not only be in Webuye East Constituency.
- 3) The Governor is practicing nepotism by only appointing his maternal uncles in the position of County Secretary and Head of Public Service.
- 4) The Governor nominated Mr. William Makhanu Nasongo under duress because of the pressure from Hon. Violet Makhanu.
- 5) Mr. William Makhanu Nasongo does not meet the experience and academic requirements of being a County Secretary and Head of Public Service.

Consequently, the petitioners prayed for the following decisions:

- 1) To determine that facts in the petition are true.
- 2) The County Assembly therefore not to undertake the vetting of Mr. William Makhanu Nasongo
- 3) The County Assembly to prevail upon the Governor of the County Government of Bungoma to nominate another person for the position of County Secretary and Head of Public Service

Committee Observations

The petition was accompanied by two verifying affidavits sworn by the petitioners verifying the correctness of the facts contained in the petition.

Pre- Approval Hearing Meeting

The Committee held a pre-approval hearing meeting on Wednesday 29th November, 2023 and noted the following:-

- (i) **THAT**, the nominee had not notified the Clerk of the County Assembly of his withdrawal from the approval process as outlined under section 7(12) of the Public Appointments (County Assemblies Approval) Act, 2017.
- (ii) **THAT**, the Committee would proceed with the approval hearing on Thursday 30th November, 2023.
- (iii) **THAT**, the Committee was in receipt of two petitions and would therefore hear the petitioners before the approval hearing of the nominee commences.
- (iv) **THAT**, the Committee would examine the nominee against the criteria set out in section 8 of the Public Appointments (County Assemblies Approval) Act, 2017

Hearing of the Petitioners

The first petitioner to take the stand was Mr. Johnstone B. Webeka who stated that he was aggrieved that during the recruitment process nobody as shortlisted from Bumula Constituency. He stated that Section 65(2) of the County Governments Act 2012 requires merit and fair competition during recruitment process. Not shortlisting anybody from Bumula Constituency makes the whole County Secretary recruitment process unfair thus need to re-advertise the position.

He also stated that Section 65 (1) (e) of the County Governments Act, 2012 recognises dominant and minority communities in Counties and requires that at least 30% of the opportunities goes to the minority communities but in Bungoma County. If Mr. William Makhanu Nasongo is vetted and appointed, then the top three (3) County Executive positions will have gone to minority communities leaving out the dominant Bukusu Community. The petitioner claimed that by appointing his maternal uncles, the Governor would be going against Article 73 (2b) of the Kenyan Constitution, 2010.

The petitioner further alleged that the nominee does not possess a Master's degree which is a requirement to be nominated in the position of County Secretary.

The second petitioners Mr. Stanley K. Bushuru and Mr. Evelyn Nato Simiyu stated that they were speaking on behalf of the minority communities in Webuye East Constituency by virtue of being officials of Webuye East Bukusu Cultural CBO.

They stated that Section 65 (1e) of the County Governments Act, 2012 recognises dominant and minority communities in appointments and requires that at least 30% of the opportunities goes to the minority communities. They mentioned that appointments in Webuye East had violated the Section. The petitioners also alleged that fairness ad natural justice requires that any appointments from Webuye East Constituency in any senior position should be from the minority but not from the Tachoni dominant Community because they already have had their

share of over 86%. They alleged that the Governor had gone against Article 73 (2) (b) of the Kenyan Constitution, 2010; Article 56 9c)) and Article 174 (e)

The petitioners further alleged that the nominee does not possess a Master's degree which is a requirement to be nominated in the position of County Secretary.

On cross examination, the Committee observed the following:

- 1) The petitioners did not have information as to the percentages of the respective sub tribes of employees in the County Government.
- 2) The three petitioners confirmed that the nominee had a Master's degree and further confirmed that as per the County Governments Act, 2012, the academic qualification for the position of County Secretary was a Bachelor's degree.
- 3) That the revised scheme of service for administrative officers relied upon by the petitioners was for the year 2007 and the same does not apply to officers in Devolved Government.

Approval Hearing of the Nominee

The Committee conducted the approval hearing of the nominee on Thursday 30th November, 2023. The nominee, William Makhanu Nasongo was vetted under oath pursuant to the Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly of Bungoma Standing Orders.

Mr. William Makhanu Nasongo: Nominee for Appointment to the Position of County Secretary and Head of Public Service

Mr. William Makhanu Nasongo, the nominee for the position of County Secretary and Head of Public Service appeared before the Committee on Thursday 30th November, 2023 at 9:00 a.m. in the County Assembly Chamber. The Committee noted the following;

Date and Place of Birth

The nominee of ID Number 13157466 is a Kenyan male born on 20/01/1974, in Misemwa Sub-location, Ndivisi Location, Bungoma district in Bungoma County. Apart from being a Kenyan citizen, the nominee does not hold any dual citizenship.

Academic and Professional Qualifications

The nominee has educational and professional qualifications from different institutions *inter alia*:

Education Background			
No.	Institution	Qualification	Year
1.	The University of Nairobi	Master of Arts in Sociology (Rural Sociology and Community Development)	2011-2015

2.	The University of Nairobi	Bachelor of Arts (in Anthropology), Second Class Honours Upper Division	1994-1998
Professional Qualifications (Career Progression)			
1.	The Kenya School of Government	Diploma in Public Administration	2016
2.	The Kenya School of Government	Certificate in Senior Management Course (SMC)- CREDIT	2016
3.	Administration Police Training College (APTC)	Certificate: Administrative Officer's Para-Military Course	2010
4.	Mt. Kenya School of Adventure and Leadership	Certificate in Leadership Development	2010
5.	International Peace Support Training Centre	Certificate: Rule of Law	2017
6.	Kenya Institute of Administration (KIA)	Certificate: Induction course for District Officers	2007
Mandatory Professional Examination for Career Progression			
1.	Public Service Commission of Kenya (PSC)	Certificate: Administrative Officers' Examination	2008
Foreign Professional Courses undertaken outside Kenya			
1.	Newport, RI, USA	Certificate: Executive Seminar on Advanced Ethics and Good Governance	2017
2.	Administrative Staff College of India	Certificate: General Management Programme for Senior Executive	2015

Employment Record

The nominee has worked in various institutions in different capacities; currently, he works as the undersecretary at the Cabinet office (Cabinet Secretariat) with his duties being to offer support to the Secretary to the Cabinet in the delivery of her mandate as per Article 154 of the Constitution. He previously worked as the Deputy County Commissioner (DCC), Tana Delta Sub-County Tana River County from 31st August, 2020 to 28th October, 2021.

From August, 2019 to September, 2020, the nominee worked at the state law office as the Senior Assistant Secretary (SAS). From January, 2012 to August, 2020, the nominee worked

as an Assistant Secretary at the Ministry of Defence. The nominee further worked as a District Officer (D.O) in Mandera District from March, 2007 to January, 2012.

Income and net worth

The nominee's estimated net worth is Kshs15, 600,000; with his sources of wealth being from salary, dividends from shares, CIC money fund, education policy payments, land and agricultural produce.

Professional association and membership

The nominee does not belong to any association or membership.

Potential Conflict of Interest

The nominee informed the Committee that whenever a conflict of interest arises whether in procurement process or employment, he would declare the interest and exempt himself from the deliberations at hand.

Pro-bono/Charity Work

The nominee has been involved in charity work through voluntary work and offering support to needy students through payment of school fees in various institutions.

Integrity

The nominee further submitted that he has not been adversely associated with practices that depict bias, favouritism, or nepotism in the discharge of public duties. He 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 to which he responded as follows:

On the roles of the County Secretary

The nominee demonstrated an in-depth understanding of the duties and responsibilities of the County Secretary thus:

- Organize and coordinate the business of the County Executive Committee meetings;
- Convey decisions of such meetings to relevant offices;
- Ensure effectiveness and efficiency of the Public Service in the County Government;
- Ensure seamless transition after the general elections; and

- Coordinate the County Executive and County Assembly relationship.

On the link between the office of the County Secretary and the County Public Service Board

The nominee stated that the County Public Service Board is responsible for human resource management, employing staff and embracing both national and public service values. On the other hand, the nominee informed the Committee that the office of the County Secretary ensures employees are well deployed and communicates with the County Public Service Board in terms of human resource and development.

On staff motivation

The nominee informed the Committee that staff motivation takes different forms. He would motivate staff through commendation by issuing certificates and employing various ways of recognition; promotions and awards from the Governor during events.

On gaps he has observed in the County Public Service

The nominee stated that there are challenges in human resource occasioned by failure to follow procedural laws relating to recruitment. He emphasised on the need to operationalize the Human Resource Manuals.

The nominee also pointed out the high rate of unemployment among the youth. He submitted that he would create linkages with development partners to create employment opportunities.

He further informed the Committee that misuse of public resources is rampant; and that he would ensure resources are utilised as per the provisions of the law.

On his development agenda

That he would align the County to the national development plan in terms of housing, information communication technology and agricultural value chains.

On legal and institutional frameworks applicable in the management of human resource

The nominee informed the Committee that Article 10 of the Constitution of Kenya clearly stipulates the national values and principles of governance. He also stated that the public service commission has developed policies and manuals which are to be domesticated at the County level. He further highlighted that there are codes of conduct and circulars issued from time to time by the public service Commission on trainings.

On ensuring employees' skills are utilised optimally

That he would embrace Performance Management System and have the staff appraisal system in place to determine abilities and requisite skills for certain positions.

On contemporary issues in the Public Service

The nominee mentioned that there are matters of mental wellness, stagnation in the workforce, inadequate resources and high cost of living for civil servants to meet their needs.

On un-surrendered imprests in the County Departments

That it is an indication resources are being misappropriated by Accounting Officers in contravention of the law.

That, imprest holders could be lacking knowledge on the regulations governing surrender of imprests.

The nominee therefore submitted that he would strictly follow the Public Finance Management Act, 2012 and the accompanying regulations.

On the main tools supporting the existence of the Budget office to function effectively

The nominee highlighted the policy guidelines, the budget review outlook paper, the County Fiscal Strategy Paper and the role of the County Assembly Budget Committee which scrutinizes the estimates.

On responding to requirements by the County Assembly

The nominee submitted that the County Assembly is critical. He highlighted that he would come up with a working mechanism to ensure timely responses to the County Assembly on issues raised. He also stated that he would place a premium on the Assembly and engage it better by championing for creation of a liaison office to ease communication between the two arms of Government as modelled at the national level.

On petitions against his suitability for appointment

The nominee was emphatic that Kenya is a democratic system which gives everyone an opportunity to petition the County Assembly. He further acknowledged the Committee for listening to the petitioners.

COMMITTEE'S GENERAL 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 submissions during the approval hearing, made the following observations on his suitability for appointment to the position of County Secretary and Head of Public Service:-

- (1) THAT, the nominee meets the requirements of Chapter Six of the Constitution of Kenya, 2010 on Leadership and Integrity.
- (2) THAT, the nominee has not been charged in a court of law in the past three (3) years.

(3) 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).

(4) THAT, the petitions did not impeach the suitability of the nominee in any way.

(5) THAT, from the submissions during the approval hearing, he demonstrated knowledge, skills and experience in leadership and institutional management. He was also conversant with role of the County Secretary.

(6) 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 in Bungoma County and does not hold dual citizenship.

(7) THAT, the Committee's average score on the nominee was recorded as 80.29 per cent

COMMITTEE'S OBSERVATION

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 he had been nominated; and had the requisite abilities, academic qualifications and professional experience to be APPROVED for appointment as the County Secretary and Head of County Public Service

COMMITTEE'S RECOMMENDATION

Having conducted the approval hearing for the nominee pursuant to 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 Mr. William Makhanu Nasongo as the County Secretary and Head of Public Service in Bungoma County by His Excellency, the Governor.

Having reached there, allow me now to call upon Hon. Evelyn Mutiembu to second the report.

(Applause)

Hon. Evelyn Mutiembu: Thank you Mr. Speaker for giving me this chance to second the report. First of all I thank the mover of the report and the Committee on Appointments. At this juncture I wish to say that the nominee William Nasongó meets all the requirements including leadership and integrity and is therefore suitable to hold the office. In this regard, I urge this House to approve the nominee William Nasong'o as the County Secretary and Head of Public Service in Bungoma County. I second.

(Applause)

Question proposed

Hon. Milliah Masungu: Thank you Hon. Speaker for giving me this chance to give my views on the report before the House. First and foremost I wish to applaud the Committee on Appointments for the good work in vetting the nominee. From the report; looking at the recommendations, I realize that the nominee is overqualified. He meets the education qualifications and is suitable to be in that office.

From what I heard from the mover of the motion who is the Leader of Majority in this House; the petitioners did not convince this House on the unsuitability of the nominee for the position of the County Secretary. I feel that this is somebody who is jealousy; somebody who cannot wish well the sons and daughters of this county. I want to put it clear that the position of County Secretary is not meant for a specific community, ward or area in Bungoma County. It is a seat for the sons and daughters of Bungoma. It is a seat that is competitively sourced and the process has been done and all Honourable Members in this House have seen what our colleagues have done and Nasong'o is suitable for this position.

As a county government we are not going to allow that confusion in the Lusaka government; who is the Governor of this county...I am not a member of his Government but I feel we should give service to the people of Bungoma; and that is why I stand here firmly to put my voice on that report that Nasong'o is fit for the job. I support.

Mr. Speaker: Thank you Hon. Millia Masungo. Hon. Mukhanya and then I will have Jack Wambulwa!

Hon. Alfred Mukhanya: Thank you Mr. Speaker for the chance you have given me. I also stand to support the appointment of William Makhanu Nasong'o. He actually meets the qualification and having seen what the committee has done, they have given us the best person who can serve as a County Secretary and Head of the Public Service. I urge this House to fully support the Committee so that Nasong'o takes over this position for the future of this County. What has been said about the tribe; that anybody in Bungoma County can serve as the County Secretary. I know Nasong'o is a person who comes from my Ward and I know he is eloquent, has all the qualifications and I urge this House to kindly support so that Nasong'o takes over this position as early as yesterday. I support.

Mr. Speaker: Thank you Hon. Mukhanya. Hon. Jack Wambulwa, proceed!

Hon. Jack Wambulwa: Thank you Speaker for giving me this opportunity. May I stand and applaud the Committee for the report that has been presented by the Leader of Majority. I stand to support the resolution; more so, as much as we have no issues to do with Nasong'o, but the allegation by my colleague Hon. Milliah that he is overqualified tells us that he is not supposed to be the County Secretary... because if somebody is overqualified, then he cannot be the County Secretary of Bungoma. All we know is that he meets the qualifications but if we say over qualified here, we will now disqualify him from being the County Secretary. I wish also to register my disappointment with the petitioner who claimed to have come from Bumula. We sat down as leaders and realized that no one from Bumula had applied...so why

was he trying to come up with that kind of petition? I think I want to disown it on behalf of Bumula people and say that Bungoma...

(Applause)

...is bigger than Bumula and urge my colleagues that we should think beyond ourselves, we should stop being selfish.

If somebody qualifies for such a position; especially the challenges that we are having currently, the other day you saw it in your Kamukunji that whereas we had invited the cabinet of Governor Lusaka to come and tell us about the supplementary budget, all of them were disowning what they passed in the cabinet including the secretary who happens to be the County executive committee member in charge of Agriculture. What a shock to the County Government of Bungoma! Here is a Secretary who takes minutes... members; it is like our Clerk disowning what we pass here in the House. Can it happen? It can never happen! So it is time we get somebody who is committed, who can work for this County so that we can move forward. I support the report, Mr. Nasong'o should be appointed.

(Applause)

Mr. Speaker: Thank you Honourable Members. Now, for the first time I have seen the mood of the House. Can you see how I have relaxed? I wish to call the mover to close this thing and we do something else. Hon. Leader of Majority, come! The rest, I wish that when we resume in February, you will be the first ones to start speaking but can you see the mood of the Chair. Just see how the Chair is relaxed. The Chair wants to go and rest! Hon. Majority, proceed!

Hon. Joseph Nyongesa: Thank you Mr. Speaker. Indeed, allow me appreciate my colleagues for supporting what the Committee has observed. Again, we should not forget that there was a time when Hon. Wambulwa brought here a motion to compel the County Government to come up with a substantive County Secretary. As we approve, we remember what he said and therefore appreciate him for doing so. I think it also contributed to the County Government in at least come up with a name. Again I am really impressed with the two issues that Hon. Milliah raised; that the nominee seems to be over qualified and you know when you over qualify, it means we are in the right hands because he knows what he is going to do. I do not want to forget this statement that Hon. Milliah has said; I now see the need to support His Excellency the Governor on this appointment because actually... you know getting a new member publicly supporting and joining the team is not easy; so I say again...

(Applause)

That we welcome you with both hands and we shall move with you and support the Government of the day for the betterment of this County. I urge this Honourable House to pass this name so that we see the fruits of this guy.

Mr. Speaker: Thank you very much Hon. Joseph Nyongesa our Leader of Majority. Hon. Milliah Masungu you know when they are replying, you cannot be given a chance to interject. I knew you were just testing waters but you know the position of the Speaker.

Honourable Members, allow me now put a question to the motion as we approve so that we are able to...for people who came in late, in my communication, I was very clear that ...let me finish this part first before I can now remind the members who were delayed on the way by the voters...

Honourable Members, a motion was moved and seconded and debate having ensued that the County Assembly recommends that this House approves the nomination of William Makhanu Nasong'o as the County Secretary and Head of Public Service in Bungoma County by His Excellency the Governor

(Question put and agreed to)

The ayes have it!

(Applause)

The subsequent proceedings will follow.

The Clerk will forward the name to the Governors for formal appointment and swearing in. Deputy Clerk you are here, the same can be forwarded before the end of the day to allow members who are available to take part in the swearing in that is planned for tomorrow. We go to the next item, the last one please!

9. BILL

1. THE BUNGOMA COUNTY FIRST SUPPLEMENTARY APPROPRIATION BILL, 2023- THIRD READING

Mr. Speaker: Chair, Budget!

Hon. Jack Wambulwa (Chairperson, Committee on Budget and Appropriation): Thank you Hon. Speaker. A Bill for an Act of the County Assembly of Bungoma to authorize the issue of a sum of money out of the Revenue Fund and its application towards the service of the year ending on 30th June, 2024 and to appropriate the sum and the sum voted on account by the County Assembly for certain Public Service and purposes. The third reading

Mr. Speaker: You have left out something just be given guidance, please!

Hon. Jack Wambulwa: Thank you Hon. Speaker. I read that the Bungoma County Assembly First Supplementary Appropriation Bill, 2023 be read for the third time. I now call upon Hon. Joan Kiron'g to second!

Mr. Speaker: Hon. Kiron'g!

Hon. Joan Kiron'g: Thank you Mr. Speaker for giving me this chance. I second the third reading of the first supplementary budget.

Mr. Speaker: Honorable Members, a motion has been moved and seconded that the Bungoma County First Supplementary Appropriation Bill be read for the third time.

(Question put and agreed to)

The ayes have it. We can now have the Bill being read for the third time please!

Bills

A Bill for an Act of the County Assembly of Bungoma to authorize the issue of a sum of money out of the Revenue Fund and its application towards the service of the year ending 30th June, 2024 and to appropriate that sum and a sum voted on account by the County Assembly for certain public Service and purposes-Third reading.

Mr. Speaker: Thank, you we go to the next item.

Interruption of Business to allow for the motion on adjournment

MOTION

ADJOURNMENT OF THE COUNTY ASSEMBLY

Mr. Speaker: Yes, let me allow the mover the Leader of Majority just to say a few words, the Leader of Minority will second then I think we do the necessary; because we will not be taking a vote as the same is gazette. As you wish your brothers and sisters to go home and relax the way I am headed to the gym right away. Proceed! Sorry!

Leader of Majority (Hon. Joseph Nyongesa): Thank you Mr. Speaker. First and foremost allow me also thank you for giving us an opportunity to wish one another well as we leave for Christmas holidays. It has been long since we started our Assembly and indeed we thank the Almighty God because he has been on our side and what we have done as an Assembly is actually promising. We have passed so many Bills here, very many reports have been passed and as you are aware, we are always focused and objective on what we are mandated to do. As we break for the long holidays, it is again our duty that we have some plans that could enable our members as much as we are leaving this institution to join our voters who are our kings and who determine our being here.

Where you sit as the Chair of the Board, it is our mandate again to ensure that as our colleagues leave for their homes, we should also do the necessary to enable them also mingle around with their people, celebrate their Christmas in a happy way...

(Applause)

As we wait for January when our students will be joining Secondary schools and other activities; Members as we join our people, let us remain united so that we exchange our programs and ensure that we assist our people. The key issue is that we ensure that our County is moving. We are only leaving because of the plenary sittings but I know the committees' retreats and other activities shall continue.

In our last meeting as we agreed, let us ensure that the Committee of the Whole House is retreating to review the issue of the budget and by so doing, you know what we mean.

Otherwise I wish you a merry Christmas and a happy new year as we work for our people. May the good Lord guide us always.

Let me welcome my colleague to second and say a few words as we prepare ourselves psychologically on how we shall be navigating around our wards. Thank you.

Mr. Speaker: Thank you Hon. Leader of Majority, Hon. Leader of minority Anthony Lusenaka, proceed!

Leader of Minority (Hon. Antony Lusenaka): Thank you Hon. Speaker. I wish to second and I have a few comments to make. First, I want to thank you the Speaker and the leadership of this House and all members for the co-operation and team work we have been having in this Assembly. We have worked as a team for one year and now we are breaking. I just wish to request that when we resume, we should continue with that spirit so that we serve our people well.

I also wish to add my voice to what Hon. Nyongesa the Leader of Majority has said. We are going home for almost two months to meet our electorates, family and relatives but the pockets are dry; so as the Board you can do something for us. The expectations at home are too much. This hustler life has become unbearable; it is no longer friendly to the hustlers including us who are in offices. So if you can sit down with your team and do something for these members we will appreciate. I wish to request the Chairpersons, committee on Agriculture and Education; for Chair Education, the schools will be opening when we are on recess. Kindly make sure that you make a follow up so that when schools open, the money is available. We budgeted; we do not want our children or students to delay in going back to school.

The Chair Agriculture, we gave you enough funds for the fertilizer, make sure that when the rains come in January or before we resume, the fertilizer and seeds should be there so that we make sure that our people plant in good time. The harvest for this year was fantastic; which means that you did a good job. So next year we expect more from you. Otherwise, I just want to take this opportunity to wish in earnest the Honourable Members and staff to enjoy their holidays. I want to say Merry Christmas and happy New Year as we face the new challenges of the upcoming Financial Year.

Mr. Speaker: Thank you Hon. Lusenaka.

Resumption of Business

ADJOURNMENT

Honourable Members who had delayed to come in when I was making my communication; we adjourn this session today the 7th of December and will be resuming on 13th February, 2024. Equally I asked the Committee on Liaison to sit and have activities of the House during our recess except during the Christmas week and equally some of the committees' retreats will be affected. They will be scheduled again because whenever we have a Whole House, it means you are all in that House. You will not be having individual committees' retreats... so

when you are affected, do not start crying because we will be scheduling the meetings before recess ends. With that, Honourable Members, it is too early to wish you merry Christmas. We still have three weeks to go, we ask that the Liaison team give us the time table, the Board will do their part. Thank you, we adjourn accordingly. Have a good evening.

(House adjourns)