

# COUNTY GOVERNMENT OF KITUI



## THE COUNTY ASSEMBLY OF KITUI SECOND ASSEMBLY – SECOND SESSION

THE COMMITTEE ON AGRICULTURE, WATER AND IRRIGATION

REPORT ON THE VETTING

OF

THE NOMINEES FOR THE MINISTRY OF AGRICULTURE, WATER AND LIVESTOCK  
DEVELOPMENT.

1. MR.JAMES SONGOLO MBII THE NOMINEE FOR APPOINTMENT, AS THE  
COUNTY CHIEF OFFICER DEPARTMENT OF AGRICULTURE AND LIVESTOCK  
DEVELOPMENT.
2. MR. JOSEPH KIMANGA MUTUA NOMINEE FOR APPOINTMENT AS,THE  
COUNTY CHIEF OFFICER DEPARTMENT OF WATER AND IRRIGATION

CLERK OF ASSEMBLY CHAMBER'S

P. O BOX 694

KITUI

PREFACE

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## **1.0 PREFACE**

**Mr. Speaker Sir,**

On behalf of the committee on Agriculture, Water and Irrigation and pursuant to the provisions of Standing Order No. 190(5) (f), it is my duty and pleasure to present to the County Assembly, the Committee's report on the vetting of the nominees for appointments as;

1. County chief officer in charge of Agriculture and Livestock Development department.
2. County chief officer in charge of Water and Irrigation department.

## **1.1 Committees establishment and membership**

**Mr. Speaker Sir,**

The Committee on Agriculture, Water and Irrigation is one of the Sectoral committees established under Standing Order No. 190(1).

The committee on Agriculture, Water and Irrigation comprises of the following members:-

- |                              |                 |
|------------------------------|-----------------|
| 1. Hon. Dr. Grace Mutua      | - Chairperson   |
| 2. Hon. Andrew Ndisya Lusa   | - V/chairperson |
| 3. Hon. Ruth Kyene           | - member        |
| 4. Hon. Emeritus Kasee Musya | - member        |
| 5. Hon. James Munuve Mutunga | - member        |
| 6. Hon. Eunice Katheke       | - member        |
| 7. Hon. Bonface Katumo       | - member        |
| 8. Hon. Sylvester Munyalo    | - member        |
| 9. Hon. James Musyoka        | - member        |
| 10. Hon. Jacob M. Kavolonza  | - member        |
| 11. Hon. David Thuvi         | - member        |

## **1.2 committee's mandate**

**Mr. Speaker Sir,**

The Sectoral Committee on Agriculture, Water and Irrigation derives its mandate from the provisions of Standing Order No. 190(5) and the second schedule to the Standing Orders which defines the functions of the committee as follows among others;

*To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 184 (Committee Appointments).*

## **1.3 Nomination of the chief officers.**

**Mr. Speaker,**

Pursuant to Section 45(1) (a) of the County Government Act, 2012, Her Excellency the Governor forwarded to the Speaker of the County Assembly, the names of Mr. James Songolo Mbii and Mr. Joseph Kimanga Mutua on 14<sup>th</sup> March, 2018 for vetting and approval by the County Assembly for the appointment as County Chief Officers in charge of the departments of Agriculture and Livestock Development and Water and Irrigation respectively. The Speaker, pursuant to Standing Order No.39 (1), notified the House of the receipt of the list of nominees. The nominees were then committed to the Committee on Agriculture, Water and Irrigation which was to conduct the vetting and report to the Assembly within 21days as provided for in Section 9 (1) of the Public Appointment (County Assemblies Approval) Act No.5 of 2017.

#### **1.4 Committee Meetings**

**Mr. Speaker Sir,**

The committee held a total of two sittings and the said nominees appeared for vetting in accordance with the Public Appointment (County Assemblies Approval) Act No.5 of 2017 for appointment as County Chief Officers in their respective departments nominated to.

The Clerk of the County assembly notified the nominees on behalf of the Committee via print media in the local dailies for an approval hearing at the County Assembly's precincts (Committee Room 2) on Friday 23<sup>rd</sup>, March, 2018.

In conducting the vetting exercise, the Committee made reference to the Constitution, the Public Appointment (County Assemblies Approval) Act No. 5 of 2017, the County Governments Act, 2012 and the County Assembly Standing Orders. The committee agreed that the pass mark be 65% for Mr. James Songolo Mbii, nominee for Agriculture and Livestock Development and 64% for Mr. Joseph Kimanga Mutua the nominee for Water and Irrigation department.

#### **1.5 Acknowledgement**

**Mr. Speaker Sir,**

The committee wishes to thank the office of the Speaker and that of the Clerk of Assembly for the support accorded to it during the vetting and report writing.

I also take this chance to thank all members of the Committee for their commitment and sacrifice which enabled the committee this mission.

Mr. Speaker Sir,

On behalf of the Committee, it's my pleasure to present the Committee's report on vetting.

SIGNED \_\_\_\_\_

DATE \_\_\_\_\_

HON.DR. GRACE MUTUA.

CHAIRPERSON, COMMITTEE ON AGRICULTURE, WATER AND  
IRRIGATION.

## **2.0 BACKGROUND INFORMATION**

### **2.1 Establishment of the Office of the County Chief Officer**

Section 45 of the County Governments Act, 2012 inter alia provides that:

The governor shall:

- 1) Nominate qualified and experienced county chief officers from among persons competitively sourced and recommended by the county public service board, and*
- 2) With the approval of the county assembly, appoint chief officers*

### **2.2 Functions of office of the County Chief Officer**

- 1) A county chief officer shall be responsible to respective county executive Member for the county department as provided under section 46 of the county government act, 2012*
- 2) The county chief officer shall be authorized officer in respect of exercise of delegated authority.*

### **2.3 Issues for consideration.**

In conducting the Approval hearing, the committee was guided by Article 73(2)(a)(b)(c) and (e) of the Constitution, section 7(8) and section 8 of the Public Appointments (County Assemblies Approval) Act No.5 of 2017.

Section 8 of the Public Appointments (County Assemblies Approval) Act 2017, provides that the issues for consideration shall be:-

- a) The procedure used to arrive that the nominee including the criteria for the short listing of the nominees;*
- b) Any constitutional or statutory requirements relating to the office in question; and*
- c) The suitability of the nominee for the appointment proposed having regard to whether the nominee's credential, abilities, experience and qualities meet the needs of the body to which the nomination is being made.*

## **2.4 Nomination of the Candidates.**

Pursuant to section 45(1) of the County Governments Act, 2012, the H.E Governor forwarded to the Speaker of the County Assembly, the names of Mr. James Songolo Mbii and Mr. Joseph Kimanga Mutua vide a letter dated 14<sup>th</sup> March, 2018 for vetting and consideration for approval by the County Assembly for appointments as the County chief officers.

## **2.5 Notification to the nominees**

On 15<sup>th</sup> March, 2018 the Clerk of the Assembly on behalf of the Committee and pursuant to the provisions of section 7(4) of the public appointments (County Assemblies Approval) Act No.5 of 2017 notified the nominees on the date, time and venue for holding the approval hearing through an advert in the print media.

## **2.6 Notification to the public and Submission of memoranda**

The public was expected to participate in the vetting through submission of memoranda (affidavit) on the suitability of the nominees in accordance with section 7(10) of the Public Appointments (County Assembly's Approval) Act No. 5 of 2017.

Pursuant to the provisions of Section 7 (4) of the public appointments (County Assemblies Approval) Act No. 5 of 2017, the Clerk of the County Assembly, through the print media dated 15<sup>th</sup> March, 2018, notified the public to participation in the vetting through submission of memoranda (affidavit). The deadline for submission of the same was Tuesday 20<sup>th</sup> March, 2018. Never the less, there were no memoranda received to that effect.

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### **3.0 THE VETTING PROCESS**

The committee allocated the nominees a maximum of one hour for vetting. In conducting the vetting exercise, the committee was guided by among other documents; The Constitution, the Public Appointments (County Assembly's Approval) Act, No. 5 of 2017 and the County Assembly's Standing Orders.

The committee vetted the Nominees based on the following criteria.

- a) Work experience (as it relates to the position)
- b) Education /training (relevant to the position)
- c) Interest in and knowledge relating to specific position.
- d) Communication skills.
- e) Presentation (promptness, neatness of resume/application, appearance)
- f) Decision making /problem solving skills

However, the committee noted that section 8 (a) of the Public Appointment (County Assemblies Approval) Act no.5 of 2017, which outlines the procedure used to arrive at the nominee including the criteria for the shortlisting of the nominee was not fully disclosed to the committee.

### **3.1 Submission of relevant documents.**

The committee received the following documents from the nominees

- i. Curriculum vitae, personal credentials and original academic certificates
- ii. Compliance certificate from Kenya Revenue Authority (KRA).
- iii. Personal declaration form from the Ethics and anti-Corruption Commission (EACC)
- iv. Clearance certificate from the Higher Education Loans Board (HELB)
- v. Certificate of good conduct from the Criminal Investigation Department (CID)
- vi. Clearance certificate from the credit reference bureau (CRB)

#### **4.0 COMMITTEE OBSERVATION, FINDINGS AND RECOMMENDATIONS**

**Mr. Speaker sir,**

The observations and findings guided the Committee to conclude its final recommendations which were unanimously agreed upon by the Members during the adoption of the report on the vetting on 28<sup>th</sup> to 29<sup>th</sup> March, 2018.

**Mr. Speaker sir,**

The findings were as follows: -

##### **4.1 Mr. James Songolo Mbi Nominee for the Department of Agriculture, Water and irrigation.**

Upon appearing before the committee on Friday 23<sup>rd</sup> March 2018, the nominee submitted to the committee as follows:

##### **Personal background.**

He indicated that he comes from Nguutani ward in Migwani sub county Mwingi West constituency.

##### **Educational background.**

He is currently pursuing a Masters degree in project planning and management at the University of Nairobi

He holds a Bachelor of Science in Agricultural engineering from the University of Nairobi.

##### **Work experience.**

He has vast experience in agriculture and livestock development having worked as Senior complex manager at Agricultural Development Cooperation-Lanet, Complex Manager at Agricultural Development Cooperation-Chorlim, Complex manager at ADC Suam Orchards, Complex Manager at ADC (Machinery pool), Contract Manager at ADC (Machinery pool) and Farm Manager and engineer with Kibotu ltd and ART farms.

##### **Potential conflict of interest**

The nominee does not foresee any potential conflict of interest that may arise while carrying out his duties as a chief officer if appointed.

### **Integrity**

The nominee has no integrity issues given that he was cleared by the Ethics and Anti-Corruption Commission any other statutory bodies.

### **Overall suitability for the position**

The nominee had requisite academic qualifications and relevant work experience thus suitable the docket nominated for.

#### **4.2 Committee observations.**

- i. The committee had set a pass mark of 64% and the candidate scored 77.5%.
- ii. He has requisite academic qualifications and relevant work experience.
- iii. That the nominee's personality was commendable and his communication skills were good.
- iv. That he has clear understanding and appreciation of the role of the office of County Chief Officer as established under the relevant law.
- v. That he had submitted required documents including clearance certificates from KRA, HELB, CID, EACC and CRB for assessment of compliance with requirements of Leadership and Integrity Act.
- vi. That the nominee understands clearly the five pillars as contained in the manifesto of the Her Excellence the Governor.

#### **4.3 Committee Recommendations.**

The committee, having considered the suitability, capacity and integrity of the nominee and pursuant to section 9(2) of Public Appointments (County Assembly Approval) Act No.5 of 2017, the Committee recommends that the County Assembly approves the nomination and subsequent appointment of Mr. James Songolo Mbii as the Kitui county Chief officer in charge of the department of Agriculture and Livestock Development.

#### **4.4 Vetting of Mr. Joseph Kimanga Mutua (Department of Water and Irrigation).**

Upon appearing before the committee on 23<sup>rd</sup> March, 2018 the nominee submitted to the committee as follows

- a) He indicated that he comes from Kitui East, Mutitu Sub County, Mutitu Kaliku ward.
- b) He said that he has vast experience in water and irrigation having worked as county director (water and irrigation) in Makueni county, acting county chief officer water irrigation and environment Makueni county, water conservation and flood management (assistant technical manager), chief manager corporate planning and strategic management-Tanathi water services board, Managing director Machakos water and sewerage company District water officer-Laikipia, District water officer-Samburu district, Ministry of land reclamation, Regional and water development at West Pokot district, Assistant Engineer (water)-Ministry of water development.
- c) The nominee is well versed with policies, laws and practices governing water issues and is well suited for this position.

#### **4.5 Committee observation and findings**

The committee having considered Mr. Joseph Kimanga Mutua as a nominee for the position of county chief officer- Department of water and irrigation, his curriculum vitae, academic qualifications, experience and heard his oral submissions during the vetting exercise, made the following observations: -

- i. That he is a holder of B.sc civil engineering from the University of Nairobi, executive master degree in business administration (ongoing) at the University of Nairobi.
- ii. That he has extensive career experience having been employed as county director (water and irrigation) in Makueni county; acting county chief officer water irrigation and environment Makueni county; water conservation and flood management (assistant technical manager); chief manager corporate planning and strategic management-Tanathi water

services board; Managing director Machakos water and sewerage company District water officer-Laikipia; District water officer-Samburu district; Ministry of land reclamation; Regional and water development at West Pokot district; Assistant engineer (water)-Ministry of water development.

- iii. That he has clear understanding of the laws, policies and appreciation of the role of the office of the county chief officer as established under the relevant laws.
- iv. That he had submitted required documents including clearance certificates from KRA, HELB, CID, and CRB and a self-declaration from the EACC for assessment of compliance with requirements of Leadership and Integrity Act
- v. That on the basis of his professional background, his experience was relevant in discharging the mandate of the county chief officer in charge of Water and Irrigation.
- vi. The committee had set a pass mark of 65% and the nominee upon vetting earned 83.5%.

#### **4.6 Recommendations of the Committee on Mr. Joseph Kimanga Mutua.**

At the end of the vetting process, the committee found Mr. Joseph Kimanga Mutua suitable for appointment as the county chief officer in charge of the department of Water and Irrigation.

The committee, having considered the suitability, capacity and integrity of the nominee and pursuant to section 9(2) of Public Appointments (County Assembly Approval) Act No.5 of 2017, the committee recommends that the County Assembly approves the nomination and subsequent appointment of Mr. Joseph Kimanga Mutua as the Kitui County Chief Officer in charge of the department of Water and Irrigation.

**Report compiled by:**

**Benjamin Muimi – (Clerk Assistant)**

