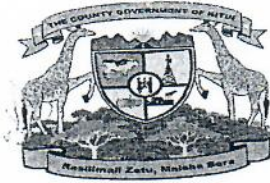


OFFICE OF THE CLERK
COUNTY ASSEMBLY OF KITUI

Clerk's Office,
Kitui County
Assembly,
P.O. Box 694-90200,
Kitui, Kenya.


TEL: (044)22914
Email: kituiassembly@gmail.com
kituiassembly@gmail.com



OFFICE OF THE CLERK

INTERNAL MEMORANDUM

FROM: First Clerk Assistant
(Serving the Committee on Appointments)
THRO. Principal Clerk Assistant
TO: The Clerk of Assembly
DATE 24th May, 2024
REF: CAK/15/7/VOL V/(151)

Clerk
This report is
ready for tabling.
Kindly advise

27/5/24

**SUBJECT: REPORT BY THE COMMITTEE ON APPOINTMENTS ON VETTING
OF NOMINEES FOR APPOINTMENT AS MEMBERS OF MWINGI
MUNICIPALITY BOARD**

The above subject matter refers;

Forwarded herewith, please find the report by Committee on Appointments on vetting of nominees for appointment as members of Mwingi Municipality Board.

The exercise was carried pursuant to Section 14 of the Urban Areas and Cities Act, 2019 and Standing Order 179.

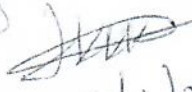
The report forwarded is as adopted by the Committee in line with Standing order 179 (5) where the two nominees were recommended for approval by the Assembly as contained in the report.

The Committee thus submits this report for your advice, kind facilitation and approval for tabling.



Mulandi Kavali

(Procedural Clerk serving the Committee on Selection)

Clear
Report Approved
for tabling

27/5/2024

Mr. Speaker
you may approve the
tabling of this report.
27/5/2024

COUNTY GOVERNMENT OF KITUI



THE COUNTY ASSEMBLY

THIRD ASSEMBLY- THIRD SESSION (2024)

COMMITTEE ON APPOINTMENTS
(REPORT NO. 4)

REPORT ON THE VETTING OF NOMINEES FOR APPOINTMENT AS
MEMBERS OF THE MWINGI MUNICIPALITY BOARD

The Clerk's Chamber,
County Assembly of Kitui,
Assembly Buildings,
Kitui, Kenya.

MAY, 2024

ABBREVIATIONS

| | |
|-------|--|
| CECM | County Executive Committee Member |
| CGA | County Governments Act |
| CRB | Credit Reference Bureau |
| DCI | Directorate of Criminal Investigations |
| EACC | Ethics and Anti- Corruption Commission |
| H.E | His Excellency |
| HELB | Higher Education Loans Board |
| ICT | Informational Communication Technology |
| KCA | Kenya College of Accountancy |
| KCPSB | Kitui County Public Service Board |
| KMTC | Kenya Medical Training College |
| KMTC | Kenya Medical Training College |
| KNEC | Kenya National Examination Council |
| KRA | Kenya Revenue Authority |
| MIST | Master of Science in Information System and Technology |
| PACAA | Public Appointments (County Assemblies Approvals) |
| UAC | Urban Areas and Cities |
| USIU | United States International University |

CHAIRPERSON'S FOREWORD

This report contains the proceedings of the Committee on Appointments during the vetting of the following two nominees for appointment as Members of the Mwingi Municipality Board: -

1. Ms. Janet Mueni Maluki;
2. Ms. Grace Mutindi Ndetei;

Through a letter dated 24th January, 2024 and pursuant to section 14 of the Urban Areas and Cities Act, coupled with section 6 of the Public Appointments (County Assemblies Approval) Act, H.E. the Governor notified the County Assembly of the nomination of two (2) nominees for appointment as Members of the Mwingi Municipality Board. The nominees forwarded were to be vetted to replace the previously rejected two nominees by the County Assembly during the exercise conducted in the month of October, 2023.

The Honourable Speaker through a communication made on 3rd April, 2024, informed the House of the Governor's nomination and referred the names of the nominees to the Committee on Appointments for vetting pursuant to Section 7 of the Public Appointments (County Assemblies Approval) Act, 2017.

In compliance with Article 196(1)(b) of the Constitution of Kenya (CoK), and section 7(5) of the Act, the Clerk of Assembly placed an advert in the print media on 23rd and 24th April, 2024 (Nation and Standard newspaper respectively), informing the public of the nomination, date, time and place for the approval hearings and also invited them to submit written statements on oath contesting the suitability of any of the nominees prior to the approval hearings. As at close of the submission deadline, the Committee had not received any written statement on oath contesting the suitability of any of the nominees. However, it is important to note that members of the public attended approval hearings held on 30th April, 2024.

- e) The Municipal Manager appointed under section 28 who shall be the secretary of the board and an ex officio member of the Board.
- ii) Of the above members, seven (7) shall be appointed by the County Governor with the approval of the County Assembly.
- iii) A person is qualified for appointment as a member of the Board if that person: -
 - a) holds at least a diploma from an institution recognized in Kenya;
 - b) has a distinguished career in a medium level management position in either the private or public sector;
 - c) holds at least five years' post qualification professional experience; and
 - d) satisfies the requirements of Chapter Six of the Constitution;
 - e) is ordinarily resident or has a permanent dwelling in the Municipality; and
 - f) carries on business in the Municipality or has lived in the Municipality for at least five years.
- iii) A person shall not be appointed as a member of the Board if that person:
 - a) is an undischarged bankrupt;
 - b) has been removed from office for contravening the Constitution or any other law;
 - c) is not a citizen of Kenya; or
 - d) has in the conduct of his or her affairs not met any statutory obligations.

As indicated above, it is important noting that out of the seven (7) members contemplated in Section 14(2) (b) & (c) of the UAC, five (5) members of the board were successfully vetted and approved by the Assembly for appointment save for two (2) rejected.

4. In line with section 8 of the PACAA Act, H.E. the Governor through the Ag. County Secretary availed the academic and other credentials for the nominees in a letter dated 22nd April, 2024 referenced *CGKI/CS/ADM/23/61*.

1.3 Notification to the County Assembly and Referral to the relevant Committee

5. Pursuant to the provisions of section 7 of the PACAA Act and Standing Order 42, the Speaker, through a Communication dated 3rd April, 2024 informed the House of the Governor's nominations upon which the names of the nominees were committed to the Committee on Appointments for consideration.

1.4 Notification to the Public and the nominee.

6. Article 196(1)(b) of the Constitution mandates a County Assembly to facilitate public participation and involvement in the legislative business and other business of the County Assembly and its Committees. Section 7 of the PACAA Act requires that the public and the nominee to be notified of the time and place for holding approval hearings at least seven (7) days prior to the public hearings.

In compliance with the above legal provisions, the Clerk of Assembly placed an advertisement in print media on 23rd and 24th April, 2024 in Nation and Standard Newspapers (Annexure iii) informing the public and the nominees of the approval hearings and further requesting the public to submit written statements on oath contesting the suitability of any of the nominees. The Committee did not receive any statement(s) on oath contesting the suitability of any of the nominees. However, members of the public attended approval hearings held on 30th April, 2024.

1.6 Clearances and Compliance requirements.

7. To ensure compliance with Chapter 6 of the Constitution, the County Assembly wrote to the below listed government agencies requesting them to issue reports on the nominees relating to the matters within the respective agencies' mandate:
 - i. Ethics & Anti – Corruption Commission (*the Commission*)

Through online verification, the DCI confirmed that the Certificates of Good Conduct held by the nominees were valid and authentic.

viii. Kenya Revenue Authority (KRA)

In addition, the nominees' tax compliance certificates were verified through the KRA i-Tax verifier and confirmed to be authentic.

- b) has a distinguished career in a medium level management position in either the private or public sector;
 - c) holds at least five years' post qualification professional experience;
 - d) satisfies the requirements of Chapter Six of the Constitution; is ordinarily resident or has a permanent dwelling in the Municipality; and
 - a) carries on business in the Municipality or has lived in the Municipality for at least five years.
- iv. A person shall not be appointed as a member of the Board if that person: -
- e) is an undischarged bankrupt;
 - f) has been removed from office for contravening the Constitution or any other law;
 - g) is not a citizen of Kenya; or
 - h) has in the conduct of his or her affairs not met any statutory obligations.

11. Through vetting of nominees for appointment as members for Mwingi Municipality Board done during the month of October, 2023 and following the adoption of the report by the Assembly on 15th November, 2023, five (5) nominees were approved for appointment by the Governor as follows:

Cluster 1- Competitively sourced by the Kitui County Public Service Board: -

1. Mr. Alex Nzoka Mwanzia
2. Mr. Roland Mutua Kamocho

Cluster 2- Nominated by associations: -

3. Ms. Lydia Mwikali Kitonga
4. Mr. Mbuvi Musyimi
5. Dr. John Kyalo Muthuka

12. The above names were consequently forwarded to his Excellency the Governor for appointment pursuant to Section 11 of the PACAA Act.

19. Section 10 of the PACAA Act states that;

“Where the nomination of a candidate is rejected by a County Assembly, the appointing authority shall submit to the County Assembly the name of another candidate”,

20. In view of the above, H.E. the Governor forwarded the names of the two (2) nominees to the County Assembly for approval for appointment in a letter dated 24th January, 2024 (Annexure ii).

2.2 Committee proceedings.

21. The names having been committed, the Committee was required to conduct approval hearings and make determination on the nominees’ suitability or otherwise within twenty-one (21) sitting days from its first sitting as provided for in section 9 of the PACAA Act.

22. The Committee held its first meeting to consider this subject matter on 8th April, 2024 and agreed on a framework for the approval hearings. It held further sittings within which it examined and reviewed the nominees’ certificates and testimonials.

23. The nominees’ suitability to the position and specifically as relates to whether their abilities, experience and qualities meet the set statutory requirements were assessed by scrutinizing their academic credentials, professional training and experience, personal integrity, background and qualities as well as their performance during the approval hearings held on 30th April, 2024.

24. Thereafter, the Committee retreated from 2nd – 4th May, 2023 to prepare its report. The report of the Committee contains its recommendations based on the outcome of the vetting and approval hearings of the nominees. Article 73(2) of the Constitution was paramount to the Committee during the execution of its mandate. The Article provides that the guiding principles of leadership and integrity as listed below should guide public appointments: -

CHAPTER THREE

3.0 APPROVAL HEARINGS.

25. The Committee held a sitting on 30th April, 2024, during which it conducted approval hearings and examined the nominees against the criteria set out under section 8 of the PACAA Act as follows: -

- i) the procedure used to arrive at the nominees including the criteria for the shortlisting of the nominees;
- ii) any constitutional or statutory requirements relating to the office in question; and
- iii) the suitability of the nominees for the appointment proposed having regard to whether the nominees' credentials, abilities, experience and qualities meet the needs of the body to which the nomination is being made.

26. Guided by the above legal provision, the Committee interrogated the nominees on issues listed below among others to ascertain their suitability: -

- i) Academic qualifications
- ii) Employment record and work experience
- iii) Suitability for the position
- iv) Tax compliance
- v) Integrity
- vi) Understanding the role of the Municipality

The nominees appeared before the Committee in the following order;

3.1 Ms. JANET MUENI MALUKI

27. The nominee appeared before the Committee on 30th April, 2024 at 10.00 a.m. and was heard under oath.

The Committee noted the following:

3.1.1 SPECIFIC QUESTIONS TO THE NOMINEE.

34. The Committee posed several specific questions to the nominee to which she responded as follows: -

On her education and experience to the position.

35. The nominee submitted that she holds a Bachelor of Science degree in Information Technology (IT) from KCA University and that she has been working as a Lecturer at Lukenya University, in addition she is involved in policy development, implementation and review at the institution. Therefore, she has the requisite qualifications and skills to execute her duties in the subject position.

On the territorial jurisdiction of the Mwingi Municipality

36. She submitted that Mwingi Municipality covers six (6) Wards, namely Mwingi Central, Kivou, Migwani, Kiomo/Kyethani, Kyome/Thaana and Waita Wards.

On the functions of the Municipality Board.

37. She submitted that the Board would be responsible for:

- i. overseeing the operations of the municipality,
- ii. coming up with and implementing policies, and
- iii. undertaking infrastructural development within the municipality.

On her suitability for the position

38. She stated that she is suitably qualified because in her current duties, she is involved in policy development and implementation, which is one of the functions to be undertaken by the Board. In addition, based on her professional background she would advocate for integration of IT into the operations of the municipality.

Services that the municipality will offer

39. The nominee stated that the municipality would be responsible for:

Net worth

44. The nominee's estimated net worth is Kenya shillings three million, five hundred thousand (Kshs. 3.5M).

Integrity

45. The nominee submitted that she had never been charged in any court of law or adversely mentioned in any investigatory or parliamentary report of inquiry.

Original Documents

46. During the approval hearing, the nominee submitted the following original documents to the Committee for confirmation;

- i) Identification Card;
- ii) Academic and professional certificates; and
- iii) Clearances from: - KRA, EACC, HELB, DCI and CRB.

3.2.1 SPECIFIC QUESTIONS TO THE NOMINEE

47. The Committee posed several specific questions to the nominee to which she responded as follows: -

On objects of devolution

48. The nominee demonstrated knowledge of devolution when upon clearly defining devolution, she went ahead to highlight on the following objects of devolution;

- i) Transfer of Power
- ii) Equitable Distribution of Resources
- iii) Enhanced Participation and Representation
- iv) Promotion of Socio-Economic Development
- v) Fostering Accountability and Transparency
- vi) Preservation of Cultural Diversity

On the territorial jurisdiction of Mwingi Municipality.

52. The nominee submitted that, Mwingi Municipality covers Six wards namely: Kivou, Waita, Kyome/Thaana, Migwani, Mwingi central and Kiomo/Kyethani wards. While some wards are fully covered, others are partially covered.

On management of hawkers and other informal sectors.

53. The nominee submitted that hawking in Mwingi is done at risky road sides and along the Mwingi-Garissa highway. To manage this important sector, the Board needs to secure a safe place for the hawkers to conduct their businesses from.

On why the nominee finds herself most suitable for the position.

54. The nominee submitted that she has been a resident and a business lady in Mwingi town for over twenty (20) years. Consequently, she proved to have a vast understanding of most of the challenges facing the residents as well as the business community within the Municipality. The nominee thus claimed to be best suited to address these challenges, in collaboration with the relevant county departments and within the provisions of the relevant laws.

59. The nominee has over seven (7) years' work experience as a lecturer based on which she demonstrated having a distinguished career in a medium level management position in the public sector and thus qualified in terms of Section 14 of the UAC Act.
60. The nominee hails from Waita Ward in Mwingi and carries out business within the Municipality.
61. The nominee demonstrated knowledge of topical, administrative and general issues touching on the Mwingi Municipality and the requisite abilities to deal with different issues likely to affect the Municipality.
62. She meets the requirements of Chapter 6 of the Constitution on leadership and integrity having been cleared by the relevant government agencies.
63. She possesses the requisite qualifications and experience to serve as a Member of the Municipality Board.

4.2 Ms. GRACE MUTINDI NDETEI

64. The nominee is eligible for appointment as a Member of the Municipality Board as she is a Kenyan citizen.
65. The nominee holds a Diploma in Pharmacy from Kenya Medical Training College (KMTC) and also Higher National Diploma in Pharmacy.
66. The nominee has over ten (10) years' work experience in the public sector as a Pharmaceutical Technologist based on which she demonstrated having a distinguished career in a medium level management position in the public sector and thus qualified in terms of Section 14 of the UAC Act.
67. The nominee has over twenty (20) years' working experience in private sector.
68. The nominee has been carrying on business in the Municipality where she also has residence for over twenty (20) years.

CHAPTER FIVE


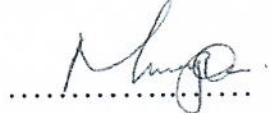
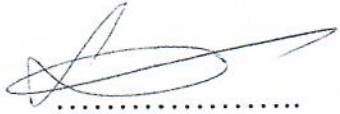

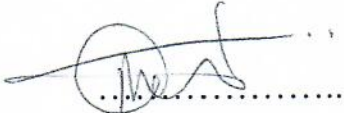

5.0 COMMITTEE RECOMMENDATIONS

THAT, having conducted the approval hearings of the nominees pursuant to section 14 of the Urban Areas and Cities Act as read with Section 9 of the Public Appointments (County Assemblies Approval) Act and Standing Order 179(6) of the Kitui County Assembly Standing Orders, the Committee therefore recommends that the House: -

1. Approves the nomination of Ms. Janet Mueni Maluki for appointment as a Member of the Mwingi Municipality Board by H.E. the Governor, Kitui County.
2. Approves the nomination of Ms. Grace Mutindi Ndeti for appointment as a Member of the Mwingi Municipality Board by H.E. the Governor, Kitui County.

ANNEX 1

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

| <u>NAME</u> | <u>DESIGNATION</u> | <u>SIGNATURE</u> |
|-------------------------------|------------------------------|---|
| 1. Hon. Kevin Kinengo Katisya | Speaker/ Chairperson |  |
| 2. Hon. Munyoki Mwinzi | Leader of the Majority Party |  |
| 3. Hon. Alex Mutambu Nganga | Leader of Minority Party |  |
| 4. Hon. Hussein Mwandia | Member |  |
| 5. Hon. Mathew Ngovi Vuthi | Member |  |
| 6. Hon. Judith Kasyoka Wanza | Member |  |