

COUNTY GOVERNMENT OF KITUI



**COUNTY ASSEMBLY
SECOND ASSEMBLY – (FIFTH SESSION)**

COMMITTEE ON APPOINTMENTS

**REPORT ON THE VETTING OF NOMINEES TO THE SELECTION
PANEL NOMINATED PURSUANT TO SECTION 58A OF THE COUNTY
GOVERNMENTS ACT (2020)**

Clerk's Chambers,
County Assembly Buildings,
Kitui,

FEBRUARY, 2021.

ANNEXURES

Annex 1	Signed List of Members adopting the Report.
Annex 2	Letter from the Governor forwarding the Nominees.
Annex 3	Advert inviting nominees for vetting
Annex 4	Minutes for adoption of the committee report.

ABBREVIATIONS

CGA	County Governments Act
CPE	Certificate of Primary Education
CRB	Credit Reference Bureau
EACC	Ethics and Anti- Corruption Commission
HELB	Higher Education Loans Board
KCPE	Kenya Certificate of Primary Education
KCSE	Kenya Certificate of Secondary Education
KRA	Kenya Revenue Authority
PACAAA	Public Appointments (County Assemblies) Approval Act,2017

TABLE OF CONTENTS

Abbreviations	3
Table of contents	4
Preface	5
Membership	5
Mandate	5
Legal framework on the Selection Panel	7
Notification to the County assembly	8
Notification of nominees and the public	8
Submissions of statements on suitability of nominees	8
Vetting of the nominees	8
Acknowledgment	10.
Analysis of the Information received from the Nominees.....	11
Verification of credentials	14
Committee Findings Observations and recommendations	15
General observations	17
Recommendations	17
Conclusion.....	17

1.0. PREFACE

On behalf of the Members of the Committee on Appointments, and pursuant to the provisions of Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 184, it is my pleasure to present to the House the Committee's Report on the vetting of the Nominees for Appointment to the Selection Panel.

1.1. Committee Membership.

The Committee on Appointments was constituted by the House on 26th February, 2020 and comprises of the following Members:

- | | |
|-------------------------------|-------------|
| 1. Hon George Ndotto | Chairperson |
| 2. Hon Peter Kilonzo | Member |
| 3. Hon Alex Nganga | “ |
| 4. Hon Jacob Mbaya Kavolonza | “ |
| 5. Hon Boniface Katumo | “ |
| 6. Hon Elizabeth Ndunge Peter | “ |

1.2. Mandate of the Committee.

Standing Order 184 mandates the Appointments Committee to consider for approval by the County Assembly appointments under Article 179(2) of the Constitution.

Hon. Speaker

On 9th December 2020, the County Assembly approved the report by the Committee on Appointments on vetting of the nominees to the selection panel pursuant to section 58A of the County Governments Act, 2020.

In her report, the Committee had recommended for approval of appointment of the following nominees to the Selection Panel;

1. Chairperson nominated by virtue of not being a Public Officer
2. Member nominated to represent workers union and;

3. Member nominated by virtue of being an Accountant, who is a member of the Institute of Certified Public Accountants of Kenya

The Committee however disqualified the other two nominees from being appointed to the selection Panel due to the following reasons;

- i. Member who had been nominated to the represent private sector despite being a Public Officer working with Independent Electoral and Boundaries Commission (IEBC)
- ii. Member who had been nominated as an Advocate of the High Court of Kenya but did not produce relevant clearances as required under chapter six of the constitution.

The report was forwarded to the office of the County secretary on 10th December 2020 conveying the decision of the House concerning the subject matter.

Hon. Speaker.

Her Excellency the Governor through a letter dated 20th December 2020 in compliance with the Committee’s report and the House resolution forwarded two (2) new names of nominees to the Selection Panel for consideration by the County Assembly.

The two names as submitted were;

	Name	Position	Gender	Sub. County	Professional Representation
I	MS. Irene Martha Mati	Member	Female	Mwingi North	Private Sector
Ii	Mr. Benson Musyoki Nzakyo	Member	Male	Kitui Central	Advocate.

1.3. Legal Framework on the Selection Panel.

In 2020, Parliament enacted the County Governments (Amendments) Act, number 11 of 2020. Under section 18, the law amended the County Governments Act Section 58 by inserting a new section that is section 58A.

Section 58A (1) of the County Governments Act provides that:-

“Whenever a vacancy arises in a County Public Service Board, the Governor shall nominate and with approval of the County Assembly appoint members to a selection panel for the purpose of selecting suitable candidates for appointment as members of County Public Service Board.”

By the provision of Section 58A aforesaid, the Governor is given the power to nominate and appoint with the approval of the County Assembly members of the Selection Panel.

Section 58A (2) provides that the Selection Panel shall consist of:-

- (a) a chairperson, not being a public officer;
- (b) one person from the private sector;
- (c) an advocate of the High Court of Kenya who is a member of the Law Society of Kenya.
- (d) an accountant who is a member of the Institute of Certified Public Accountants of Kenya; and
- (e) one person from an association representing workers.

Hon. Speaker

The two new names of nominees were submitted to ensure compliance with Section 58A (b) and (c) above.

Hon. Speaker

Section 10 of the Public Appointments and (County Assemblies) Approval Act, 2017, (PACAA) states that, where a nomination of a candidate is rejected by a county Assembly, the appointing authority shall submit to the county Assembly a name of another candidate and the procedure for approval specified in this Act shall apply accordingly.

1.4. Notification to the County Assembly

On 14th January 2021 and pursuant to Section 7(1) of the Public Appointments(County Assemblies Approval) Act , 2017, (PACAAA), following receipt of the names from the Governor, the Hon Speaker communicated the same to the House and thereafter the names stood committed to the Committee on Appointments for vetting.

1.5. Notification of the Nominees and the Public.

Pursuant to Section 7(4) and (5) of the PACAAA, the Clerk of Assembly notified the nominees to appear before the Appointments Committee for vetting on 22nd February 2021 through the county Assembly website, www.kituiassembly.org.

The public was advised that prior to the Approval hearing, and by written statement on oath, to provide the Clerk of Assembly with evidence contesting the suitability of the candidates if any to hold the office to which they have been nominated.

1.6. Submission of Statements on suitability of the Nominees.

The Committee did not receive any Statements or Memoranda from the public regarding the suitability of the nominees listed to the Selection Panel.

1.7. Vetting of the Nominees.

On Monday the 22nd of February, 2021 the Committee held a meeting between 2:00 and 4:00 PM in the Assembly Boardroom. During the meeting, the two nominees appeared before the Committee where they were able to shed light to the Committee on who they are, their qualifications and what they intend to do for the people of Kitui County in the event that their nomination to the Selection Panel is approved by the County Assembly.

Further, as required by Public Appointments (County Assemblies Approval Act, 2017(PACAAA) and Article 73(2)(a)(b)(c) (d) and (e) of the Constitution, the Committee specifically examined the nominees against the following criteria, amongst others,:

- i) Academic qualifications;
- ii) Employment records and work experience;
- iii) Professional affiliations;
- iv) Potential conflict of interest;
- v) Knowledge of the relevant subject matter;
- vi) Relevant clearances certificates from;
 - a. Ethics and Anti- Corruption Commission (EACC),
 - b. Kenya Revenue Authority (KRA),
 - c. Credit Reference Bureau (CRB),
 - d. Directorate of Criminal Investigations (DCI); and
 - e. Higher Education Loans Board (HELB);
- vii) Overall suitability for the position.

In line with Article 196 of the Constitution on public participation, the Committee proceedings were open to the public and through the vetting advert earlier mentioned in this Report, the public was also invited to submit statements and memoranda regarding the suitability of any of the nominees. The Fourth estate was present throughout the Committee proceedings.

1.8. Acknowledgment.

On behalf of the Committee on Appointments, I extend my gratitude to the Members of the Committee, Office of the Clerk and the staff attached to the Committee for their continued support, assistance and commitment in executing their duties. I also wish to thank the members of the fourth estate for attending the hearings and making available the Committee’s proceedings to the public as it is their cardinal duty.

It is therefore my pleasant duty, on behalf of the Committee on Appointments to present this Report and recommend it for consideration and adoption by the House.

SIGNATURE:  DATE 27/2/2021.....

**HON. GEORGE M. NDOTTO,
SPEAKER, COUNTY ASSEMBLY OF KITUI,
CHAIRPERSON, COMMITTEE ON APPOINTMENTS.**

2.0 ANALYSIS OF THE NOMINEES' QUALIFICATIONS, EXPERIENCE AND SUITABILITY

1. MS. IRENE MARTHA MATI

The nominee appeared before the Committee on 22nd February, 2021 to be vetted on her nomination as a Member of the Selection panel.

Analysis of the nominee was as outlined below:

	Criteria	Details
1.	Personal Bio- data	The nominee was born on 11 th December, 1963 and comes from Mwingi North Sub county.
2.	Professional qualifications	<ul style="list-style-type: none"> i. Ongoing PHD at JKUAT ii. Master's Degree in Economic Policy Management from Makerere University, from 2002-2004 iii. Bachelor's degree In Education from Kenyatta University, from 1986-1989.
3.	Academic qualifications	<ul style="list-style-type: none"> i. Kenya High School Advance level Certificate of Education. ii. Kenya High School 1984- Kenya Certificate of Secondary Education.(KCSE) iii. Migwani Primary School – Certificate of Primary Education (CPE)
4.	Employment record/ Work experience	<p>The nominee has worked in the following Institutions,</p> <ul style="list-style-type: none"> i. Managing director at Africa Research Development Consultants Limited from 2017 to date. ii. Lecturer of Economics at Nairobi university ,South Eastern Kenya University, and KTTC from 2004- 2017 iii. Lecture at Kitui Techers Training College iv. TSC Teacher at Mwingi Secondary School from 1989- 2002.

5.	Relevant training and experience	Regarding relevant training, the nominee demonstrated to the Committee that She has a wide experience having worked in different public and private institutions. She is currently a Board member at Massai Technical Training College and Kitui Teachers College. The nominee also informed the Committee that she has a wide experience in hiring/recruiting and management of human resource.
6.	Professional affiliations	The Nominee is a member of the following professional Bodies; i. The Economic Society of Kenya ii. Kenya Chamber of Commerce and Industry.
7.	Knowledge of the relevant subject Matter	Regarding the functions of the Selection panel, she informed the Committee that their mandated will be to select suitable candidates for chairperson and members to the county public service board and forward the same to the Governor for nomination
8.	Clearance Certificates	
	a) EACC	Produced a self- declaration form.
	b) CRB	Produced a valid credit Bureau Clearance certificate.
	c) KRA	Produced a valid Tax compliance certificate..
	d) HELB	Produced a valid Clearance Certificate from Higher Education loans Board
	e) DCI	Produced availed Police Clearance Certificate.



2. MR. BENSON MUSYOKI NZAKYO.

The nominee appeared before the Committee on 22nd February, 2021 to be vetted on his nomination as a member of the selection panel.

His credentials were as outlined below:

	Criteria	Details
1.	Personal Bio- data	He was born on 26 th July 1977 in Mombasa and brought up at Kitui Central sub County Miambani Ward.
2.	Professional Qualifications	<ul style="list-style-type: none"> i. Nominee is an Advocate of the High Court of Kenya having been admitted to the roll of Advocates in 2003. ii. Holds a bachelor of Laws Degree from university of Nairobi in 2001 iii. Diploma in Law from Kenya School of Law in 2002. iv. Certified Public Secretary from 2015.
	Academic Qualifications	<ul style="list-style-type: none"> i. Kenya Certificate of Secondary Education (KCSE) from Mutitu Boys Secondary School and, ii. Kenya Primary certificate of Education,(KCPE).
4.	Employment record/ Work experience	<p>The nominee is currently practicing Law in the name and Style of MUSYOKI BENSON&ASSOCIATES ADVOCATES.</p> <ul style="list-style-type: none"> i. Worked with Judiciary as a Resident Magistrate from 2007 to 2019 ii. Worked with the Office of Attorney as a State counsel from 2006 to 2007 iii. Worked with Mungatana and Co. Advocates from 2004 to 2006 as an Associate Advocate.

5.	Relevant training and experience	Regarding relevant training, the nominee demonstrated to the Committee that he has an experience in recruitment and employee retention
6.	Professional affiliations	<ul style="list-style-type: none"> i. Law Society of Kenya ii. Institute of certified secretaries
7.	Knowledge of relevant subject	The nominee while acknowledging his nomination to the position of a member of the selection panel he informed the Committee that the Selection panel's, mandate will be to identify suitable candidates for chairperson and members to the county Public Service Board.
8.	Clearance Certificates	
	i. EACC	Produced a self- declaration form.
	ii. CRB	Produced a valid credit Bureau Clearance certificate.
	iii. KRA	Produced a valid Tax compliance certificate..
	iv. HELB	Produced a valid Clearance Certificate from Higher Education loans Board
	v. DCI	Produced a valid police clearance certificate.

3.0. VERIFICATION OF NOMINEES' CREDENTIALS

1. Ms. Irene Martha Mati

The nominee orally submitted before the committee that she is currently working in the private sector by virtue of being a managing director of businesses / companies under her own establishment and therefore qualifies for the position.

2. Mr.Benson Musyoki Nzakyo

The nominee submitted orally and also provided the committee with a copy of his current practicing certificate as an advocate to confirm that he is in deed an advocate of the High Court of Kenya practicing as such in the name and style of BENSON MUSYOKI AND ASSOCIATES ADVOCATES.

He is also a member of the law society of Kenya and thus qualifies to be a member of the selection panel.

4.0.COMMITTEE FINDINGS, OBSERVATIONS AND RECOMENDATIONS

The Committee deliberated on what would be the pass mark for a nominee to be considered as having qualified for approval to the position so nominated and resolved that the pass mark would be an average score of **75%** or more for Chairperson and **70%** or more for members of the panel as the nominees were set to take on a very important and crucial responsibility of recruiting members of the County Public Service Board.

The nominees performed as shown below;

1. MS Irene Martha Mati.

Having set **70%** as the pass mark for this position, the Committee considered the nominee's completed questionnaire, documents submitted and heard her oral submissions. The Committee then rated the nominee as follows;

S/N	Member No.	Nominee & marks awarded
		Ms. Irene Martha Mati
1.	Member No. 1	93%
2.	Member No. 2	92%

3.	Member No. 3	90%
4.	Member No. 4	81%
5.	Member No. 5	80%
6.	Member No. 6	90%
	Total	526
	Average score	88%

MS. Irene Martha Mati therefore attained the set pass mark of 70% having scored 88%.

2. Mr. Benson Musyoki Nzakyo

Having set 70% as the pass mark for members for the position, the Committee considered the nominee's completed questionnaire, documents submitted and heard his oral submissions. The Committee then rated the nominee as shown below;

S/N	Member No.	Nominee & marks awarded
		Mr. Benson Musyoki Nzakyo
1.	Member No. 1	78%
2.	Member No. 2	80%
3.	Member No. 3	93%
4.	Member No. 4	85%
5.	Member No. 5	73%
6.	Member No. 6	97%
	Total	522
	Average score	87%

Mr. Benson Musyoki Nzakyo therefore attained the set pass mark of 70% having scored 87%.

5.0. GENERAL OBSERVATIONS

Upon hearing the nominees, scrutinizing and assessing their suitability for the positions so nominated, the committee made the following general observation.

1. The Committee observed that Her Excellency the Governor conducted the said nomination in line with the provisions of Section 58A of the county Governments Act 2020.
2. The Committee also observed that the said vetting process meets the criteria set out under section 7(1) (2) (3) (4) and (5) of the public Appointments (County Assemblies Approval) Act, 2017.
3. The Committee observed that Her Excellency the Governor conducted the nomination in line with section 10 of the Public Appointments (County Assemblies Approval) Act, 2017.
4. The Committee further observed that all the nominees met the requirements of Chapter six of the Constitution.

6.0. COMMITTEE RECOMMENDATIONS

Following conclusion of the vetting exercise, the Committee makes the following recommendations:

THAT, having considered the academic credentials, professional training, work experience, integrity and background of all the nominees and pursuant to the provisions of section 58A of the County Governments (amendments) Act, 2020, the Committee **APPROVES** the nominees to the selection panel as follows;



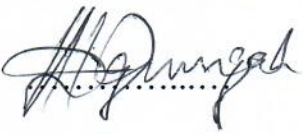
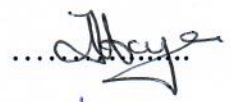


1. **Mrs. Irene Martha Mati** - Member Selection Panel
2. **Mr. Benson Musyoki Nzakyo** - Member, Selection panel

7.0 CONCLUSION

In conclusion the Committee urges the House to adopt the Report by the Committee on Appointments on the vetting of the nominees to the selection panel nominated pursuant to section 58A of the County Governments (Amendments) Act (2020).

Annex I

We Honorable Members of the Committee on Appointments do hereby affix our signatures to this Report to affirm our approval and confirm its accuracy, validity and authenticity:

<u>Name</u>	<u>Designation</u>	<u>Signature</u>
1. Hon George Ndotto	Chairperson	
2. Hon Peter Kilonzo	Member	
3. Hon Alex Nganga	Member	
4. Hon Jacob Mbaya Kavolonza	Member	
5. Hon Elizabeth Ndunge Peter	Member	
6. Hon Boniface Katumo	Member	

Annex 2

PC



COUNTY GOVERNMENT OF KITUI

Cell Phone: 0792151515
Email: governor@kitui.go.ke



Administration Block
Savani Road
P.O BOX 33 – 90200
Kitui

OFFICE OF THE GOVERNOR

Ref: CGKI/OOG/ADM/23/24

December 20, 2020

Hon. George Ndotto
Speaker
County Assembly of Kitui
KITUI

Dear

RE: **SELECTION PANEL FOR SELECTING SUITABLE CANDIDATES FOR CHAIRMAN AND MEMBERS TO THE COUNTY PUBLIC SERVICE BOARD**

Reference is made to the County Assembly report forwarded to me vide letter Ref CAK/15/7/VOL III (39) of 10th December 2020 on the above subject. I thank the County Assembly for approving three (3) nominees for the position of Chairman and Members to the Selection Panel. However, two of the nominees were not approved.

In exercise of the powers given by Section 58A of the County Government (Amendment) Act 2020 I hereby forward 2 names of new nominees to the Selection Panel for the consideration and approval by the County Assembly. I have enclosed their curriculum vitae and testimonials

	Name	Position	Gender	Sub County	Professional Representation
1.	Irene Martha Mati	Member	Female	Mwingi North	Private Sector
2.	Benson Musyoki Nzakyo	Member	Male	Kitui Central	Advocate

Yours

Charity Kaluki Ngilu
Governor
KITUI COUNTY

Encl:



COUNTY GOVERNMENT OF KITUI



THE COUNTY ASSEMBLY

SECOND ASSEMBLY – FIFTH SESSION

NOTIFICATION OF INVITATION FOR VETTING OF PERSONS NOMINATED FOR APPOINTMENT AS SELECTION PANEL MEMBERS

In exercise of the powers conferred by the provisions of Section 58 A of the County Governments (Amendment) Act 2020 and Section 7 (2) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017, the County Assembly of Kitui invites the following persons nominated for appointment in the **Selection Panel: - For selecting suitable candidates for Chairman and Members to the County Public Service Board.**

The approval hearings will be conducted by the County Assembly Appointments Committee in the Boardroom as indicated below: -

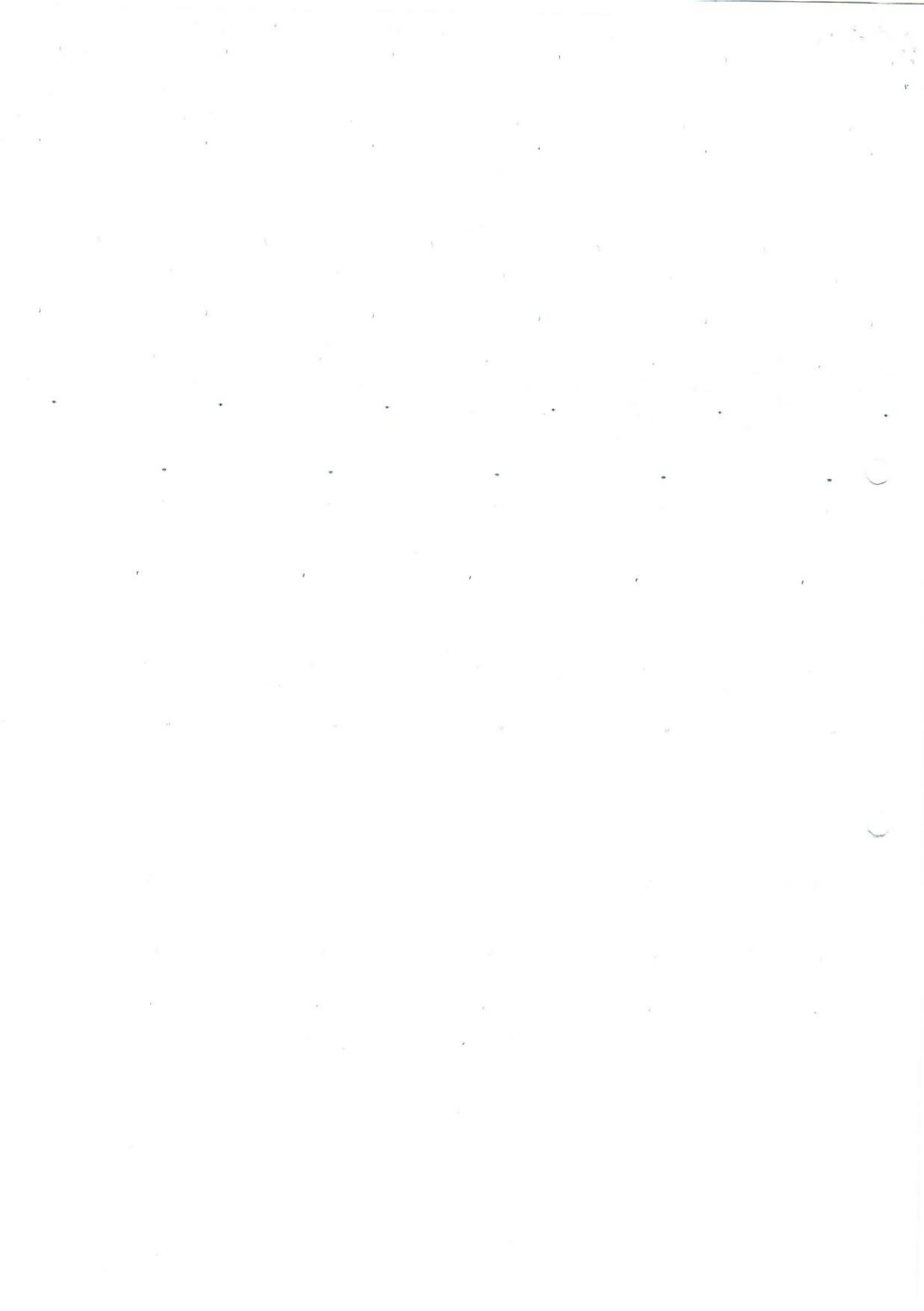
NAME	POSITION	SECTORAL REPRESENTATION	SUB COUNTY	DATE	TIME
Ms. Irene Martha Mati	Member	Private Sector	Mwingi North	22/02/2021	2.00 pm
Mr. Benson Musyoki Nzakyo	Member	Advocate of the High Court	Kitui Central	22/02/2021	3.00 pm

The nominees should bring originals of their identity card/valid passport, a detailed CV, academic and professional certificates and other relevant testimonials. In addition, the nominees should bring letters/certificates of clearance/compliance from the following institutions: -

- a) Ethics and Anti-Corruption Commission
- b) Kenya Revenue Authority;
- c) Credit Reference Bureau;
- d) Directorate of Criminal Investigation; and
- e) Higher Education Loans Board.

The nominees are also called upon to collect the vetting questionnaire from the **Office of the Clerk, County Assembly of Kitui, Assembly Buildings** complete, sign and return it (in person) on or before noon on Friday 19th February, 2021.

Through this notice, and in line with the provisions of Article 196 of the Constitution and Section 7(10) of the Public Appointments (County Assembly Approval) Act 5 of 2017, the public is advised that, 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. The public is further encouraged to attend the approval hearings on the dates and place indicated above.

E.M.A. MUTAMBUKI
CLERK, COUNTY ASSEMBLY OF KITUI



COUNTY ASSEMBLY OF KITUI

MINUTES OF THE APPOINTMENTS COMMITTEE MEETING HELD ON 27TH FEBRUARY, 2021 AT CONCORD HOTEL, NAIROBI.

MEMBERS PRESENT.

1. Hon. George M. Ndotto	Chairperson
2. Hon. Peter M. Kilonzo	Majority Leader
3. Hon. Alex M. Nganga	Minority Leader
4. Hon. Boniface K. Katumo	Member
5. Hon. Jacob M. Kavolanza	Member
6. Hon. Elizabeth N. Peter	Member

IN ATTENDANCE

1. L. Waema	Deputy Clerk
2. Japheth Kiamba	Legal Clerk (Taking Minutes)

PRAYERS

The meeting started at 10:00 am with a word of prayer said by Hon. Elizabeth Ndunge Peter.

MIN. CAP/ 03/2021: COMMUNICATION FROM THE CHAIR.

The Committee Chairperson thanked Honorable Members for their punctuality and the dedication they portrayed during the whole process of vetting the nominees and also during the report writing exercise. He added that member's commitment during this period made the work easier for the Committee.

MIN.CAP/04/2021: DELIBERATIONS AND ADOPTION OF THE COMMITTEE REPORT ON VETTING OF THE NOMINEES TO THE SELECTION PANEL



Members went through the report taking into account each nominees performance during the vetting exercise, and scrutinized their professional and academic qualification.

The Committee further analyzed the various clearance certificates submitted by the nominees from various relevant bodies. After going through the report, the Committee approved the two (2) nominees as submitted to the Assembly by Her Excellency the Governor, Kitui County.

There being no other business to transact the chair closed the meeting at 4:00 p.m.

JAPHETH KIAMBA _____



For: CLERK OF ASSEMBLY

CONFIRMED BY: _____



Hon. GEORGE M. NDOTTO, SPEAKER/CHAIRPERSON:

COMMITTEE ON APPOINTMENTS

COUNTY ASSEMBLY OF KITUI.

