

**COUNTY GOVERNMENT OF KITUI**



**COUNTY ASSEMBLY**

**SECOND ASSEMBLY – (FIFTH SESSION)**

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**COMMITTEE ON APPOINTMENTS**

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**REPORT ON THE VETTING AND CONSIDERATION OF NOMINEES TO THE KITUI  
COUNTY PUBLIC SERVICE BOARD (KCPSB)**

Clerk's Chambers,  
County Assembly Buildings,  
**Kitui, Kenya**

**APRIL, 2021**

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## **ABBREVIATIONS**

<b>CGA</b>	County Governments Act
<b>CPE</b>	Certificate of Primary Education
<b>CRB</b>	Credit Reference Bureau
<b>CUE</b>	Commission for University Education
<b>DCI</b>	Directorate of Criminal investigations
<b>EACC</b>	Ethics and Anti- Corruption Commission
<b>EACE</b>	East African Certificate of Education
<b>HELB</b>	Higher Education Loans Board
<b>HR(M)</b>	Human Resource (Management)
<b>K(CPSB)</b>	Kitui (County Public Service Board)
<b>KACE</b>	Kenya Advanced Certificate of Education
<b>KCPE</b>	Kenya Certificate of Primary Education
<b>KCSE</b>	Kenya Certificate of Secondary Education
<b>KIA</b>	Kenya Institute of Administration
<b>KIM</b>	Kenya Institute of management
<b>KMTC</b>	Kenya Medical Training College
<b>KNUT</b>	Kenya National Union of Teachers
<b>KNQA</b>	Kenya National Qualification Authority
<b>KRA</b>	Kenya Revenue Authority
<b>PACAAA</b>	Public Appointments (County Assemblies Approval) Act
<b>SRC</b>	Salaries and Remuneration Commission
<b>TSC</b>	Teachers Service Commission

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## **PREFACE**

1. 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 this House the Committee's Report on the vetting and consideration of the nominees to the Kitui County Public Service Board (KCPSB).

### **Committee Membership**

2. The Committee on Appointment is established by Standing Order 184 of the Kitui County Assembly and was constituted by this House pursuant to that Standing Order on 26<sup>th</sup> February, 2020 and comprises of the following Members:

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

### **Mandate of the Committee.**

3. The Appointments Committee is established under Standing Order 184. The Committee mandate is provided for under the said Standing Order as read together with Standing Order 177 (1) which provides for the extension of a Committee's mandate by a direction of the County Assembly.

### **Legal Framework on the County Public Service Board.**

4. Section 57 of the County Governments Act establishes the County Public Service Board (CPSB) in each County. Section 58 of the same Act provides for the composition of the CPBS and further section 58A provides for the manner of selecting the Board's Chairperson and the members and further for the nomination of individuals to the position of Chairperson and members of the CPSB by the Governor.

5. Sections 58 and 58A provide that the County Public Service Board shall comprise of —
- a) a chairperson nominated and appointed by the county governor with the approval of the county assembly;
  - b) at least three but not more than five members.
  - c) a certified public secretary of good professional standing nominated and appointed by the governor, with the approval of the county assembly, whoshall be the secretary to the board.

**Legal Formwork for Vetting.**

6. Sections 58 and 58A of the County Governments Act provide that once persons are nominated to the position of chairperson and member of the Board, the said persons should be approved by the County assembly to allow their appointment.
7. Section 4 of the Public Appointments (County Assemblies Approval) Act 2017 on the other hand provides that:-

*“An appointment under the Constitution or any other law for which the approval of a County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly in accordance with this Act”.*

**Notification of nominations to the Speaker.**

8. Section 6(1) of the Public Appointments (County Assemblies) Approval Act 2017 (PACAAA), provides that upon the nominating authority making the nominations, it shall notify the relevant county assembly. In line with this provision, Her Excellency The Governor, County Government of Kitui on 30<sup>th</sup> March, 2021 forwarded to the Speaker the names of nominees for the positions of Chairperson and Members of the County Public Service Board as below:

No.	Name	Office nominated to	Gender	Sub County
1.	Florence M. Makindi	Chairperson	Female	Kitui East
2.	Winfred M. Tumbo	Member	Female	Mwingi North

3.	Hassan Mohammed Mutubwa	“	Male	Kitui Central
4.	Joseph Kyavoa	“	Male	Kitui East
5.	Francis Muinde Kiliku	“	Male	Kitui Rural
6.	David Munyao	“	Male	Kitui South

9. On 31<sup>st</sup> March, 2021 and pursuant to Section 7(1) of PACAAA, the Hon Speaker communicated the names of the nominees to this House and committed the said names to the Committee on Appointments for vetting.

**Notification for vetting.**

10. On 1<sup>st</sup> April, 2021, and pursuant to Section 7(2) and (5) of the PACAAA, the County Assembly ran advertisement in *The Star* newspaper inviting the nominees to appear before the Committee on Appointments on 8<sup>th</sup> April, 2021 for vetting. Through the advert, the public was requested and called upon to participate in the vetting process by submitting sworn statements as required under section 7(10) of PACAAA prior to the approval hearing by the Committee.

**Preliminary considerations.**

11. The Committee held its first meeting in preparation of the vetting process and to set the ground rules on the vetting process in morning session of 8<sup>th</sup> April 2021, during this first meeting, the following issues were discussed and resolutions arrived at.

**a. Statement by Dr. Ben Kisilu.**

12. The Committee received a statement signed by Dr. Ben Kisilu in line with section 7(1). The statement was interrogated by the Committee vis-a-vis the provisions of section 7(1). This provision requires that a person should submit a “statement under oath” on the suitability of any candidate. Upon examining the document submitted by one Dr. Ben Kisilu, it was the Committee’s resolution that the document did not meet the threshold of a statement under oath in line with the Oaths and Declarations Act No. 5 Laws of Kenya and therefore could not be admitted in evidence by the Committee.

**b. Resubmitted nominees.**

13. On the resubmitted names , the Committee resolved that since the named had been selected by the selection Panel and submitted by the appointing authority, the question of whether the circumstances leading to their rejection by the County Assembly had changed and section 10 of the PACAAA had



been complied with would be interrogated and addressed by the Committee substantively. It was also resolved that the said resubmitted nominees would appear before the Committee.

**Public hearings.**

14. On Thursday 8<sup>th</sup> April, 2021, the Committee held two sittings during which the nominees appeared before the Committee and were interviewed and questioned on their suitability to the positions they had been nominated. The fourth estate was also present during these public hearings and the public was also allowed to attend albeit within strict adherence to the MOH Covid -19 Regulations.
15. In allowing the public and the fourth estate to attend the public hearings, as well as calling the public to submit written statements on oath, the County Assembly complied with the provisions of the Constitution and in particular Articles 10 and 196 which provide for the public to be allowed to take part in the decisions made by government agencies and institutions through citizen participation.
16. Section 8 PACAAA as read together with Article 73(2)(a)(b)(c) (d) and (e) of the Constitution, Section 58 of the CGA together with requires that in examining whether a nominee is qualified, the Committee is to be satisfied that the nominee meets the qualification's or criteria set under the law. In particular, Section 8 of PACAAA provides that the nominees' suitability must be examined against the following set of qualification:-:
  - i) Academic qualifications;
  - ii) Employment records;
  - iii) Professional affiliations;
  - iv) Potential conflict of interest;
  - v) Knowledge of the relevant subject matter;
  - vi) Relevant clearances certificates from different government agencies;
  - vii) Integrity;
  - viii) Overall suitability for the position.

**Acknowledgment.**

17. 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 diligence in working and ensuring that this report is prepared.

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 .....  .....

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

**ANALYSIS OF THE NOMINEES' QUALIFICATIONS, EXPERIENCE AND SUITABILITY**

**1. Dr. Florence M. Makindi**

18. The nominee appeared before the Committee on 8<sup>th</sup> April, 2021, and was interviewed on her qualification to the position of the Chairperson of the KCPSB. Her credentials are as outlined below:

	<b>Criteria</b>	<b>Detail</b>
1.	<b>Personal information.</b>	Date of birth: 21 <sup>st</sup> April, 1965 From: Kitui Central Sub County. Marital status: Married. Currently: Unemployed.
2.	<b>Academic qualifications.</b>	i. Master's degree Certificate in Educational Planning, Economics and International Development from University of London. ii. Bachelors of Education from Kenyatta University iii. International Diploma in Educational planning from International Institute of Educational planning. iv. Diploma in Institutional Management from the Kenya Polytechnic. v. Secondary school education - Mutomo Girls in 1977. vi. Primary School Education- St. Michael Primary School in 1973. <b>NB:</b> She is currently pursuing her Ongoing PHD in Administration and planning at Catholic University.
3	<b>Employment record/work experience</b>	i. Senior Lecturer at Tangaza University College as Senior Lecturer -2019-2020.

		<p>ii. Deputy Director -Corporate Planning and Quality Assurance Department with Kenya Institute of Curriculum Development (KICD) 1998 to 2019.</p> <p>iii. Home Science Examiner -Kenya National Examination Council -1990.</p> <p>iv. Lecturer -High Ridge Technical Training College, Nairobi-1989 to 1998.</p> <p>v. Teacher - Huruma Girls Secondary School, Nairobi- 1989 to 1998.</p> <p>vi. Teacher -Moi High School Mbiruri, Embu.</p> <p><b>NB.</b> Cumulatively and from the documents and information provided, the nominee has a working experience of over twenty (20) years.</p>
4.	<b>Relevant training and experience</b>	<p>Insofar as training and experience relevant to the position of the Chairperson to the CPSB is concerned, the nominee submitted that;</p> <p>i. During her studies in the University, she had done Human Resource units and that she would employ the knowledge learned in those units to do the work she has been nominated for.</p> <p>ii. That as a teacher over time, she has acquired important and key skills and knowledge and she will employ them in the management of Human Resources in the County.</p> <p>iii. That she has been involved in facilitating development, monitoring and evaluating implementation of performance management systems and this is an important skill for the job that she had now been nominated for.</p> <p>iv. That in her previous employment, she has carried out annual surveys on employee satisfaction, working environment and customer satisfaction to enhance</p>

		<p>service delivery and ensure quality and this will be a helpful and important skill for the job she was interviewing for and for which reason in her view she was best suited to serve as a Chairperson to the CPSB.</p>
5.	<b>Knowledge of relevant subject.</b>	<p>The nominee submitted that in her understanding, the CPSB is charged with the management of human resource in the County Government and this involves creating offices, abolishing offices, hiring of staff, advising on human resource matters, amongst other duties.</p> <p>On what would be her first duty upon occupying the office if approved, she submitted that she would prioritize the following;-</p> <ul style="list-style-type: none"> <li>i. Solving any pending disciplinary matters;</li> <li>ii. Considering any pending promotion(s);</li> <li>iii. Examining the payroll in relation to the wage bill; and</li> <li>iv. Developing the Annual Development plan for the County for the CPSB.</li> </ul> <p>The nominee further submitted as someone coming from the private sector, she would bring professionalism, competence and zeal into how she would lead the Board to allow its optimum performance to the people of Kitui County in the quality of services offered.</p>
6.	<b>Professional affiliations</b>	<p>The nominee submitted that she is a member of Kenya Institute of Management. (KIM) and produced a membership certificate valid until 31<sup>st</sup> December 2021.</p>

7.	<p><b>Whether the nominee has at any time within the preceding five years, held office, or stood for election as—</b></p> <p><b>(i) a member of Parliament or of a county assembly; or</b></p> <p><b>(ii) a member of the governing body of a political party.</b></p>	<p>The nominee submitted that she is not a politician and that she has never contested for any of the two positions or been a member of a governing body of any political party.</p>
8.	<p><b>Whether the nominee is, or as at any time been, a candidate for election as a member of Parliament or of a county assembly.</b></p>	<p>The nominee submitted that she is not a politician and that she has never contested for any of the two positions.</p>
9.	<p><b>Whether the nominee is, or has at any time been, the holder of an office in any political organization that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of Parliament or of a county assembly.</b></p>	<p>The nominee submitted that she is not a politician and that she has never been a member of any political party.</p>
10.	<p><b>Certificates of clearance/ compliance</b></p> <p>a) EACC</p> <p>b) KRA</p> <p>c) CRB</p>	<p>self-declaration form dated 12<sup>th</sup> December 2020</p> <p>Tax compliance certificate dated 4<sup>th</sup> October 2021</p> <p>Clearance certificate from CBR indicating no negative</p>

	listing as at 7 <sup>th</sup> October, 2020.
d) DCI	Certificate police clearance certificate as at 12 <sup>th</sup> October 2020.
e) HELB	Compliance certificate indicating that she was not a beneficiary of a Higher Education Loan

## 2. Winfred M. Tumboh

19. The nominee appeared before the Committee on 8<sup>th</sup> April, 2021, and was interviewed on her qualification to the position of a member of the CPSB. Her credentials are as outlined below:

	Criteria	Details
1.	<b>Personal information.</b>	Date of birth: 28 <sup>th</sup> July, 1973. From: Mwingi North Sub County. Marital status: Married. Currently: Unemployed.
2.	<b>Academic qualification</b>	i. Master's degree -Business administration-Jomo Kenyatta University of Agriculture and Technology (JKUAT) in 2017. ii. Bachelors' degree - Business management (Human Resource Management)- Moi University in 2013 iii. Higher diploma in Human Resource Management—from the Institute of Human Resource management in 2008 iv. Kenya Certificate of Secondary Education (KCSE) - Nguuku Secondary school -1992. v. Kenya Certificate of Primary Education (KCPE)- Kanzinwa Primary School -1987

3.	<b>Employment record/ Work experience</b>	<p>i. Senior Human Resource Advisor - Parker Randall -2018 to date.</p> <p>ii. Independent Human Resource consultant – 2017- 2018.</p> <p>iii. Manager-Human Resource and Administration- Unique Distillers -2008 to 2009.</p> <p>iv. Coordinator, Human Resource and Administration -Deepa Industries Ltd - 2006 to 2008.</p> <p>v. Human Resource Clerk -Mastermind Tobacco (K) LTD- 1999 to 2006.</p> <p>vi. Promotion Supervisor -Gap Promotions -from 1995 to 1998.</p> <p>vii. Cumulatively and from the documents and information provided, the nominee has a working experience of over twenty (20) years.</p>
4.	<b>Relevant training and experience</b>	The nominee submitted to the committee that she is a trained Human Resource professional and she therefore had the requisite knowledge, skills and expertise to occupy the position of a member of the CPSB.
5.	<b>Knowledge of relevant subject</b>	<p>The nominee indicated that in her view, the CPSB was in charge of recruitment, training and motivation of workers within the County Public Service.</p> <p>To address any human resource issues within the County, the nominee submitted that with her background as a human resource management expert and a researcher on human resource issues she would conduct needs assessment to determine how to incorporate best practices in human resource management in the Kitui County public service.</p>
6.	<b>Professional Affiliations</b>	The nominee provided a certificate of membership of the Institute of Human Resource Management.
7.	<b>Whether the nominee has at any time within the preceding five years, held</b>	The nominee submitted that she is not a politician and that she has never contested for any of the two positions or been a member of a governing body of a political party.



	<p>office, or stood for election as—</p> <p>(i) a member of Parliament or of a county assembly; or (ii) a member of the governing body of a political party.</p>	
8.	<p>Whether the nominee is, or as at any time been, a candidate for election as a member of Parliament or of a county assembly.</p>	<p>The nominee submitted that she is not a politician and that she has never contested for any of the two positions.</p>
9.	<p>Whether the nominee is, or has at any time been, the holder of an office in any political organization that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of Parliament or of a county assembly.</p>	<p>The nominee submitted that she is not a politician and that she has never been an office holder within any structures of a political party.</p>
10.	<p><b>Certificates of clearance/ compliance</b></p>	
	a) EACC	A self-declaration form dated 16 <sup>th</sup> February 2021.
	b) KRA	A Tax compliance certificate valid until 23 <sup>rd</sup> March 2022.
	c) CRB	A CRB certificate dated 22 <sup>nd</sup> March 2021.
	d) HELB	Submitted a form from HELB dated 24 <sup>th</sup> April 2015 indicating that she was not a beneficiary of the Higher Education loan facility.
	e) Certificate of	Police clearance certificate dated 19 <sup>th</sup> February 2021

	Good Conduct	
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### 3. Hassan M. Mutumbwa

20. The nominee appeared before the Committee on 8<sup>th</sup> April, 2021 and was interviewed on his qualification to the position of a member of CPSB. His credentials were as outlines bellow;

	Criteria	Details
1.	<b>Personal Bio- data</b>	Date of birth: 1 <sup>st</sup> January,1974 From: Kitui Central Sub County. Marital status: Separated. Currently: Project Officer- Network of Religious & Traditional Peace Makers.
2.	<b>Academic Qualifications</b>	i. Masters of Arts Degree in Project Management- University of Nairobi- in 2014. ii. Bachelors of Arts degree -Egerton University in 1999. iii. Holder of Kenya Certificate of Secondary Education (KCSE) - Kabaa High School -1992. iv. Holder of Kenya Primary School Education–which primary  <b>NB.</b> The nominee is currently pursuing a PHD in Human Resource at Jomo Kenyatta University of Agriculture and Technology (JKUAT).

3.	<b>Employment Record/work experience</b>	<p>i. Project Officer-Network of Religious &amp; Training Peace Makers from 2019 up to date.</p> <p>ii. Specialist-Countering Violent Extremism with Art Change Transformation - 2018 to 2019.</p> <p>iii. Program Officer-Conflict Mitigation at Act Change Transformation -2017 to 2018.</p> <p>iv. Program Manager- Peace and National Cohesion Inter Religious Council of Kenya - 2014 to 2017.</p> <p>v. Community Development Officer -Madrasa Early Childhood Program, Kenya Coastal region -2005 to 2011.</p> <p>vi. Trainer -Kenya School of Law-Ministry of Justice and Constitutional Affairs and Ministry of Lands and Settlement - 2004 to 2005.</p>
4.	<b>Training and relevant experience</b>	<p>The nominee submitted that he had hands- on experience in human resource management and administrative skills having served as project manager in various organizations.</p> <p>According to his submission, he was qualified for the position based on both his academic qualification and professional experience.</p> <p>It was also the nominee's submission that he has over sixteen years of experience working in project design, planning implementation and management from which he has acquired extensive experience and skills in research, evaluations and therefore he is qualified for the position of a member of the CPSB.</p> <p>Cumulatively and from the documents and information provided, the nominee has a working experience of over fifteen (15) years.</p>
5.	<b>Professional Affiliations</b>	<p>The nominee is a member of the Kenya Association of Project managers since the year 2013. He provided a membership certificate valid until 31<sup>st</sup> December 2021</p>

7.	<b>Knowledge of relevant subject</b>	<p>Regarding the functions of the CPSB, the nominee submitted that the functions of CPSB included establishing and abolishing offices, selecting staff and terminating employment contracts.</p> <p>Should there be staff unrest, the nominee submitted that while recognizing that demonstration is a constitutional right, he would ensure that the issues are first addressed internally between the CPSB and the employee and ensure that the employer follows the law to ensure that there is a win- win situation for both parties.</p>
8.	<b>Whether the nominee has at any time within the preceding five years, held office, or stood for election as— (i) a member of Parliament or of a county assembly; or (ii) a member of the governing body of a political party.</b>	<p>The nominee submitted that he is not a politician and that he has never contested for any of the two positions or been a member of a governing body of any political party.</p>
9.	<b>Whether the nominee is, or as at any time been, a candidate for election as a member of Parliament or of a county assembly.</b>	<p>The nominee submitted that he is not a politician and that he has never contested for any of the two positions.</p>

10.	<b>Whether the nominee is, or has at any time been, the holder of an office in any political organization that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of Parliament or of a county assembly.</b>	The nominee submitted that he is not a politician and that he has never been a holder of an office in a political party.
11.	<b>Certificates of Clearance</b>	
	a) EACC	A self-declaration form dated 6 <sup>th</sup> March 2021
	b) KRA	KRA Tax Compliance Certificate dated 8 <sup>th</sup> April 2021
	c) CRB	A CRB certificate dated 17 <sup>th</sup> January 2021
	d) DCI	A police clearance certificate dated 10 <sup>th</sup> March 2021
	e) HELB	Higher Education Loan's Board clearance certificate indicating that he cleared his loan dated 21 <sup>st</sup> December 2011

#### 4. JOSEPH KYAVOA

21. The nominee appeared before the Committee on 8<sup>th</sup> April 2021 and was interviewed on his qualification for the position of a member of KCPSB. His credentials were as outlines bellow;

	<b>Criteria</b>	<b>Details</b>
1.	<b>Personal information.</b>	<p>Date of birth: 21<sup>st</sup> April, 1963</p> <p>From: Kitui East Sub-County.</p> <p>Marital status: Married.</p> <p>Currently: Sales &amp; Marketing Officer and Non- Executive Director. GN &amp; Company Polythene Limited.</p>
	<b>Academic Qualifications</b>	<p>i. Bachelor's degree in Management –Management University of Africa -2018.</p> <p>ii. Diploma in Management (Business Option) - Kenya Institute of Management -2015.</p> <p>iii. Bridging Certificate in Management Kenya Institute of Management -2012.</p> <p>iv. Kenya Certificate School Education - 2003 –Private Candidate.</p> <p>v. Kenya Junior Secondary Examination (KJSE) in 1981.</p> <p>vi. Certificate of Primary Education (CPE)-Kabati Primary School – 1979.</p> <p><b>NB.</b> He is pursuing a Master's Degree in Leadership Management from Management University of Africa</p> <p>It was also noted that the nominee took some considerable time in pursuing his secondary education certificate after getting his certificate in primary education.</p>

3.	<b>Employment record/ work experience</b>	<p>i. Sales and Marketing Officer and Non- Executive Director. GN &amp; Company Polythene Limited 2008 to date.</p> <p>ii. Liaison Officer- Parliament of Kenya (Senate) at the Minority Whip's Office from 2013 to 2017</p> <p>iii. County Coordinator- Wiper Democratic Movement Party (Vice President's office) -2008-2012.</p> <p>iv. Returning Officer &amp; Civic Education Supervisor -Electoral Commission of Kenya (ECK) - 2000-2006.</p> <p>v. Full time Bishop -1994 - 2000.</p> <p>vi. Senior Clerical Officer (unskilled) -Kenya Post and Telecommunication Corporation 1984 -1994.</p> <p>Cumulative, and from the records and information provided by the nominee he has worked for over twenty years.</p> <p><b>NB.</b> It is important to note that the nominee did for a considerable period of time work as unskilled worker as at that time he did not have any documented academic qualifications.</p>
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4.	<b>Relevant training and experience</b>	<p>Regarding training and experience in human resource management, the nominee submitted that he has dealt with staff in the course of his career and has experience in human resource and should he be appointed, it will not be his first time to deal with staff.</p> <p>The nominee further submitted during his tenure at Kenya Post and Telecommunication Corporation, he worked in the personnel department in the following sections: appointment, staff appraisal, welfare, retirement and pension.</p> <p>In addition, he did submit that while working at ECK, he was involved in the identification of staff required for elections that is clerks, returning officers and therefore gained human resource experience.</p> <p>To conclude, he submitted that he is currently, the head of Sales, Marketing and Debt Control Departments and manages the staff in these departments.</p>
5.	<b>Knowledge of Relevant subject matter.</b>	<p>On his knowledge of the functions of the CPSB, the nominee submitted the CPSB deals with the human resource in the county public service, conducts recruitment, policy making, and advises the County Executive on human resource matters.</p>



<p>6. <b>Whether the nominee has at any time within the preceding five years, held office, or stood for election as—</b></p> <p><b>(i) a member of Parliament or of a county assembly; or (ii) a member of the governing body of a political party.</b></p>	<p>On the question of whether the nominee had contested, the nominee submitted that he did for sure stand for election for the member of Parliament for Kitui East Member but he abandoned the race midway and submitted his documents with the IEBC notifying them that he had abandoned his dreams of representing the people of Kitui East in parliament. The nominee did submit copies of certain documents to the committee in an attempt to give evidence on the issue of him having abandoned the elections midway.</p> <p>It was also the nominee's submission that the new law on the qualifications of the CPSB did not apply to him considering that his name had only been resubmitted by the Governor.</p> <p>Secondly, it was also the nominee's submission that the law as it were sought to apply retrospectively and discriminately apply in his case and urged the Committee to strictly examine the law noting that the same was discriminatory on a section of people and in particular his part as someone who had engaged in politics as being a politician was not an act of crime.</p>
<p>7. <b>Whether the nominee is, or has at any time been, a candidate for election as a member of Parliament or of a county assembly.</b></p>	<p>The nominee submitted that he contested for a parliamentary seat for Kitui East Member of parliament in 2017 , However he withdrew his candidature before the Election date</p>
<p>8. <b>Whether the nominee is, or has at any time been, the holder of an office in any political organization that sponsors or otherwise supports, or has at any time sponsored or</b></p>	<p>The nominee through his filed questionnaire the nominee indicated that he was the Wiper Party County Coordinator between 2008 to 2012.</p>

	<b>otherwise supported, a candidate for election as a member of Parliament or of a county assembly.</b>	
7.	<b>Professional Affiliations</b>	The nominee is a member of Kenya Institute of Management which he joined on 22 <sup>nd</sup> March 2021.
8.	<b>Conflict of interest</b>	Should potential conflicts of interests arise, he will declare his interest and not participate in the process.
9.	<b>Certificates of Clearance/ Compliance</b>	
	a) EACC	A self- declaration form dated 6 <sup>th</sup> October 2020.
	b) KRA	A Tax compliance certificated dated 31 <sup>st</sup> August, 2020.
	c) CRB	A CRB Clearance Certificate dated 4 <sup>th</sup> March 2021.
	d) DCI	A Police clearance certificate dated 6 <sup>th</sup> October 2020.
	e) HELB	A Compliance certificate indicating that he was not a beneficiary of HELB dated 6 <sup>th</sup> October 2021.

## 5. MR. FRANCIS MUINDE KILIKU

22. The nominee appeared before the Committee on 8<sup>th</sup> April, 2021 and was interviewed on his qualification for the position of a member of KCPSB. His credentials were as outlines bellow;

	<b>Criteria</b>	<b>Details</b>
<b>1.</b>	<b>Personal information.</b>	<p>Date of Birth : 9<sup>th</sup> May, 1953</p> <p>From: Kitui Rural Sub-County, Mbitini Ward.</p> <p>Marital status: Married.</p> <p>Currently: Unemployed</p>
<b>2.</b>	<b>Academic Qualification</b>	<p>i. Masters of Science (Applied Parasitology) - Kenyatta University-2004 to 2007.</p> <p>ii. Higher Diploma -Medical Laboratory Science (Parasitology option) - Kenya Medical Training College -1980 - 1981.</p> <p>iii. Diploma in Entomological field (Laboratory Science) - Kenya Medical Training College -1974 - 1977.</p> <p>iv. East African Certificate of Education (EACE) (Division II)- Kangaru High School, Embu- 1970-1973.</p> <p>v. Certificate of Primary Education (CPE) - Kalawa Primary School Kitui-1962 -1969.</p>

3.	<b>Possession of a 1<sup>st</sup> Degree in compliance with section 58(3)(c) of the CGA.</b>	<p>On the question as to whether he has a first degree as required by the law as a requisite requirement under section 58(3)(c), the nominee submitted that it was true that he did not hold a first degree however, on the basis of his Higher Diploma, he had been allowed to pursue a Master Degree from Kenyatta University.</p> <p>Further, the nominee submitted a copy of a letter from the Kenya National Qualification Authority which letter indicated that the Higher Diploma from the KMTC was equivalent and had been equated to a bachelor's degree.</p> <p>He submitted that in his view, the Kenya National Qualification Authority had the capacity, power and authority to equate qualifications and once equated, he becomes qualified.</p>
4.	<b>Employment record/ Work experience</b>	<ul style="list-style-type: none"> <li>i. Chief Principal and Lecturer at KMTC- Kitui 2004 to 2009.</li> <li>ii. Chief Medical Laboratory Scientist - Kenya Medical Research Institute (KEMRI), Centre for Microbiology Research -1983-2004.</li> <li>iii. Field Medical Laboratory Scientist -National Irrigation Board -1982- 1983.</li> <li>iv. Medical Laboratory Scientist at Ministry of Health Division of vector borne diseases -1978 1982.</li> </ul> <p><b>NB.</b> Before retiring in 2009 at the age 55 years, the nominee had acquired over twenty five (25) years of working experience.</p>
5.	<b>Relevant training and experience.</b>	<p>Regarding relevant training and experience, the nominee submitted he has received training as a Senior Management Course at Kenya Institute of Administration (KIA) and has also undertaken a course in Human Resource Management (HRM) and has a certificate in that respect.</p>

		<p>The nominee also submitted that he has the requisite experience to be a member of the CPSB and in particular as an employee of the KMTC, he was a manager involved in deployment, recruitment, selection and disciplining of staff.</p> <p>The nominee also submitted that after he was deployed to KMTC-Kitui during its inception, to assist in the establishment and the institution had no members of staff at that time. As the Principal of the KMTC-Kitui, the nominee submitted that was directly involved in the staffing of the institution.</p> <p>Therefore, though he has been in the medical field throughout his career, he has experience and training in management of staff.</p>
7.	<b>Professional affiliations.</b>	<p>The nominee submitted that he is a member of the Kenya Medical Laboratory Technicians and Technologists Board. When he appeared before the Committee the first time, he submitted that he was at the time not a practicing member of the Kenya Medical Laboratory Technicians and Technologists Board and that he was a member in good standing.</p>

8.	<b>Knowledge of relevant subject.</b>	<p>Regarding his understanding of the functions of the CPSB, the nominee submitted that CPSB is mandated to establish and abolish offices, undertake appointment and deployment of staff, monitor and evaluate staff, liaise with and avail reports to the County Assembly and liaise with the Salaries and Remuneration Commission (SRC) on staff payments.</p> <p>Regarding the County Government, the nominee submitted that it is a devolved system of government formed by two (2) arms that is the County Assembly and County Executive.</p> <p>To ensure that there is a harmonious working relationship between the two arms of the county government, the nominee submitted that he would advocate for consultations and transparency at all times on their activities. Should he be appointed, the nominee submitted that he would steer the CPSB to addressing issues overstaffing and contain the wage bill, he will ensure that staff needs assessment is conducted for each County department to determine if there is overstaffing, in what categories, staff performance and the acceptable staffing levels, creating and abolishing of offices, restructuring, laying off (exit of staff), redeployment, while ensuring that there is</p>
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		<p>consultation between the two arms of the county government.</p> <p>On the issue of non- professional staff engaged in the county public service are more than the professionals, therefore he will ensure that the non- professionals are given opportunity to be trained to become professionals and if they are untrainable, he would recommend their exit from the public service.</p> <p>To address staff shortcomings issues, the nominee submitted that he would ensure that there is monitoring and evaluation of staff and also follow up with their supervisors to ensure corrective measures are taken.</p> <p>The nominee further submitted that he is interested in serving the County and ensuring that people appointed to various positions are qualified in line with their profession and if given a chance, he would serve without favour, nepotism and ensure that each Ward gets its share of employees in the County.</p>
9.	<p><b>Whether the nominee has at any time within the preceding five years, held office, or stood for election as—</b></p> <p><b>(i) a member of Parliament or of a county assembly; or (ii)</b></p>	<p>The nominee submitted that he is not a politician and that he has never contested for any of the two positions or been a member of a governing body of any political party.</p>

	<b>a member of the governing body of a political party.</b>	
10.	<b>Whether the nominee is, or as at any time been, a candidate for election as a member of Parliament or of a county assembly.</b>	The nominee submitted that he is not a politician and that he has never contested for any of the two positions.
11.	<b>Whether the nominee is, or has at any time been, the holder of an office in any political organization that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of Parliament or of a county assembly.</b>	The nominee submitted that he has never held any office in any structures of any political party.
9.	<b>Clearance Certificates</b>	
	a) EACC	a self- declaration form valid until 15 <sup>th</sup> December 2021
	b) CRB	A CRB clearance certificate dated 22 <sup>nd</sup> October 2020
	c) KRA	Tax Clearance certificate dated 10 <sup>th</sup> December 202 and valid until 9 <sup>th</sup> December, 2021.
	d) HELB	Compliance Certificate indicating that he was not a beneficiary of the University loan
	e) DCI	Police Clearance Certificate dated 11 <sup>th</sup> November 2020



## 6. DAVID MUNYAO

23. The nominee appeared before the Committee on 8<sup>th</sup> April, 2021 and was interviewed on his qualification for the position of a Member of the KCPSB. His credentials are as outlined below:

	<b>Criteria</b>	<b>Details</b>
<b>1.</b>	<b>Personal information.</b>	Date of birth: 4 <sup>th</sup> December, 1972 From: Kitui South. Marital status: Married Employment: Part time lecturer Rongo University-
<b>2.</b>	<b>Academic qualifications.</b>	i. Masters in Business Administration(MBA)-Strategic Management-Mount Kenya University -2014. ii. Kenyatta University with a Bachelor's Degree in Education -2006. iii. Egoji Teachers Training College for his P1-1995-1997. iv. Kenya Certificate of Secondary Education - Ikutha Boys High School-1991-1994. v. Kenya Certificate of Primary Education -Syunguni Primary in Mutomo from 1983 to 1990.

3.	<b>Employment record/ work experience.</b>	<p>i. Part-time Lecturer at Rongo University -2018 to date.</p> <p>ii. Head Teacher -2014 up to 2017 date, in various schools including Mutomo Primary School, Isaa Day and Boarding Primary School and Kinakoni Primary School.</p> <p>iii. Teacher in various schools including Tanganyika Primary School, Mutomo Mixed Secondary School and St. Patrick's Secondary from 1997 to 2000</p> <p>iv. Chairperson- Kenya National Union of Teachers- Mutomo Branch (KNUT).2008 to 2016</p> <p>v. Vice Chairperson- Kenya National Union of Teachers (KNUT) - Eastern Region -2008 -2016.</p> <p>Cumulatively, the nominee has over twenty (20) years' work experience as a teacher.</p>
4.	<b>Relevant training and experience.</b>	<p>As far as relevant training is concerned, the nominee submitted he has an MBA in Strategic Management and this course cuts across human resource management. The two disciplines work hand in hand as strategic management deals with organizational set up which is bound by the workforce.</p> <p>Regarding relevant experience, he served as a KNT Mutomo Chapter- Chairperson and Vice Chairperson for ten years and was involved in the recruitment and dismissal of staff, through which he gained work experience in human resource.</p>
5.	<b>Professional affiliations</b>	<p>Member of Kenya Institute of Management joined on 20<sup>th</sup> March 2021.</p>

6.	<b>Conflict of interest/ Political interferences.</b>	Regarding how he would handle any conflict of interest, the nominee submitted that he would strive to be bound by the applicable law including the Constitution and various codes of conduct as he would be personally liable for any decisions made.
7.	<b>Knowledge of relevant subject.</b>	As to what he understood as the functions of the CPSB, the nominee submitted that he understood some of the functions of the CPSB as establishing and abolishing offices, recruitment and dismissal of staff, etc.  The nominee further submitted that should he be appointed, he would be keen on making a positive change in the County public service and would put in place relevant policies, and ensure that political forces do not interfere with the public service.
8.	<b>Whether the nominee has at any time within the preceding five years, held office, or stood for election as—  (i) a member of Parliament or of a county assembly; or (ii) a member of the governing body of a political party.</b>	The nominee submitted that he has never contested for any of the two positions or been a member of a governing body of any political party.
9.	<b>Whether the nominee is, or as at any time been, a candidate for election as a member of Parliament or of a county assembly.</b>	The nominee submitted that he has never contested for any of the two positions.

10.	<p><b>Whether the nominee is, or has at any time been, the holder of an office in any political organization that sponsors or otherwise supports, or has at any time sponsored or otherwise supported, a candidate for election as a member of Parliament or of a county assembly.</b></p>	<p>The nominee submitted that he has never been a holder of office in structures of any political party.</p>
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11.	<b>Integrity/Moral Ethics leading to dismissal from employment by TSC.</b>	<p>Regarding the allegation that he was dismissed by the Teachers Service Commission (TSC) for attempted carnal knowledge of a school girl, he acknowledged that the issues and documents in question touch on Chapter 6 of the Constitution on leadership and integrity.</p> <p>The nominee however submitted that the TSC has recently absolved him of all integrity issues and in fact submitted some documentation to the Committee in support of his assertions.</p> <p>The nominee further submitted that the Court in Mutomo has acquitted him of the charges leveled against him under the Sexual Offences Act and as a result he could not be tried twice for the same offence. He submitted that he was acquitted under section 138 of the Criminal Procedure Code.</p> <p>The nominee maintained that the allegations were a set up by his enemies within Mutomo who was not pleased that he was at the time the head teacher of the subject primary school (Mutomo Upper Hill Primary School).</p> <p>In conclusion, the nominee submitted that he has never been convicted of a sexual offence.</p>
12.	<b>Certificates of clearance/ Compliance</b>	
	a) EACC	a self- declaration form dated 16 <sup>th</sup> March 2021
	b) KRA	TAX Compliance certificate dated 18 <sup>th</sup> May 2020.
	c) CRB	CRB Compliance certificate valid until 21 <sup>st</sup> October 2021
	d) DCI	He availed a police clearance certificate dated 22 <sup>nd</sup> October 2020

e) HELB	He availed a compliance certificate indicatingt that he is not a beneficiary of the University Loans Scheme.
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### INTERROGATION OF NOMINEES' CREDENTIALS AND RATING

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%** for the Chairperson and **70%** for members of the CPSB as the nominees were set to take on very important and crucial responsibilities of recruiting Human resource in Kitui County.

#### **1. Ms. Florence M. Makindi.**

<b>Bachelor's degree.</b>	Bachelor's degree from Kenyatta University. The University through an email dated 7 <sup>th</sup> April, 2021 confirmed that the nominee was indeed a graduate of Kenyatta university and the degree submitted was authentic.
<b>Chapter 6 of the Constitution.</b>	The EACC wrote to the Committee indicating that the Commission had not undertaken any investigation adversely touching on the nominee.
<b>Over ten years' working experience.</b>	The nominee provided documents and information showing that the nominee had experience of more than ten years working as a teacher and a trainer.
<b>Section 58A of the County Governments Act.</b>	The nominee submitted that she was not a politician and she had never at any point in her life been involved in politics or sought any political position or been an office holder in any political party.

24. The Committee also examined the documents and the information provided by the nominee and resolved that the nominee had **both working and relevant experience** as far as the position of the Chairperson of the CPSB was concerned.
25. Without having received any information questioning the integrity and moral uprightness of the nominee, the Committee resolved that the nominee was qualified in terms of Chapter 6 of Constitution of Kenya.
26. The Committee resolved that since there was no information indicating that the nominee had participated in politics the nominee was qualified for the position insofar as this qualification was concerned.

S/N	Name	Nominee
	Member No. & Marks awarded	<b>Ms. Florence M. Makindi</b>
1.	Member No. 1	93%
2.	Member No. 2	96%
3.	Member No. 3	76%
4.	Member No. 4	75%
5.	Member No.5	78%
6.	Member No.6	78%
	Total	496
	<b>Average score</b>	<b>82.6%</b>

## 2. Ms. Winfred M. Tumboh.

<b>Bachelor's degree.</b>	Bachelor's degree from Moi University. The University through a letter dated 6 <sup>th</sup> April 2021 confirmed that the nominee was indeed a graduate of Moi university and the degree submitted was authentic.
<b>Chapter 6 of the Constitution.</b>	The EACC wrote to the Committee indicating that the Commission had not undertaken any in investigation adversely touching on the nominee.
<b>Over five years' working experience.</b>	The nominee provided documents and information showing that the nominee had experience of more than five years working as a human resource management professional.
<b>Professional of good standing</b>	The nominee provided a certificate of membership of the IHRM dated 28 <sup>th</sup> January 2021 and valid up to 31 <sup>st</sup> December, 2021.
<b>Section 58A of the County Governments Act.</b>	The nominee submitted that she was not a politician and she had never at any point in her life been involved in politics or sought any political position or been an office holder in any political party.

27. The Committee also examined the documents and the information provided by the nominee and resolved that the nominee had **both working and relevant experience** as far as the position of a



member of CPSB was concerned.

28. Without having received any information questioning the integrity and moral uprightness of the nominee, the Committee resolved that the nominee was qualified in terms of Chapter 6 of Constitution of Kenya.
29. The Committee resolved that since there was no information indicating that the nominee had participated in politics the nominee was qualified for the position insofar as this qualification was concerned.

S/N	Name	Nominee
	Member No. & Marks awarded	<b>Ms. Winfred M. Tumbo</b>
1.	Member No. 1	74%
2.	Member No. 2	81%
3.	Member No. 3	93%
4.	Member No. 4	87%
5.	Member No.5	94%
6.	Member No.6	79%
	Total	508
	<b>Average score</b>	<b>84.6%</b>

### 3. Mr. Hassan M. Mutubwa.

<b>Bachelor's degree.</b>	Bachelor's degree from Egerton University. The University through a letter dated 13 <sup>th</sup> April 2021 confirmed that the nominee was indeed a graduate of Egerton University and the degree submitted was authentic.
<b>Chapter 6 of the Constitution.</b>	The EACC wrote to the Committee indicating that the Commission had not undertaken any investigation adversely touching on the nominee.
<b>Over five years' working experience.</b>	The nominee provided documents and information showing that the nominee had experience of more than five years working as a human resource management professional.
<b>Professional of good standing</b>	The nominee provided a certificate of membership of the Kenya Association of Project Manager dated 5 <sup>th</sup> May, 2021 and the Kenya Association of Project Managers through an email dated 14 <sup>th</sup> April 2021 confirmed that the nominee was a member of their association in good standing.
<b>Section 58A of the County Governments Act.</b>	The nominee submitted that she was not a politician and she had never at any point in her life been involved in politics or sought any political position and has never been an office holder in any political party.

30. The Committee did also examine the documents and the information submitted by the nominee and resolved that the nominee had **both working and relevant experience** as far as the position of a member of CPSB was concerned.
31. Without having received any information questioning the integrity and moral uprightness of the nominee, the Committee resolved that the nominee was qualified in terms of Chapter 6 of Constitution of Kenya.
32. The Committee resolved that since there was no information indicating that the nominee had participated in politics the nominee was qualified for the position insofar as this qualification was concerned.

S/N	Nominee Name
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	Member No. & Marks awarded	<b>Mr. Hassan M. Mutubwa</b>
<b>1.</b>	Member No. 1	78%
<b>2.</b>	Member No. 2	69%
<b>3.</b>	Member No. 3	57%
<b>4.</b>	Member No. 4	94%
<b>5.</b>	Member No.5	69%
<b>6.</b>	Member No.6	91%
	Total	458
	<b>Average score</b>	76.3%

**Resubmitted nominees.**

33. On the resubmitted nominees, the Committee discussed the manner in which it would handle the matter and resolved that the nominees would be examined against the following:
- i. The qualifications for the position of a Member of the CPSB, under sections 58 ;
  - ii. Section 10 of PACAAA on whether there was a change at the time of the rejection of the circumstances on which the County Assembly based its rejection of each of the re-submitted nominees;
  - iii. It was resolved by the Committee would also consider the resubmitted nominees on the basis of section 58A of the CGA as they were interviewed, shortlisted and nominated by the Governor upon being selected by the Selection Panel in line with the said section.

#### 4. Mr. Joseph Kyavoa.

<b>Bachelor's degree.</b>	Bachelor's degree from Management University of Africa The University through a letter dated 3 <sup>rd</sup> March, 2020 confirmed that the nominee was indeed a graduate of Management University of Africa and the degree submitted was authentic.
<b>Chapter 6 of the Constitution.</b>	The EACC wrote to the Committee indicating that the Commission had not undertaken any in investigation adversely touching on the nominee.
<b>Over five years' working experience.</b>	The nominee provided documents and information detailing the nominee's working experience.
<b>Professional of good standing</b>	The nominee provided a certificate of membership of the Kenya Institute of Management dated 22 <sup>nd</sup> March, 2021.
<b>Section 58A of the County Governments Act.</b>	The nominee submitted that he had contested for the parliamentary seat of Kitui East although he withdrew from the race midway before the elections.
<b>Reasons for rejection by the County Assembly</b>	<p>i. That he did not demonstrate relevant working experience and training in line with section 58(3)(d) of the CGA.</p> <p>The nominee submitted that in the previous vetting process, the Committee did not consider his working experience at the Kenya Telecommunications Corporation and his working experience at the IEBC. He urged the Committee to consider this experience as valuable experience for the position of a member of the CPSB.</p> <p>ii. That the nominee at the time of first interviewed did not demonstrate membership of any professional body.</p> <p>The nominee submitted that upon being rejected by the County Assembly the first time, he had found it valuable to join the Kenya Institute of</p>

	Management as a professional body to increase his chances of getting the position of a member of the CPSB.
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34. The Committee examined the information provided by the nominee on the issue of working and relevant experience and resolved that while the nominee might have had **the working experience**, he did not possess the **relevant experience** as at the time of working at the Kenya Telecommunications Corporation, the nominee did not possess any known or documented academic qualification and as such worked there as a clerical officer making him an unskilled officer at the time.
35. As for his experience at the IEBC, the Committee examined the role played by the nominee in the institution being that of a returning officer and resolved that that position did not provided the nominee sufficient exposure to duty that could allow him the opportunity to learn and acquire experience on issues relating to human resource management in general.
36. Without having received any information questioning the integrity and moral uprightness of the nominee, the Committee resolved that the nominee was qualified in terms of Chapter 6 of Constitution of Kenya.
37. The nominee submitted that he had participated in the 2017 election where he contested for the parliamentary position for Kitui East albeit that he withdrew from the race midway. For this reason, the Committee resolved that the nominee having admitted that he did stand for election in 2017 and having been a County Coordinator of the Wiper Party at some point in his life, he was not qualified as this was in breach of section 58A of the CGA.
38. On being a member of a professional body in good standing, the Committee interrogated the nominee’s membership with Kenya Institute of Management. It was the Committee’s view that Kenya Institute of Management created an avenue through which people would pay for membership but did not regulate any profession. The nominee was also not able to submit as to what profession he belonged to that was now being regulated by KIM.

39. The Committee also found the time at which the nominee had joined the KIM as a professional body to be an afterthought this is because the nominee joined KIM as an associate member of 22<sup>nd</sup> March, 2021 when the interviews for the position of a member of the CPSB were conducted between 23<sup>rd</sup> and 24<sup>th</sup> of March, 2021, this means the nominee joined the body for purposes of the interview and not necessarily as a professional to be under the regulation of KIM.

S/N	Name	Nominee Name
	Member No. & Marks awarded	<b>Mr. Joseph Kyavoa</b>
1.	Member No. 1	56%
2.	Member No. 2	95%
3.	Member No. 3	98%
4.	Member No. 4	52%
5.	Member No.5	60%
6.	Member No.6	50%
	Total	411
	<b>Average score</b>	68.5%

#### 5. Mr. Francis M. Kiliku

<b>Bachelor's degree.</b>	The nominee submitted that he did not possess a first degree but instead had a Higher Diploma from KMTC, which he had applied or equation from the KNQA. He submitted a copy of a letter from KNQA indicating that his Higher Diploma in Medical Laboratory Science had been equated to Level 7 (Bachelor's Degree).
<b>Chapter 6 of the Constitution.</b>	The EACC wrote to the Committee indicating that the Commission had not undertaken any in investigation adversely touching on the nominee.
<b>Over five years' working experience.</b>	The nominee provided documents and information detailing the nominee's working experience.

<b>Professional of good standing</b>	He provided a copy of a practice license valid up to December 31 <sup>st</sup> 2021
<b>Section 58A of the County Governments Act.</b>	The nominee submitted that he was not a politician and had not contested for any political position or been a holder of any office within any political party.
<b>Reasons for rejection by the County Assembly</b>	<p>i. That at the time of rejection the nominee did not have a first degree but possessed a Higher Diploma and a Master’s Degree.</p> <p>The nominee submitted he had had his higher diploma equated to a bachelor’s degree by the Kenya National Qualification Authority and for that reason he was now qualified to hold the office.</p> <p>ii. He did not possess relevant working experience in line with section 58 (3)(c) by virtue of being a medic and did not demonstrate relevant human resource training.</p> <p>The nominee submitted that he had held senior positions in government institutions which gave him the opportunity to learn and acquire skills and knowledge that were related to human resource and for that reason he urged the committee to consider his experience at the KMTC.</p> <p>iii. He did not demonstrate membership of any professional body.</p> <p>The nominee submitted a copy of a membership license from the Kenya Medical Laboratory Technicians and Technologists Board and submitted that while being interviewed the last time, he had not renewed his license with the Board but now he had and he was in good standing.</p>

40. The Committee examined the information provided by the nominee on the issue of working and relevant experience and the Committee after a thorough scrutiny of the documents and the information provided the Committee resolved that the nominee possessed **both working and relevant experience** for the experience, skills and knowledge gathered during his work at the KMTC.

41. Without having received any information questioning the integrity and moral uprightness of the nominee, the Committee resolved that the nominee was qualified in terms of Chapter 6 of Constitution of Kenya.
42. On the issue of the first degree and on the fact that during the previous interview the Committee had received a letter dated 14<sup>th</sup> March 2020 from the CUE where the Commission stated that the Higher Diploma by Mr. Francis M. Kiliku from KMTC could not be equated to a Bachelor's Degree.
43. During the second interview on 8<sup>th</sup> April 2021, the nominee provided a copy of a letter from the KNQA where the Authority indicated that the nominee's Higher Diploma had been equated to a Bachelor's degree. Upon seeking clarification from the KNQA, the Authority confirmed that it had equated the Higher Diploma to a bachelor's degree with the authority bestowed on it by the Kenya Qualifications Framework Act. On this aspect of qualification, it was the resolution of the Committee that the equation of the Higher Diploma was valid and sufficient as such the nominee was qualified in terms of Section 58 of the CGA.
44. It was further the Committee's resolution that since section 58 of the CGA provided for a minimum qualification of a bachelor's degree and the nominee had a master's degree, the nominee was sufficiently qualified in terms of said section.
45. As far as being a member of a professional body in good standing is concerned, the nominee submitted his license with the Kenya Medical Laboratory Technician and Technologists Board and upon verification, the Board confirmed through an email dated 16<sup>th</sup> April 2021 the nominee was its member in good standing.

S/N	Name	Nominee Name
	Member No. & Marks awarded	<b>Mr. Francis Muinde Kiliku</b>
1.	Member No. 1	98
2.	Member No. 2	53
3.	Member No. 3	91
4.	Member No. 4	44
5.	Member No.5	59
6.	Member No.6	62



	Total	407
	<b>Average score</b>	67.8%

**Mr. David Munyao**

<b>Bachelor's degree.</b>	Bachelor's degree in Arts from Kenyatta University. Through a letter dated 5 <sup>th</sup> March, 2020 Kenyatta University confirmed that the nominee in deed graduated from the University and degree submitted to the Committee was is authentic.
<b>Chapter 6 of the Constitution.</b>	The EACC wrote to the Committee indicating that the Commission had not undertaken any in investigation adversely touching on the nominee.
<b>Over five years' working experience.</b>	The nominee provided documents and information detailing the nominee's working experience.
<b>Professional of good standing</b>	The nominee provided a certificate of membership of the Kenya Institute of Management dated 22 <sup>nd</sup> March, 2021.
<b>Section 58A of the County Governments Act.</b>	The nominee submitted that he was not a politician and had not contested for any political position or been a holder of any office within any political party.
<b>Reasons for rejection by the County Assembly.</b>	<p>i. That the nominee has unresolved pending integrity, ethical, and moral issues contrary to Chapter 6 of the Constitution which render him unfit for the position.</p> <p>ii. The nominee has a pending court case that he instituted against his former employer the TSC and cannot be appointed until the case is determined. Labour Courts case number <b>191 of 2019 David Munyao versus Teachers Service Commission.</b></p>

	iii. That the nominee at the time of the first interviewed did not demonstrate membership of any professional body.
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46. The Committee examined the information provided by the nominee on the issue of working and relevant experience and after thorough scrutiny of the same, the Committee resolved that the nominee possessed **both working and relevant experience** from the experience, skills and knowledge gathered during his work as a teacher.
47. On being a member of a professional body in good standing, the Committee interrogated the nominee’s membership with Kenya Institute of Management. It was the Committee’s view that Kenya Institute of Management created an avenue through which people would pay for membership but did not regulate any profession. The nominee was also not able to submit as to which profession he belonged to, that was now being regulated by KIM.
48. The Committee also found the time at which the nominee had joined the KIM as a professional body to be an afterthought, this is because, it seemed like he had joined KIM right at the time of interviews for purposes of passing the interview for the position of the member of CPSB and not necessary as a professional to be under the regulation of KIM.
49. On the issue integrity issue pending with TSC, despite the nominee’s submission that the matter had been resolved between himself and the TSC, the Committee upon scrutinizing the information provided by the TSC on the status of the case between the nominee and the TSC was of the view that the case was still pending and so the integrity of the nominee by virtue of the information available to the committee remained questionable.

S/N	Name	Nominee Name
	Member No. & Marks awarded	<b>Mr. David Munyao</b>
1.	Member No. 1	98%
2.	Member No. 2	49%
3.	Member No. 3	55%
4.	Member No. 4	96%
5.	Member No.5	70%

<b>6.</b>	Member No.6	60%
	Total	428
	<b>Average score</b>	70.3%

## **COMMITTEE FINDINGS, OBSERVATIONS AND RECOMMENDATIONS**

The Committee made the following general observations **THAT:**

50. The nominees were nominated by Her Excellency the Governor in terms of Section 58A of the County Governments Act.
51. On the resubmitted nominees, the Committee noted with concern that the appointing Authority had not provided sufficient information or any at all on how the circumstances leading to their rejection earlier by the County assembly ceased to exist as provided for by section 10 of PAC AAA. However, in the interest to have the County programs move forward the Committee sought to have this information on its own motion and this forms the basis of some of the recommendations by the Committee.
52. Chapter Six of the Constitution of Kenya has become and still remains an integral factor for consideration when it comes to vetting and considering people for public offices. This said, the Committee observed that institutions like the County Assembly have an obligation to consider all the information available to it when vetting any nominees to occupy public office, by doing this, these institutions ensure that anyone who is appointed to public office is of unquestionable integrity both in the eyes of the law and the society after all, this person occupies public office to serve the public and there is a requirement that the public should have confidence in his or her service.

## COMMITTEE RECOMMENDATIONS

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

53. Having considered the academic credentials, professional training and experience, integrity and background of the nominees pursuant to the provisions of Sections 58 and 58A and of the County Governments Act and Section 9 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Committee recommends that the County Assembly of Kitui do **accept the nomination and approve the appointment** of the following nominees:-

1. **MS. FLORENCE MAKINDI** as the Chairperson of the Kitui County Public Service Board.
  2. **MS. WINFRED M. TUMBOH** as a member of the Kitui County Public Service Board.
  3. **MR. HASSAN M. MUTUBWA** as a member of the Kitui County Public Service Board.
  4. **MR. FRANCIS M. KILIKU** as a member of the Kitui County Public Service Board.
- One member abstained from voting on the consideration of this nominee.**






54. Having considered the academic credentials, professional training and experience, integrity and background of the nominee and pursuant to the provisions of Sections 58 and 58A of the County Governments Act and Section 9 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Committee recommends that the County Assembly of Kitui to **REJECT** the nomination of the following nominees:

1. **MR. JOSEPH KYAVOA** as a member of the Kitui Kitui County Public Service Board.
2. **MR. DAVID MUNYAO** as a member of the Kitui Kitui County Public Service Board.



**Annex 1**

**We Honourable 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:**

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

**COUNTY ASSEMBLY OF KITUI**  
**MINUTES OF THE COMMITTEE ON APPOINTMENTS MEETING HELD ON 16<sup>TH</sup>**  
**APRIL, 2021 AT PRIDEINN PARADISE HOTEL, MOMBASA DURING A REPORT**  
**WRITING ON NOMINEES TO THE KCPSB**

**MEMBERS PRESENT**

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

**IN ATTENDANCE**

- |                         |  |
|-------------------------|--|
| 1. Mr. Elijah Mutambuki | Clerk of Assembly/Secretary to the Committee |
| 2. Ms. Gladys Mwendwa   | -Senior Legal Counsel                        |
| 3. Mr. Japheth Kiamba   | Legal Clerk, Taking minutes                  |

**MIN. CAP/ 012/2021: PRAYER**

The meeting started at 10.45 A.M with a prayer led by Hon. George M. Ndotto

**MIN. CAP/013/2021: COMMUNICATION FROM THE CHAIR**

The Chairperson welcomed Members to the meeting and thanked everyone for finding time to attend the meeting.

The Chairperson informed Members that the purpose of the days meeting was to approve the Committee report on Consideration of the nominees to the Kitui County Public Service Board.

**MIN.CAP/014/2021. READING AND CONFIRMATION OF THE PREVIOUS MINUTES**

Minutes of the previous Committee meeting were read and confirmed as a true record of proceeding before the committee.

**MIN. CAP 015/2021. APPROVAL OF THE COMMITTEE REPORT**

Members were taken through the contents of the report on consideration of the nominees to the positions of the Chairperson and members of the Kitui County Public service Board item by item.

Upon lengthy deliberations the Committee approved the said report and made a resolution that the same be transmitted to the Office of the Clerk for the necessary action.

**ADJOURNMENT**

There being no other business to transact, the Chairman closed the meeting at 4: 15 PM

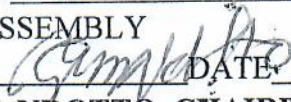


JAPHETH KIAMBA



FOR: CLERK OF ASSEMBLY

CONFIRMED.



DATE

16/4/2020

**HON. GEORGE M. NDOTTO, CHAIRPERSON COMMITTEE ON APPOINTMENTS**