

MURANG'A COUNTY ASSEMBLY
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REPUBLIC OF KENYA



MURANG'A COUNTY ASSEMBLY
THIRD ASSEMBLY- SECOND SESSION
SECTORAL COMMITTEE ON FINANCE & ECONOMIC
PLANNING

REPORT ON THE APPROVAL HEARING OF:

MS. JUDY NJERI MBARU, NOMINEE FOR APPOINTMENT AS
THE CHIEF OFFICER, REVENUE AND SUPPLY CHAIN MANAGEMENT

CLERK'S CHAMBERS
DIRECTORATE OF COMMITTEE SERVICES
MURANG'A COUNTY ASSEMBLY BUILDINGS
MURANG'A

*Paper laid by the
chairperson on 11/4/2023
Anm.*

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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Sectoral Committee on Finance and Economic Planning during the approval hearing of Ms. Judy Njeri Mbaru, nominee for appointment as Chief Officer, Revenue and Supply Chain Management as requested by H.E. the Governor and communicated to the House by the Hon. Speaker during a special sitting held on Tuesday, March 28, 2023.

Pursuant to section 8 (1) and 45 (1) (b) , County Governments Act, 2012, section 6 of the Public Appointments (County Assemblies Approval) Act , 2017 and Standing Order 47 (1), H. E the Governor notified the County Assembly of the nomination of fourteen (14) Chief Officers to various county departments vide a letter dated March 15, 2023 referenced *MCG/CS/GOV/2(76)*. The Hon. Speaker vide a communication made on Tuesday, March 28, 2023 conveyed to the House the Message from H.E. the Governor and subsequently referred names of the nominees, curricula vitae, and the report of the County Public Service Board on their recruitment to sectoral Committees for approval hearings. While referring the matter to the Committees, the Speaker directed that the Committees undertake the vetting exercise within twenty-one (21) days pursuant to Section 9 of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017.

In compliance with Article 196 of the Constitution and Section 7 (4) of the Public Appointments (County Assemblies Approval) Act, the Clerk of the County Assembly placed an advertisement in the print media (Daily Nation and Standard Newspapers) on Wednesday, March 29, 2023 , informing the candidate of the time , date and place of the approval hearing. The advert also invited the public to submit memoranda by way of written statements on oath (affidavit) on the suitability of the nominees in conformity with section 7 (10) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017. The memoranda were to be received on or before April 4, 2023. At the close of the submission deadline, the Committee had not received any memorandum for or against the nominee's suitability.

The nominee appeared before the Committee on Wednesday, April 5, 2023. The Committee examined her suitability based on the criteria set out in Section 8 of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017. In addition, the Committee examined her academic credentials, experience, knowledge of sector issues and leadership. The Committee paid due regard to the procedure used to arrive at the nominee, any constitutional or statutory requirements relating to the office in question and the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the county department.

The Committee observed that, Ms. Judy Njeri, nominee for appointment as Chief, Officer, Revenue and Supply Chain Management is a holder of Bachelor's Degree in Commerce (Accounting option)(Honors) and had a career life spanning 6 and ½ years, in private and public sector that includes stints at the Shaanxi Limited and Kiharu Constituency, NG – CDF.

COMMITTEE RECOMMENDATION

The Committee held approval hearing of the nominee regarding her suitability and observed that due process was followed on the recruitment process as provided for under section 45 (1) (b), CGA, 2012 and the Public Appointments (County Assemblies Approval) Act No. 5 of 2017. In the foregoing, the Committee recommends that the County Assembly **APPROVES**, the nomination of Ms. Judy Njeri Mbaru for appointment as Chief Officer, Revenue and Supply Chain Management.

ACKNOWLEDGEMENT

The committee registers its appreciation to the Office of the Speaker, Office of the Clerk and the Committee Secretariat for the logistical support extended during the vetting process.

I appreciate Members of the Committee for their input, sacrifice and commitment which enabled the Committee to complete the task within the statutory timeline.

On behalf of the Sectoral Committee on Finance and Economic Planning and pursuant to section 45 (1) (b), CGA, 2012 and Section 9 (2) of the Public Appointments (County Assemblies Approval) Act, 2017 and provisions of Standing Order No: 47 (4), It is my pleasant duty to present the report of the Committee on the approval hearing of Ms. Judy Njeri Mbaru, the nominee for appointment as Chief Officer for Revenue and Supply Management.

Signed..... Dated..... 11-04-2023

Hon. John Kibaiya Ngugi, MCA

CHAIRPERSON, COMMITTEE ON FINANCE AND ECONOMIC PLANNING

CHAPTER ONE

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

The Committee on Finance and Economic Planning is established under provisions of Standing Order No. 204 whose mandates is enumerated under Standing Order 204 (5) to among other things;

1. Vet and report on all appointments where the Constitution or any law requires the Assembly to approve, except those under Standing Order 198 (Committee on Appointments); and
2. Make reports and recommendations to the Assembly.

1.2 Committee Membership

The Committee on Finance and Economic Planning as currently constituted, comprises of the following Members:

1. Hon. John K. Ngugi	Chairperson
2. Hon. Alex W. Wanyoike	Vice Chairperson
3. Hon. Francis K. Kamau	Member
4. Hon. Morris Thuku	Member
5. Hon. Steven Muigai	Member
6. Hon. Charles M. Karina	Member
7. Hon. John Kamau Munyua	Member
8. Hon. Loise Mary Muthoni	Member
9. Hon. Margaret W. Gichia	Member
10. Hon. Peter Murigi Ngugi	Member
11. Hon. Jane Mukami	Member
12. Hon. Thomas Muteti	Member
13. Hon. Gladys Wambui Waikau	Member
14. Hon. Hilary Muigai Muchoki	Member
15. Hon. Pauline Njeri Muchiri	Member
16. Hon. Esther Nyawira Kamindo	Member

CHAPTER TWO

2.0 BACKGROUND

2.1 Establishment of the Office of Chief Officer

Section 45 (2), County Governments Act, 2012 provides for the establishment of the office of the Chief Officer, which is an office in the county public service. Sub section 3, provides that each county department shall be under the administration of a Chief Officer.

2.2 Nomination of Chief Officers

Section 45(1), CGA, 2012 provides that the Governor shall -

- a) nominate qualified and experienced county chief officers from among persons competitively sourced and recommended by the County Public Service Board; and
- b) With the approval of the County Assembly, appoint county chief officers.

2.3 Notification of nomination

In light of this, H.E. the Governor nominated fourteen (14) persons for appointment as Chief Officers to various county departments. The Governor nominated the following person for appointment as Chief Officer, Revenue and Supply Chain Management:

1. Ms. Judy Njeri Mbaru, Nominee for appointment as Chief Officer, Revenue and Supply Chain Management.

The sectoral Committee on Finance and Economic Planning was assigned the role of conducting the vetting to determine suitability or otherwise of the aforesaid nominee.

2.4 Message from H.E. the Governor

In accordance with the provisions of section 45 (1) (b) and Section 6 of the Public Appointments (County Assemblies Approval) Act, 2017 ,H. E. the Governor vide a letter dated March 15, 2023 forwarded to the County Assembly, for consideration and

approval, the notification of nomination of fourteen (14) persons for appointment as Chief Officers to the county departments. The Governor nominated the following person for appointment as Chief Officer, Revenue and Supply Chain Management

Name	Department
Judy Njeri Mbaru	Revenue and Supply Chain Management

2.5 Speaker's Communication and Committal to the Committee

Pursuant to the provisions of Standing Order No. 47 (1), the Hon. Speaker on Tuesday March 28, 2023 communicated to the House the message from H.E. the Governor regarding the nominees for appointment as Chief Officers for various county departments. The Speaker informed the House that H.E. the Governor was seeking approval of the County Assembly on the said nominations before the nominees' appointment as per the law.

In accordance with Standing Order No. 47 (1), the Speaker read the message from H.E. the Governor and referred the nominee, Ms. Judy Njeri, her curriculum vitae and the report of the County Public Service Board on the recruitment process to the Committee on Finance and Economic Planning to conduct approval hearing.

2.6 Notification to the Public

Section 7 (10) of the Public Appointments (County Assemblies Approval) Act (No. 5 of 2017), provides that "any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

The Clerk of the County Assembly on March 29, 2023 placed an advertisement in the print media for information of the general public of the intention of the Committees to conduct approval hearings, as provided for by Article 196, Constitution and Section 7 (5) of the

Public Appointments (County Assemblies Approval) Act, 2017, which allows public participation in committee proceedings.

The advertisement invited the public to submit memoranda, by way of written statements on oath (affidavit) on the suitability or otherwise of the nominees in conformity with Section 7 (10) of the Public Appointments (County Assemblies Approval) Act, 2017. The advertisement indicated that the submissions were to be received on or before April 4, 2023. At the close of the submission deadline, the Committee had not received any memorandum for or against the suitability of the nominees.

2.7 Notification to the Nominee

The Clerk vide an advertisement placed in the print media and County Assembly's website on March 29, 2023 informed the nominee of the nomination by H.E. the Governor and requested them to appear for vetting by the sectoral Committee at the county assembly. The Clerk further requested the nominees to bring with them their clearance certificates from the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), the Ethics and Anti-Corruption Commission (EACC), Directorate of Criminal Investigations (DCI) and Credit Reference Bureau (CRB).

2.8 Report of the County Public Service Board on the Nomination of Chief Officer

Pursuant to section 59, CGA, 2012, the County Public Service Board invited applications from suitably qualified persons for the position of fifteen (15) Chief Officers. The advertisement was published in the Daily Nation dated December 19, 2022 and county government website. The advert closed on January 11, 2023.

196 candidates were shortlisted from a pool of 635 candidates. Article 81 (b) of the constitution provides that "Not more than two thirds of the members of elective or appointive bodies shall be of the same gender. The Board shortlisted 144 males while 52

shortlisted were females. We had 23 applicants from other ethnic tribes who applied for the posts. Five persons living with disability were short listed.

2.9 Meetings

The Committee held three (3) sittings during which it examined and reviewed the nominee's certificates and testimonials as well as conducting approval hearing. The report writing retreat was held on April 7, 2023.

2.10 The Public Appointments (County Assemblies Approval) Act No. 5 of 2017.

1. Section 7 (8), Public Appointments (County Assemblies Approval) Act, provides that an approval hearing shall focus on candidates academic credentials, professional training and experience, personal integrity and background.
2. Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017 provides for issues that the County Assembly is supposed to consider in relation to any nomination. These are:
 - a) the procedure used to arrive at the nominee including the criteria for the shortlisting of the nominee
 - b) any constitutional or statutory requirements relation to the office in question; and
 - c) The suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is being made.
3. The period for consideration of nomination is spelled out under Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 which provides that the Committee shall consider the nomination and table its report to the House for debate and decision within twenty-one (21) days from the date on which the committee first sits to consider the nomination.

2.11 Vetting Criteria

Pursuant to section 7 (9) of the Approval Act, the criteria for vetting is comprehensively contained in the questionnaire in the first Schedule to the Act. The Questionnaire allows Committees to obtain information on, among other things;

- a) **Name of the nominee** -to enable the Committee to ascertain the regional background and ethnicity of the nominee.
- b) **Gender of the nominee** - to enable the Committee to ascertain the gender of the nominee. This is to ensure compliance with Article 27(8) which requires the State to take measures to ensure that not more than two-thirds of members of appointive bodies shall be of the same gender.
- c) **Age of the nominee** - to enable the Committee to ascertain compliance with the provisions of Article 55 of the Constitution on the inclusion of the youth in public appointments.
- d) **Nationality of the nominee** - to enable the Committee to ascertain the nationality of the nominee. This is to ensure compliance with Article 78 of the Constitution which requires certain State officers to be Kenyan Citizens.
- e) **Educational background of the nominee** – suitability
- f) **Employment record of the nominee**- experience
- g) **Honors or awards given to the nominees**

- h) **Membership of the nominee to professional bodies** - to ascertain the professional standing.
- i) **Public office and political affiliations held by the nominee** - to enable the Committee to ascertain whether the nominee holds office in a political party. This is to ensure compliance with Article 77(2) of the Constitution which precludes appointed State officers from holding office in a political party
- j) **Information on whether the nominee has been removed from office under Article 75 of the Constitution** which prohibits a State Officer who has been removed from office under Article 75 of the Constitution from holding any other State Office.
- k) **Nominee's finances – Financial Probity**
- l) **Outside commitments** that the nominee intends to undertake while in office (if appointed). Article 77(1) of the Constitution prohibits a full-time State Officer from participating in any other gainful employment.
- m) **The tax compliance status of the nominee for chapter 6 compliance.**
- n) **Potential conflict of interest**—Article 75(1) of the Constitution bars State officers from engagements or associations that may give rise to conflict between official or public duties and personal interests.

2.12 Chapter Six on Leadership and Integrity

The Committee in determining the suitability of the nominees, took into consideration the provisions on leadership and integrity as outlined under Chapter

Six of the Constitution. In particular, the Committee took cognizance of the following provisions;

1. Article 75 (2) of the Constitution provides that the guiding principles of leadership and integrity include selection based on personal integrity, competence and suitability, or election in free and fair elections.
2. Objectivity and impartiality in decision making and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices.
3. Selfless service based solely on the public interest, demonstrated by
 - a) honesty in the execution of public duties; and
 - b) the declaration of any personal interest that may conflict with public duties.
4. Accountability to the public for decisions and questions; and
5. Discipline and commitment to serve people.

CHAPTER THREE

3.1 Approval Hearing

Section 7 of Public Appointments (County Assemblies Approval) No. 5 of 2017, contemplates an approval hearing. The approval hearing for the nominee was held on Wednesday, April 5, 2023. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (County Assemblies Approval) Act, 2017 and the Standing Orders.

The Committee examined the nominee using the criteria in the Public Appointments (County Assemblies Approval) Act No. 5 of 2017. The Committee considered the following in vetting the nominee:

1. Academic qualification
2. Employment record
3. Professional affiliations
4. Potential conflict of interest
5. Knowledge of relevant field
6. Overall suitability
7. Tax compliance
8. Integrity

3.2 Ms. Judy Njeri Mbaru

Ms. Judy Njeri Mbaru was orally interviewed by the Committee and responded to questions during the vetting as follows;

3.2.1 Personal Background

She is a Kenyan citizen with identity Card Number 31279256, born in Sabasaba, Maragua Sub County on 8th August 1993.

3.2.2 Educational Background

1. The nominee holds a Bachelor's Degree in Commerce (Accounting Option), graduating with first class honors, having attended Meru University of Science and Technology.
2. She wrote her KCSE examinations at Sabasaba Secondary School in the year 2013 and attained a mean grade of B+ (Plus).

3.2.3 Work experience

The nominee has worked in the both the private and public sector in her career life in the following capacities:

1. From May 2016 to December 2018, she served as a project committee member for Kiharu National Government Constituency Development Fund (NG-CDF).
2. From January to December 2019, she worked at Shaanxi Investment Limited as an Accountant.
3. Since January 2020 to date, she has worked as a Senior Accountant and Administrator at Clinton Hotel Limited.

3.2.4 Professional Associations & Affiliations

The nominee is professionally affiliated with Institute of Certified Public Accountants of Kenya (ICPAK), Membership No. 31244.

3.2.5 Statement of Net worth

The nominee stated that her net worth is Kshs 3.7 million; being Poultry and Livestock valued at Kshs 500,000, private business valued at Kshs 500,000, shares and savings at Kshs 700,000 and inheritance (Plot) valued at Kshs 2 million.

3.2.6 Clearance Requirements

The Committee confirmed that the nominee had been cleared by KRA, DCI, EACC and CRB and having obtained clearance certificates to that effect.

3.2.7 Other issues under consideration

To examine the suitability or otherwise of the nominee, the Committee also posed the following questions to the nominee during the approval hearing.

1. On suitability to the role of Chief Officer for Revenue and Supply Chain Management.

She said she has the relevant education and work experience to enable her perform the responsibilities of the position. She cited being a Certified Public Accountant registered under the Institute of Public Accountants of Kenya (ICPAK) and holder of Bachelor's degree in Commerce (Accounting option).

2. On her understanding her Role as a Chief Officer.

The nominee explained that the Chief Officer, Revenue and Supply Chain Management is responsible to the CECM - Finance in management and administration of the Revenue and Procurement directorates. She further posited that if given the position, she would be involved in preparing the work plans, strategic plans, procurement plans and budget estimates for the department.

3. On enhancing the performance of own source revenue

The nominee said that if given the position, she would develop strategies to increase the own source revenue. The strategies entail enhancing the automated system that is in place through inclusion of revenue targets for various portfolios. Additionally, the strategies would include capacity building the revenue staff to enhance their skills and knowledge about revenue collection and management. Further, she would inculcate a culture of transparency and accountability in own source revenue collection and management to boost investor confidence.

4. On her Understanding the Sources of County Budget financing

The nominee demonstrated an impeccable understanding of the revenue sources for financing the county government budget. She highlighted the equitable share as the major source of revenue that results from division of revenue collected nationally and divided between the two levels of government, the conditional grants, Own Source Revenue and borrowing.

5. On her Understanding of the Supply Chain Management

The nominee described supply chain management as the coordination of activities such as warehousing and logistics to acquire or purchase goods and services. The nominee cited the Public Procurement and Disposal Act, 2015 as the legal framework that guides public entities on how to procure goods and services through the tendering to award of contracts.

6. On County Budget Process

The nominee elucidated on budget formulation, approval, implementation and audit as stages of the budget cycle.

7. On the Finance Bill

CHAPTER FOUR

4.0 OBSERVATIONS AND FINDINGS

4.1 The Suitability of Ms. Judy Njeri Mbaru to serve as Chief Officer, Revenue and Supply Chain Management

The Committee having considered the nominee's filled questionnaire pursuant to Section 7 (9) of the Public Appointments (County Assemblies Approval) Act , 2017 and the nominee's curriculum vitae and having heard his oral submission during the approval hearing, made the following observations on her suitability for appointment to the position of Chief Officer, Revenue and Supply Chain Management, **THAT**

- a) The nominee demonstrated impeccable grasp of issues in financial management.
- b) In accordance with Article 78 (1) & (2) of the Constitution, she is a Kenyan citizen and does not hold dual citizenship.
- c) She holds a Bachelor's Degree in Commerce (Accounting Option). She attended Meru University of Science and Technology from 2014 to 2018, graduating with honors.
- d) The nominee has worked both in the private and public sector in a career life spanning 6 and ½ years with stints at Kiharu NG - CDF, Shaanxi Investment Limited and currently at Clinton Hotel Limited.
- e) The nominee presented her academic credentials and professional certificates and demonstrated her experience in accordance with the provisions of Section 8 (c) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017.
- f) Nominee satisfies the requirements of Chapter 6 of the Constitution on leadership and integrity, she has no potential conflict of interest as stipulated under Article 75(1) of the Constitution,

- g) The nominee satisfies the requirement of Article 77(1) of the Constitution which bars full-time state officer from participation in other gainful employment in that she does not intend to participate in any other gainful employment. The nominee will relinquish her Senior Accountant role at Clinton Hotel Limited upon her appointment.
- h) The nominee does not hold office in any political party hence satisfies the provisions of Article 77(2) of the Constitution.
- i) The Committee established that the nominee has never been removed from office in accordance with Article 75 (3) of the Constitution.
- j) The nominee has to prove her managerial mettle as she is nominated to administer dockets with a portfolio of 500 staffers while she is used to managing a staff complement of 10.
- k) Own source revenue administration is a critical docket with overarching need for ensuring leadership in mobilizing key technical competencies in revenue collection and management. The Chief Officer is expected to be in charge of technical officers with years of experience in revenue directorate. This will require expertise and tact on the part of the nominee to inspire confidence in the office. There is need for her to demonstrate impeccable grasp of issues under the two dockets to exercise control and leadership to drive reforms.
- l) By the deadline of receipt of memoranda from members of the public, the Clerk of the County Assembly did not receive memorandum contesting the suitability.
- m) The pick for the position by H. E the Governor was heralded as inspirational in the sense that the nominee had come a long way, defying all odds in her academic journey to emerge the best. That in approving the nomination, the House would be sending a message that there is hope for our youth to serve in plum positions in the county government by virtue of merit.
- n) In regards to the filled questionnaire pursuant to the first Schedule of Public Appointment (County Assemblies Approval) Act No.5 2017, the nominee was awarded a mean score of 77.5 % by members.


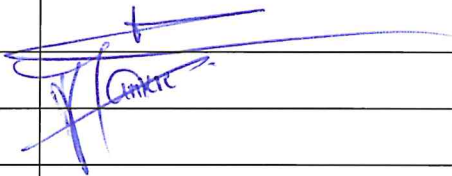
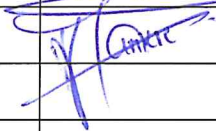





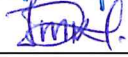
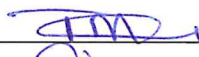
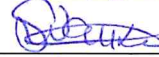

CHAPTER FIVE

5.0 RECOMMENDATION

1. Having considered the suitability, capacity and integrity of the nominee, and pursuant to section 45 (1) (b) of the County Government Act, 2012, Section 9 (2), Public Appointments (County Assemblies Approval Act No. 5 of 2017) and Standing Order No. 47 (4) the Committee recommends that the County Assembly **APPROVES** the nomination and subsequent appointment by His Excellency the Governor, of **Ms. Judy Njeri Mbaru** to the position of Chief Officer, Revenue and Supply Chain Management.
2. The county government to put in place a continuous learning program for the nominee to capacity build her to run the affairs of the two critical dockets she has been nominated for.
3. The committee recommends appropriate mentorship for the nominee which shall harness her rich potential to inspire transformation and results under the revenue and procurement directorates.

ADOPTION

We, the undersigned Members of Finance and Economic Planning Committee do hereby append our signatures to adopt this report.

Name	Designation	Signature
Hon. John K. Ngugi	Chairperson	
Hon. Alex W. Wanyoike	Vice-Chairperson	
Hon. Francis K. Kamau	Member	
Hon. Charles M. Karina	Member	
Hon. Morris Thuku	Member	
Hon. Steven Muigai	Member	
Hon. John Kamau Munyua	Member	
Hon. Loise Mary Muthoni	Member	
Hon. Margaret W. Gichia	Member	
Hon. Peter Murigi Ngugi	Member	
Hon. Jane Mukami	Member	
Hon. Thomas Muteti	Member	
Hon. Gladys Wambui	Member	
Hon. Hilary Muchoki	Member	
Hon. Pauline Njeri Muchiri	Member	
Hon. Esther Nyawira	Member	