

**REPUBLIC OF KENYA**  
**MURANG'A COUNTY ASSEMBLY**  
**THE HANSARD**

Tuesday, 13<sup>th</sup> March 2018

The House met at 9:45 a.m.

*[The Speaker (Hon. Nduati Kariuki) in the Chair]*

**PRAYERS**

**PAPERS**

REPORT ON THE EXTENT OF COMPLIANCE WITH THE NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE AND OF PUBLIC SERVICE IN THE MURANG'A COUNTY PUBLIC SERVICE FOR THE PERIOD ENDED 31ST DECEMBER, 2017

*(Paper not laid, Chairman Governance, Labour and Social Welfare Committee was absent)*

ANNUAL PROGRESS REPORT OF THE MURANG'A COUNTY PUBLIC SERVICE BOARD ON THE EXECUTION OF ITS MANDATE FOR THE PERIOD ENDED 31ST DECEMBER, 2017

*(Paper not laid, Chairman Governance, Labour and Social Welfare Committee was absent)*

REPORT OF SECTORAL COMMITTEE ON HEALTH SERVICES ON THE VETTING OF THE NOMINEE FOR APPOINTMENT AS THE CHIEF OFFICER, DEPARTMENT OF HEALTH SERVICES

**Hon. Kibe Githuka:** Thank you Mr. Speaker, I beg to lay the following paper on the Table of the Assembly today, Tuesday March 13<sup>th</sup> 2018.

The report of the sectoral committee on Health Services on the vetting of the nominee for appointment as the Chief Officer in the department of Health Services.

*(Hon. Kibe Githuka laid the Paper on the Table)*

REPORT OF THE SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES ON THE VETTING OF THE NOMINEE FOR APPOINTMENT AS THE CHIEF OFFICER, DEPARTMENT OF AGRICULTURE, LIVESTOCK AND FISHERIES

**The Speaker (Hon. Nduati Kariuki):** There is no member of Agricultural committee who can do that?

**Hon. Lucy Ngugi:** Thank you Mr. Speaker, I beg to lay on the table of the Assembly the report of the sectoral committee on Agriculture, Livestock and Fisheries on the vetting of the nominee for appointment as the Chief Officer in the department of Agriculture, Livestock and Fisheries. Thank you.

*(Hon. Lucy Ngugi laid the Paper on the Table)*

REPORT OF THE SECTORAL COMMITTEE ON TRADE, INDUSTRIALIZATION, COOPERATIVE MANAGEMENT, TOURISM AND WILDLIFE ON VETTING OF THE NOMINEE FOR APPOINTMENT AS THE CHIEF OFFICER DEPARTMENT OF CO-OPERATIVE DEVELOPMENT

**Hon. Elizabeth Mwangi:** Thank you Mr. Speaker, I beg to lay the following paper;

That the Report of the sectoral Committee on Trade, Industrialization, Co-operative Management, Tourism and Wildlife Committee on the Vetting of the nominee for Appointment as the Chief Officer in the Department of Co-operative Development be laid on the table of the Assembly today March 13<sup>th</sup> 2018.

Thank you Mr. Speaker.

*(Hon. Elizabeth Mwangi laid the Paper on the Table)*

REPORT OF THE SECTORAL COMMITTEE ON WATER, ENERGY FORESTRY, ENVIRONMENT AND NATURAL RESOURCES ON VETTING OF THE NOMINEES FOR APPOINTMENT AS THE CHIEF OFFICERS IN THE DEPARTMENT OF WATER & IRRIGATION AND ELECTRIFICATION

**Hon. Sammy Mwangi:** Thank you Mr. Speaker Sir, I beg to lay the following paper;

That the Report of the sectoral Committee on Water, Energy Forestry, Environment and Natural Resources on the Vetting of the nominees for Appointment as the Chief Officers in the Department of Water and Irrigation, be laid on the table of the Assembly. Thank you.

*(Hon. Sammy Mwangi laid the Paper on the Table)*

REPORT OF THE SECTORAL COMMITTEE ON PUBLIC WORKS, ROADS AND  
TRANSPORT ON VETTING OF THE NOMINEE FOR APPOINTMENT AS THE CHIEF  
OFFICER DEPARTMENT OF ROADS AND PUBLIC WORKS

**Hon. Flasia Nduta:** Thank you Mr. Speaker, on behalf of the Chairman Public Works, Roads and Transport Committee, I beg to lay the following Paper on the table of the Assembly Tuesday, March 13<sup>th</sup> 2018.

The Report of the sectoral Committee on Public Works, Roads and Transport on the vetting of the nominee for Appointment as the Chief Officer in the Department of Roads and Public Works. I thank you.

*(Hon. Flasia Nduta laid the Paper on the Table)*

REPORT OF THE SECTORAL COMMITTEE ON YOUTH, CULTURE GENDER AND  
SOCIAL SERVICES ON VETTING OF THE NOMINEE FOR APPOINTMENT AS THE  
CHIEF OFFICER, DEPARTMENT OF YOUTH AND TECHNICAL TRAINING

**Hon. Stephen Chege:** Thank you Mr. Speaker, I beg to lay the following paper;

That the Report of the sectoral Committee on Youth, Culture, Gender and Social Services on the Vetting of the nominee for Appointment as the Chief Officer in the Department of Youth and Technical Training be laid on the table of the Assembly today, March 13<sup>th</sup> 2018. Thank you Mr. Speaker.

REPORT OF THE SECTORAL COMMITTEE ON FINANCE AND ECONOMIC  
PLANNING ON VETTING OF THE NOMINEES FOR APPOINTMENT AS CHIEF  
OFFICERS IN THE DEPARTMENTS OF FINANCE AND ECONOMIC PLANNING AND  
SUPPLY CHAIN AND PROJECTS MANAGEMENT

**Hon. Kiiru Mwangi:** Thank you Mr. Speaker, I beg to lay the following paper;

That the Report of the sectoral Committee on Finance and Economic Planning on the vetting of the nominees for Appointment as the Chief Officers in the Departments of Finance and Economic Planning and Supply Chain and Projects Management be laid on the Table of the Assembly.

Thank you.

*(Hon. Kiiru Mwangi laid the Paper on the Table)*

### **SPECIAL MOTION**

#### **APPROVAL FOR THE APPOINTMENT OF CHIEF OFFICER, DEPARTMENT OF HEALTH SERVICES**

**Hon. Kibe Githuka:** Thank you Mr. Speaker, I beg to move the following motion;

That, this House adopts the Report of the sectoral Committee on Health Services on the vetting of the nominee for appointment as the Chief Officer, Department of Health Services, laid on the Table of the House on Tuesday March 13, 2018, and pursuant to the provisions of section 9 (2) of the Public Appointments (County Assemblies Approval) Act, 2017 and section 45 (1) (b) of the County Governments Act 2012, approves the appointment of Dr. David Gicheru Kariuki George as the Chief Officer in the department of Health Services.

Mr. Speaker, of behalf of the committee on Health Services and pursuant to section seven of Public Appointments (County Assemblies Approval) Act, 2017, Standing Order 47 (1) (iii) and (iv) it is my pleasure and duty to present to the Assembly the committee's report on the vetting for the nominee of Chief Officer for department of Health.

The mandate of the committee is to vet and report on all appointments where constitution or any law requires the County Assembly to approve except those under Standing Order 204 that is on Committee on Appointments.

The members of the committee are as follows in number 1.3 we have the Chair, Francis Kibe Githuka, Vice- Chair Jane Wanjiru Muigai and the members are as stated there below.

Pursuant to section 6 of the Public Appointments (County Assemblies Approval) Act 2017, the County Secretary through a letter Ref: MCG/PS/COUNTY/ASS/VOL.II (85) dated 4<sup>th</sup> December, 2017, submitted to the County Assembly the following nominee for appointment of the position of Chief Officer; Dr. David Gicheru Kariuki.

On December 6<sup>th</sup>, 2017 the Clerk of the County Assembly received the name of the said nominee and directed that the name and Curriculum Vitae of the said nominee be included as a communication from the Chair in the special sitting of the County Assembly for Tuesday, February 13<sup>th</sup>, 2018.

Consequently, the Hon. Speaker committed the vetting/ approval hearing of the nominee to the Committee on Health Services.

The process was guided by Chapter Six and section 30 (2) (d) of the County Governments Act, 2012, Standing Orders and the criteria as set out in section seven and eight of the Public Appointments (County Assemblies Approval) Act, 2017. The following considerations were also given priority:

- (i) Academic qualifications
- (ii) Employment record
- (iii) Professional affiliations
- (iv) Potential conflict of interest
- (v) Knowledge of the relevant subject
- (vi) Overall suitability for the position
- (vii) Tax compliance
- (viii) Integrity
- (ix) Vision and Leadership and
- (x) Expectations and key priorities

Pursuant to section nine of the Public Appointments (County Assemblies Approval)Act, 2017, the committee considered and approved the appointment of the nominee for position of the Chief Officer.

There were some considerations that were looked into concerning the legal issues and the committee observed that the issues for consideration in relation to the nomination and approval exercise are provided under the section Eight of the Public Appointments (County Assemblies Approval)Act, 2017:

- a. The procedure used to arrive at the nominee including the criteria for the shortlisting of the nominee
- b. Any constitutional or statutory requirements relating to the office in question

- c. The suitability of the nominee for the appointment proposed having regard whether the nominee's credentials, abilities, experience and qualities meet the needs of the body to which the nomination is.

There was a memoranda from the public in respect to nomination of The Chief Officer through the questioning of the memoranda the committee observed that; section 8 (a) of the Public Appointments (County Assemblies Approval) Act, 2017, was not complied with as the only way to committee could have verified the procedure used to arrive at the nominee was to receive a report on the process of advertisement, nomination, shortlisting and the interview of all the candidates who had applied for the position.

Despite the failure to comply with the provisions of section 8 (a) the Public Appointments (County Assemblies Approval) Act, 2017, the committee noted that the failure was not on the part of the nominee, and thus in the interest of justice and fairness, would still proceed with vetting.

Further, the committee felt that, since Health was a fully devolved function and a vital sector, it was in the interest of the people of Murang'a County that the Chief Officer for Health be appointed. The other factors that were overlooked were:

1. The Two Third Gender principle
2. Persons living with disability
3. Youths
4. Diversity and the minority
5. Leadership and integrity

Pursuant to section 7(8), (10) and (11), section 8 and section 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and the Constitution, the committee observed that the suitability of the nominee shall be evaluated holistically taking into account the nominee's academic credentials, professional training, experience, background, performance during the interview and a subsequent analysis by the committee of any legal issues raised.

After a careful scrutiny of the submitted personal documents of the nominee, the committee observed that the nominee was a person of high integrity, and had fully complied with the provisions of chapter six.

In page 13, the vetting and approval of Dr. David Gicheru Kariuki; he appeared before the committee for Health Services on Monday, February 26<sup>th</sup>, 2018 at 11.30 a.m. and was interviewed pursuant to the provisions of the Constitution, the Public Appointments (County Assemblies Approval) Act, 2017 and the Standing Orders of Murang'a County Assembly.

Having submitted his fully filled questionnaire, the Chairman further informed him that the committee had received memoranda against him from Mr. Jackson Kiroko Ndegwa and Mr.

Joseph Ndung'u Wamat both of which were opposing the vetting of all nominees including the nominee for the position of Chief Officer of Health as advertised by the County Assembly in the Standard Newspaper on 4<sup>th</sup>, February, 2018.

In response, the nominee responded that he had no concrete comment but hoped the same will not affect his chance of being approved. The nominee responded to several questions during the vetting as follows; he is a Kenyan Citizen

**The Speaker (Hon. Nduati Kariuki):** Order!

*(Hon. Kibe Githuka remained standing)*

**The Speaker (Hon. Nduati Kariuki):** When there is an Order, you sit down first. You are doing very well but a mover is supposed to have read and gone through the report and is able to give a summary of the committee findings and report; members have this report. The Standing Orders do not allow you to read but to speak and give the summary of the findings.

**Hon. Kibe Githuka:** Thank you Mr. Speaker for the correction. I would like the members to take the committee's observations on page 16. After the vetting of the Dr. Gicheru Kariuki the committee observed that:

1. The nominee exhibited impressive knowledge and understanding of issues related to the position of Chief Officer of Health;
2. The nominee demonstrated his commitment and passion to his profession;
3. The nominee is highly educated with two Masters degrees of which one is related to the Management of Health services;
4. As stipulated in Article 75 (1) of the Constitution of Kenya 2010, the nominee indicated that he has no potential conflict of Interest;
5. The nominee exhibited a high level of exposure on health management issues;

6. The nominee satisfy the statutory requirements on leadership and integrity having been cleared by the Directorate of Criminal Investigations, Kenya Revenue Authority (KRA), Credit Reference Bureau (CRB) and the Higher Education Loans Board (HELB);
7. The nominee has no political inclination and does not hold any political office hence satisfy the provisions of Article 77 (2) of the Constitution;
8. The committee didn't receive any information on the nominee from Ethics and Anti-Corruption Commission (EACC), which is the constitutional body mandated to ensure compliance with and enforce the provisions of Chapter Six of the Constitution;
9. The nominee satisfies the requirements of Article 77 (1) of the Constitution 2010 in that he does not intend to participate in any other gainful employment.

Further, the committee observed that section 8 (a) of the Public Appointments (County Assemblies Approval) Act, 2017 was not complied with as the only way the committee could have verified the procedure used to arrive at the nominee was to receive a report on the process of advertisement, nomination, shortlisting and interview of all the candidates that had applied for the position.

However, despite the failure to comply with provision 8(a) of Public Appointment Act 2017, the committee noted that the failure was not part of the nominee but of the appointing authority.

Pursuant to Section 9 and 10 of the Public Appointments (County Assemblies Approval) Act, 2017, the committee found the nominee suitable and recommended that the County Assembly approves the nomination of Dr. David Gicheru Kariuki for the appointment of the Chief Officer for the Department of Health services. I call upon Hon. Jane Muigai the committee vice- chair to second the motion.

**Hon. Jane Wanjiru:** Thank you honourable chairman. Hon. Speaker, I rise to second the motion as moved by the chair. However, I would love to add a few things that he may not have touched on.

Hon. Speaker in the course of the approval of hearings of the nominee, the committee came to learn that Dr. David Gicheru Kariuki is a highly qualified manager in the medical profession which the county needs to tap the wellbeing of the Murang'a people. In addition he has complied with chapter six of the Constitution on all integrity issues.



Number three, when the nominee appeared before the committee, he confirmed to respect the rule of law as well as the summons and invites from this House. This has been a challenge to many state officers who resist appearing before the County Assembly committees.

Number four, we noted that the nominee has worked for various counties in Kenya, including our neighboring County Kiambu, where he worked as deputy director medical services and is also a gynecologist. With those very many remarks, Hon. Speaker sir. I beg to second, Thank you.

**Hon. Kibe Githuka:** Thank you---

*(The Speaker called for Order)*

**The Speaker (Hon. Nduati Kariuki):** It is not for you to speak now. I will read now the motion;-

That, this House adopts the Report of the sectoral committee on Health Services on the vetting of the nominee for Appointment as the Chief Officer, Department of Health Services, laid on the Table of the House on Tuesday March 13, 2018, and pursuant to the provisions of section 9 (2) of the Public Appointments (County Assemblies Approval) Act, 2017 and section 45 (1) (b) of the County Governments Act, 2012, approves the appointment of Dr. David Gicheru Kariuki George as the Chief Officer in the department of Health Services.

**Hon. Caroline Njoroge:** Thank you Mr. Speaker, I rise to support the report of the committee and indeed we can see they have done a wonderful job and for sure we need someone to implement the policies and the programs that we have in this department. I would urge my fellow honorable members that we support this nominee so that our department can be healthy and we can be able to move on as a County. I therefore support, thank you.

**Hon. Dinah Muthoni:** Thank you Mr. Speaker, I stand to support the nominee. After scrutinizing all his documents, we found he was fit for the work and also he was very supportive. All the questions we asked him on health, he answered them in a good manner. It was my observation that he has the post of gynecologist that touch on women and the reproduction. I stand to support.

**Hon. Peter Githuka:** Thank you Mr. Speaker, I rise to support the nominee simply because he has worked in various areas; that is Laikipia, Nakuru County and also in Kiambu. So I rise to support the person.

**The Speaker (Hon. Nduati Kariuki):** From what I see there are no points for the mover to respond to so I will put the question.

*(Question put and agreed to)*

### **SPECIAL MOTION**

#### **APPROVAL OF APPOINTMENT OF CHIEF OFFICER FOR THE DEPARTMENT OF AGRICULTURE, LIVESTOCK AND FISHERIES**

**Hon. Charles Kahoro:** Mr. Speaker, I come here to move a motion, approval of appointment of Chief Officer for the Department of Agriculture, Livestock and Fisheries;

That, this House adopts the Report of the sectoral committee on Agriculture, Livestock and Fisheries on the vetting of the nominee for appointment as the Chief Officer, Department of Agriculture, Livestock and Fisheries, laid on the Table of the House on Tuesday March 13, 2018, and pursuant to the provisions of Section 9 (2) of the Public Appointments (County Assemblies Approval) Act, 2017 and Section 45 (1) (b) of the County Governments Act, 2012 approves the appointment of Mr. Peter Muiruri Njangi as the Chief Officer in the department of Agriculture, Livestock and Fisheries.

Pursuant to Article 179 (2) of the Constitution of Kenya 2010 Section 8(1) of the County Governments Act 2012 and section 7(1) of the Public Appointments (County Assemblies Approval) Act, 2017, the sectoral committee on Agriculture, Livestock and Fisheries conducted vetting of the nominee for public appointment for the Chief Officer, Department of Agriculture, Livestock and Fisheries.

Mr. Speaker sir, nomination by the appointment authority pursuant to section 45(1) of the County Governments Act and section six of the Public Appointments (County Assemblies Approval) Act, 2017. The County Secretary Service forwarded to the Clerk of the Assembly the

nomination of Mr. Peter Muiruri Njangi among others in a letter referenced MCGPS/COUNTY/VOL285 dated 4<sup>th</sup> December 2017.

The nominee was forwarded for vetting to the sectoral committee on Agriculture, Livestock and Fisheries and further for consideration of approval by the County Assembly for appointment as Chief Officer in the Department of Agriculture, Livestock and Fisheries.

The appearance of the nominee was on Monday February 26, 2018, at noon and was vetted in accordance of the provisions of the Constitution of Kenya and Public Appointments (County Assemblies Approval) Act, 2017, and County Assembly Standing order 204 (5) (f) on his suitability for appointment to the position of Chief Officer.

The Clerk of the County Assembly placed the advertisement in the print media on Wednesday February 14, 2018, inviting the public to submit memoranda by way of written statement or oath or sworn affidavit on the suitability or otherwise of the nominee in compliance with section 7(9) of the Public Appointments (County Assemblies Approval) Act, 2017.

The submissions were to be received by latest Wednesday February 21, 2018 10:00 a.m. Mr. Speaker sir, for the nominee to have been cleared; the committee looked at the many documents, one of them being the Ethics, Director of Criminal Investigations, Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Credit Reference Bureau (CRB).

We followed the criteria for vetting and also the submission of the memorandum. Mr. Speaker, vetting of the nominee, the committee cross-examined the nominee pursuant to the criteria set out, in section 7 (9) and section 8 of the Public Appointment (County Assembly Approval Act 2017) and focused on the following; the academic credentials, professional training and experience, personal integrity, knowledge of the relevant subject, vision and leadership, expectations and key priorities.

Having looked at all those, we also vetted the nominee on challenges facing the sector and also the frustrations in the docket. Mr. Speaker, having done all that, the committee's observations on the suitability of Mr. Peter Muiruri Njangi for appointment as the Chief Officer in the docket of Agriculture, Livestock and Fisheries, pursuant and having considered the nominee's filled questionnaire pursuant to section 7(9) Public Appointment (County Assembly Approval Act 2017), his curriculum vitae and having heard his oral submission during the

vetting exercise, the committee made the following observations on his suitability for appointment to the Chief Officer position in Agriculture Livestock and Fisheries;

1. That he satisfies the requirements of Chapter 6 of Constitution of Kenya on leadership and integrity having been cleared by the Directorate of Criminal of Investigation (CID), Kenya Revenue Authority (KRA), Higher Education Loans Board (HELB), Ethics and Anti-corruption Commission (EACC) and the Credit Reference Bureau (CRB).
2. That the nominee has never been dismissed or removed from office for contravention of provision of Article 6, Article 7 of the Constitution of Kenya.
3. That he has never been adversely associated with practices that depict bias, favoritism or nepotism in his discharge of public duties.
4. That he has never been charged in a court of law in the last three years.
5. That he exhibited remarkable knowledge of relevant issues pertaining to the department of Agriculture, Livestock and Fisheries.
6. That, he demonstrated that he has outstanding skills and experience in administration, requisite, competence and qualification to the Chief Officer position.

Therefore, the committee found the nominee suitable for appointment as the Chief Officer for the department Agriculture, Livestock and Fisheries.

Pursuant to section 9(2) of the Public Appointments (County Assembly's Approval Act 2017) and Standing Order 204 (5)(F) the County Assembly adopts the report of the committee on vetting of Mr. Peter Muiruri Njangi, that the County Assembly approves the nomination of Mr. Peter Muiruri Njangi for appointment by His Excellency the Governor to the position of Chief Officer, department of Agriculture, Livestock and Fisheries.

Mr. Speaker, there were affidavits which were submitted and it was observed that the affidavits submitted regarding the issue on gender was with regard to the whole list and not the individual nominee. This matter therefore, did not present solid ground for disqualification of the nominee. The committee was advised that, in future this can only be achieved through continuous lobbying with the appointing authority.

The committee cross-examined the nominee through a number of specific questions pertaining to the sector and also series of general questions. He responded to the questions well. Having concluded the examination of Mr. Peter Muiruri Njangi, the committee retreated to

Nairobi to scrutinize the report and made the observations that I have read. I now call upon Honorable Ann Wangari to second the motion.

**Hon. Wangari Kigo:** Thank you Mr. Speaker, I rise to second the motion. In addition, I would wish let the House know that the committee vetted the nominee in accordance with the law. The nominee exhibited remarkable competence, inspite of being in the education sector for so many years, he was able to elaborate and convince the committee that through his experience in administration he will be able to undertake the duties as Chief Officer.

In addition, I would wish to say that on the nominee's integrity, the committee found that he satisfied all the requirements of Chapter 6 and therefore I urge this House to give him a chance to work as the Chief Officer in the department of Agriculture, Livestock and Fisheries. I rise to second the motion. Thank you.

*(Question proposed)*

**The Speaker (Hon. Nduati Kariuki):** There being no rejoinder, I put the question.

*(Question put and agreed to)*

### **SPECIAL MOTION**

#### **APPROVAL OF APPOINTMENT OF CHIEF OFFICER FOR THE DEPARTMENT OF CO-OPERATIVE DEVELOPMENT**

**Hon. Elizabeth Mwangi:** Thank you Mr. Speaker for giving me this chance. I beg to move the following Motion:-

That, this House adopts the Report of the sectoral committee on Trade, Industrialization, Co-Operative Management, Tourism and Wildlife on the vetting of the nominee for the appointment as the Chief Officer in Department of Co-operative Development, laid on the Table of the House on Tuesday March 13,2018, and pursuant to the provisions of section 9 (2) of the Public Appointments (County Assemblies Approval Act 2017) and the section 45 (1) (b) of the County Governments Act, 2012, approves the appointment of Mr. Bernard Wanyoike Kariuki as the Chief Officer in the department of Co-operative Development.

Mr. Speaker, the County Assembly having received the name of the nominee, was obligated to conduct approval hearings and make determination of the nominee's suitability or otherwise as provided for in accordance with the provisions of the Constitution, the public appointments (County Assemblies Approval Act 2017) of the County Assembly Standing Orders.

Pursuant to Article 179(2) (b) of the Constitution of Kenya 2010, section 8(1) of the County Governments Act 2012 and section 7(1) of the Public Appointments (County Assemblies Approval Act 2017), the committee on Trade, Industrialization, Co-operative Management, Tourism and Wildlife conducted vetting of the nominee for the public appointments to the position of Chief Officer Co-operatives Development.

On behalf of the departmental committee on Trade Industrialization, Co-operative Management, Tourism and Wildlife, pursuant to Article 179(2)(b) of the Constitution of Kenya 2010, section 8(1) of the County Government Act 2012 and the section 7(1) of the Public Appointments (County Assemblies Approval Act 2017), it is my pleasant duty to table the report of the committee on the vetting of Mr. Bernard Wanyoike Kariuki a nominee for appointment to the position of Chief Officer for County department of Co-operative Development for debate and adoption by the House.

The Public Appointments (County Assemblies Approval Act 2017) provides that any person may prior to the hearing and by written statement on Oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated. Pursuant to provision of Article 18 of Constitution of Kenya 2010, the general public was also notified of the intention of the committee on Trade, Industrialization, Co-Operative, Tourism and Wildlife to conduct the vetting and approval hearings of the nominees

On February 14, 2018, the Clerk to the Assembly placed an advertisement in the print media on Wednesday February 14, 2018, inviting the public to submit memorandum by way of written statement by oath, that is sworn affidavits on the suitability or otherwise of the nominee in conformity with Section 7, 9 of the Public Appointments (County Assemblies Approval) Act 2017, the submissions were to be received latest Wednesday, February 21, 2018 at 10: 00 a.m.

At the close of the business day, 21<sup>st</sup> February 2018, the office of the Clerk had received only two affidavits signed by one Jackson Kiroko Ndegwa and Joseph Ndung'u Wamat.

We had the legal analysis as a committee and this is what we discussed; two thirds principle; Mr. Speaker, the affidavit by Mr. Jackson Kiroko Ndegwa and Mr. Joseph Ndung'u Wamat raised the issue of gender inclusivity in the list of nominees for the position of Chief Officer that had been proposed by the Murang'a County Governor in accordance with Article 27 (8) of the Constitution of Kenya 2010, the gender issue was with regards to the whole list and not a specific nominee. This issue cannot therefore be used to disqualify the nominee.

On Persons With Disability, the affidavit by Mr. Joseph Ndungu Wamat, raised the issue of non-inclusivity of people with disability from the list of nominees of Chief Officers as provided for under Article 232 (1) (iii). Article 54 (2) of the Constitution of Kenya 2010 states that this principle of at least five per cent of members of the public in elective and appointive bodies should be persons with disability, shall be realized through progressive implementation by the state.

In the youth category, which was still an issue, the affidavit by Mr. Joseph Ndung'u Wamat raised the issue of non-inclusivity of the youth from the list of nominees of Chief Officers as provided for under Article 55 of the Constitution of Kenya 2010. It states that the state should take measures, including affirmative action to ensure that the youth have opportunities to associate, be represented and participate in political, social and economic spheres of life. A youth is defined under Article 260 of the Constitution as a person who has attained the age of eighteen years but has not attained the age of thirty-five years.

The committee considered the nominee that was to be vetted by the committee and observed that he was a youth, thus this issue of non-inclusivity of the youth as raised through the affidavit was not completely true as the nominee in this committee was a youth.

*(Applause)*

Mr. Speaker, the committee examined the nominee using the guidelines provided for in the Public Appointments (County Assemblies Approval) Act 2017. The committee also considered the following in vetting the nominee:

- a. Academic qualifications
- b. Employment record and work experience
- c. Professional association

- d. Public office, political activities and affiliations
- e. Potential conflict of interest
- f. Suitability to the position
- g. Tax compliance
- h. Vision and leadership
- i. Integrity
- j. Expectations and key priorities

The committee having considered the nominee's curriculum vitae, other written and oral and submissions during the vetting exercise, made the following observations of the nominee, had satisfied the requirements of chapter six of the Constitution of Kenya on Leadership and Integrity having been cleared by the Ethics and Anti-Corruption Commission, (CID)the Directorate of Criminal Investigations, the Kenya Revenue Authority on tax compliance, Higher Education Loans Board (HELB) and the Registrar of Political Parties.

Two, has never been charged with a criminal offence in a court of law and has no potential conflict of interest with regard to the position he had been nominated to.

Three, has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Parliament or any commission of inquiry.

Four, has the necessary qualifications and extensive experience in the public service as seen from the documentation presented to the committee.

Five, has the right attitude and commitment to serve in the position for which he had been nominated as observed from the way he responded to the members' questions on water related issues during the approval hearing.

He does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution; Mr. Speaker, there is no challenge, let them laugh, but we are going to finish, After all that, we came up with recommendations; having considered the suitability, capacity and integrity of the nominee, and pursuant to Article 179(2) of the Constitution, the County Assembly adopts the report of the committee and approves the nomination of the Mr. Bernard Wanyoike Kariuki for appointment by the Governor to the positions of Chief Officer Co-operatives Development.



Mr., Speaker, I therefore wish to urge all members to adopt the report unanimously; in conclusion, I welcome Hon. Stephen Mwangi Chege to second the motion. Thank you

**The Speaker (Hon. Nduati Kariuki):** Very well done

**Hon. Stephen Chege:** I rise to support the nominee, sorry I stand to second the nominee. As I second, the first thing that I noted, as a chair of the youth committee, among all the nominees that we vetted, the nominee is a youth, he is under 35 years and so that is fact that I should support him.

Number two, we looked at conflict of interest, he is a former Member of County Assembly, he was a member for Gaichanjiru, I have talked to the Honourable member from Gaichanjiru and he has no conflict of interest because he swore in the name of God that he will stick to his role and having worked at the Speaker's panel, he is good in administration. Thank you Mr. Speaker, I second.

*(Question proposed)*

**Hon. Lilian Kabaya:** Mr. Speaker, I note with a lot of concern that the entire list that was tabled, on the floor of this House had absolutely no provision, no single nominee was of the female gender.

Mr. Speaker, that was an affront to women in this county, it is against the spirit and the letter of our Constitution that this is a clear violation of Article 78 of our Constitution, be that as may, the executive said that it was a partial list and that we are expecting other names that should be presented that will be more inclusive.

We are watching very keenly as a House, we expect that any other name that appears on the floor of this house must include female nominees. It is actually very unfortunate that a partial list can be submitted and all of it has only one gender, on what basis are we supposed to vet such people when a third of this house is composed of women.

It is very unfortunate and it is going to take back all the progress we have made in fighting for women rights and getting to equalization. I urge all the Members of this House to make sure that such an incident never happens again. I urge all Members of this House to support a Bill for affirmative action in this County so that Murang'a County can be a County that complies with the provisions of the Constitution.

That said, Mr. Speaker, all the nominees seem to have fulfilled all the requirements of the Constitution and, thus, it would be unfair not to approve them for their positions when they are qualified. I support this Motion and support the nomination of Bernard to the position of Chief Officer for Trade. Thank you, Mr. Speaker.

*(Applause)*

**Hon. James Karanja:** Mr. Speaker, I am the Hon. Member for Kamahuha Ward and I beg to support and say that this is one of the best Chief Officers we shall have because he knows all the challenges that are in this House and in the Executive because he was in this House last time. I beg to support. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Moses Murigi:** Mr. Speaker, I rise to support the nominee by the said name, Bernard Wanyoike. He is well qualified and I know that he is fit for his docket and we will work together for the benefit of our people of Murang'a. I rise to support. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Sarah Njoroge:** Mr. Speaker, I am nominated and I stand to support Bernard who has all the qualifications, meets the requirements of Chapter Six of the Constitution on Leadership and Integrity and has no criminal record. I am also happy to note that the youth have been considered. I support Hon. Kabaya that women be considered next time. I therefore stand to support the Motion.

*(Applause)*

**The Speaker (Hon. Nduati Kariuki):** I note that few points for rejoinder have been put and maybe the Mover would like to respond to anything.

**Hon. Elizabeth Mwangi:** Thank you Mr. Speaker, in response I am the Vice- Chair of this committee that is Trade and I wish to take this chance to sincerely thank the Members for supporting the Motion. It is worth noting that the full process of generating this Report consumed a lot of committee time as well as resources. It is the hope of this House that the nominee will

perform his duties diligently in line with the high hope expressed by this House. Thank you, Mr. Speaker.

*(Question put and agreed to)*

*(Applause)*

### **ADJOURNMENT**

**The Speaker (Hon. Nduati Kariuki):** Hon. Members, I remind the Members of the House Business Committee that we are meeting immediately on the rise of this House and I request all of them to move directly to the Speaker's Boardroom so that we start that meeting. Thank you very much.

*The House rose at 10:50 a.m.*