

COUNTY GOVERNMENT OF KITUI



COUNTY ASSEMBLY

SECOND ASSEMBLY – (FOURTH SESSION)

COMMITTEE ON APPOINTMENTS

REPORT ON THE VETTING AND CONSIDERATION OF NOMINEES TO THE KITUI COUNTY PUBLIC SERVICE BOARD (2020)

Clerk's Chambers,
County Assembly Buildings,

Kitui, Kenya

May, 2020

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ABBREVIATIONS

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

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PREFACE

On behalf of the Members of the Committee on Appointments, and pursuant to the provisions of Section 9 of the Public Appointments (County Assemblies) Approval Act, 2017 and Standing Order 184, it is my pleasure to present to the House the Committee’s Report on the vetting and consideration of the Nominees to the Kitui County Public Service Board (KCPSB).

Committee Membership

The Committee on Appointment was constituted by the House on 26th February, 2020 and comprises of the following Members:

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

Mandate of the Committee

Standing Order 184 mandates the Appointments Committee to consider, for approval by the County Assembly, appointments under Article 179(2) of the Constitution. Pursuant to Standing Order no. 177, the House extended the mandate of the Committee and allowed it to vet nominees to the KCPSB.

Legal Framework on the County Public Service Board

Section 57 of the County Governments Act establishes the County Public Service Board (CPSB) in each County. Section 58 of the same Act states as follows:

58. (1) The County Public Service Board shall comprise —

- a) a chairperson nominated and appointed by the county governor with the approval of the county assembly;
- b) not less than three but not more than five other members nominated and appointed by the county governor, with the approval of the county assembly; and

- c) a certified public secretary of good professional standing nominated and appointed by the governor, with the approval of the county assembly, who shall be the secretary to the board.
- (2) The appointment of members of the Board shall be through a competitive process.
- (3) A person shall be qualified to be appointed as a member under subsection (1) if that person—
- a) satisfies the provisions of Chapter Six of the Constitution;
 - b) is not a state or public officer;
 - c) in the case of chairperson or vice- chairperson, possesses a minimum qualification of a bachelor’s degree from a recognised university and working experience of not less than ten years; and
 - d) in the case of any other members—
 - i) possesses a minimum of a bachelor’s degree from a recognised university and working experience of not less than five years; and
 - ii) is a professional, demonstrates absence of breach of the relevant professional code of conduct.

Nominations and notification to the County Assembly

On 14th February, 2020 and pursuant to Section 58 of the County Governments Act, and Section 6(1) of the Public Appointments (County Assemblies) Approval Act 2017 (PACAAA), Her Excellency The Governor forwarded to the Assembly the names of Nominees for the positions of Chairperson and Members of the County Public Service Board as below:

No.	Name	Designation	Sub County	Gender
1.	Francis Muinde Kiliku	Chairperson	Kitui Rural	Male
2.	Esther Kasyoka Muthui	Member	Mwingi Central	Female
3.	Jane Mwendu Kimuyu Kibati	“	Kitui Rural	“
4.	Joseph Kyavoa	“	Kitui East	Male
5.	Bernard Mwendwa Munyasya	“	Kitui Central	“
6.	David Munyao	“	Kitui South	“

On 25th February, 2020 and pursuant to Section 7(1) of the aforementioned Act, the Hon Speaker communicated the names of the nominees to the House and thereafter the names stood committed to the Committee on Appointments for vetting.

Notification of the nominees and the public

On 29th February, 2020, and pursuant to Section 7(4) and (5) of the PACAAA, an advertisement was placed in *The Standard* newspaper inviting the nominees to appear before the Committee on Appointments on 9th March, 2020 (Annex 4). Further, the public was expected to participate in the vetting process by submission of written statements on oath on the suitability or otherwise of the nominees by 5th March, 2020.

Submission of statements on suitability of the candidates

As at 5th March, 2020, two statements had been received; one from Mr Sammy Mutua Kisilu (Annex 5) and the second one from Mr Peter Nzuki.

However, the Committee noted the provisions of section 9(10) of the PACAAA which states that any person may prior to the approval hearing, and by written *statement on oath*, provide the Clerk with evidence contesting the suitability of the candidate to hold the office to which the candidate has been nominated.

Contrary to the above legal provision, Mr Peter Nzuki's statement was not on oath and therefore he was not invited to appear before the Committee. The Committee therefore majored on the statement submitted by Mr Sammy Mutua Kisilu and invited him to appear before the Committee on 17th March, 2020 to provide information and evidence in his possession regarding the matter under consideration.

Vetting of the Nominees

On Monday 9th March, 2020, the Committee held two sittings during which the nominees appeared before the Committee and were vetted in accordance with the law.

In conducting the vetting exercise, the Committee examined the nominees against the following criteria, amongst others, in line with Section 8 of the PACAAA Act, Article 73(2)(a)(b)(c) (d) and (e) of the Constitution, Section 58 of the CGA and other applicable laws:

- i) Academic qualifications;
- ii) Employment records;
- iii) Professional affiliations;
- iv) Potential conflict of interest;
- v) Knowledge of the relevant subject matter;
- vi) Relevant clearances certificates from Ethics and Anti- Corruption Commission (EACC), Kenya Revenue Authority (KRA), Credit Reference Bureau (CRB), Directorate of Criminal Investigations (DCI) and Higher Education Loans Board (HELB);
- vii) Integrity;
- viii) Overall suitability for the position.

In line with Article 196 of the Constitution on public participation, the Committee ensured that that there was public participation and openness in vetting the nominees with the fourth estate attending the exercise to conclusion.

In addition, the Committee also conducted due diligence by writing to the institutions of higher learning to verify the authenticity or otherwise of the nominees’ credentials, and further contacted other relevant institutions including the Ethics and Anti- Corruption Commission (EACC) and the Commission for University Education (CUE).

Acknowledgment

On behalf of the Committee on Appointments, I extend my gratitude to the Members of the Committee, Office of the Clerk and the staff attached to the Committee for their continuous support, assistance and commitment in executing their duties.

It is therefore my pleasant duty, on behalf of the Committee on Appointments to present this Report and recommend it for consideration and adoption by the House.

SIGNATURE: DATE

HON. GEORGE M. NDOTTO,

SPEAKER, COUNTY ASSEMBLY OF KITUI,

CHAIRPERSON, COMMITTEE ON APPOINTMENTS.

ANALYSIS OF THE NOMINEES' QUALIFICATIONS, EXPERIENCE AND SUITABILITY

1. FRANCIS MUINDE KILIKU

The nominee appeared before the Committee on 9th March, 2020 to be vetted on his nomination as the Chairperson of the KCPSB. Analysis of the nominee is as outlined below:

	Criteria	Details
1.	Personal Bio- data	The nominee was born on 9 th May, 1953 and comes from Kitui Rural Sub County, Mbitini Ward.
2.	Academic qualifications	<p>From 2004 to 2007, he attended Kenyatta University for a Master of Science (Applied Parasitology).</p> <p>From 1980 to 1981, he was a student at Kenya Medical Training College (KMTC) undertaking a Higher Diploma in Medical Laboratory Science (Parasitology option).</p> <p>He did a Diploma in Entomological field (Laboratory Science) at KMTC as from 1974 to 1977.</p> <p>During the period 1970 to 1973, he studied at Kangaru High School Embu for his East African Certificate of Education (EACE) and attained Division II.</p> <p>From 1962 to 1969, he attended Kalawa Primary School in Kitui for his Certificate of Primary Education (CPE).</p> <p>He also holds several certificates and has attended management courses at Kenya Institute of Administration (KIA) and KMTC.</p>
3.	Possession of a 1 st Degree in compliance with section 58(3)(c) of the CGA	<p>The nominee confirmed to the Committee that he does not hold a 1st Degree from a recognized university.</p> <p>Based on his work experience, publications in peer-reviewed journals and higher Diploma, he was interviewed by the Department of Applied Sciences, exempted from pursue a Degree and subsequently admitted for Masters programme at Kenyatta University.</p>

		<p>However, he did not avail any documentation to prove the alleged exemption.</p> <p>On being questioned as to why it took him over 16 years to do his Masters, he stated that back then, Masters studies in his area of specialization were done abroad only. Locally, the doors opened in the year 2000 at which point he was able to pursue his Masters.</p>
4.	Employment record/ Work experience	<p>The nominee has over 25 years work experience.</p> <p>He was a Chief Principal and Lecturer at KMTC- Kitui from 2004 to 2009.</p> <p>From October 1983 to February 2004, he was a Chief Medical Laboratory Scientist at Kenya Medical Research Institute (KEMRI), Centre for Microbiology Research.</p> <p>He worked as a Field Medical Laboratory Scientist at National Irrigation Board from October 1982 to September 1983.</p> <p>From October 1978 to September 1982, he worked as a Medical Laboratory Scientist at Ministry of Health Division of vector borne diseases.</p> <p>He retired from service in 2009 at 55 years.</p>
5.	Relevant training and experience	<p>Regarding relevant training to chair the CPSB, he stated that he undertook a Senior Management Course at Kenya Institute of Administration (KIA) that entailed Human Resource Management (HRM) and he has a certificate in HRM.</p> <p>However, he did not avail the said HRM certificate.</p>

		<p>As to whether he has the relevant experience to chair the PSB, he stated that for the last 15 years of his career he was a manager involved in deployment, recruitment, selection and disciplining of staff. He was deployed to KMTC- Kitui during its inception to assist in its establishment and the institution had no members of staff at that time. He was personally engaged in the institution’s staffing process and as the principal (executive officer), he sat in the recruiting committee together with other officers to conduct recruitment.</p> <p>He also stated that in public service, whatever the discipline, as officers progress upwards and become managers they are always involved in staff management.</p> <p>Therefore, as far as he is concerned, although he has been in the medical field throughout his career, he has experience and training in management of staff.</p>
6.	Professional affiliations	<p>He stated that he is a member of the Kenya Medical Laboratory Technicians and Technologists Board though he is not currently practicing, and has no disciplinary cases against him pending before the Board.</p> <p>However, he did not prove the alleged membership.</p>
7.	Knowledge of relevant subject	<p>Regarding the functions of the CPSB, he informed the Committee that the Board is mandated to establish and abolish offices, undertake appointment and deployment of staff, monitor and evaluate staff, liaise with and avail reports to the Assembly and liaise with the Salaries and Remuneration Commission (SRC) on staff payments;</p> <p>Regarding the County Government, he stated that it is a devolved system of government formed by two (2) arms, that is the County Assembly and County Executive.</p> <p>To ensure that there is a harmonious working relationship between the two (2) arms, he will advocate</p>

		<p>for consultations and transparency at all times on their activities.</p> <p>Should he be appointed, to address overstaffing and contain the wage bill, he will ensure that staff needs assessment is conducted for each Department to determine if there is overstaffing, in what categories, the staff performance and the acceptable staffing levels. He will seek authority of both arms of the County Government to abolish some offices, and make other appropriate recommendations including restructuring, laying off (exit of staff), redeployment etc, while ensuring that there is consultation between the two arms and that the final decision is made by the County Assembly as the representative of the people.</p> <p>In addition, according to him, the non- professional staff engaged in the county public service are more than the professionals, therefore he will ensure that the non-professionals are given opportunity to be trained to become professionals and if they are untrainable, he will recommend their exit from the public service.</p> <p>To address staff shortcomings and issues, he will ensure that there is monitoring and evaluation of staff and also follow up with their supervisors to ensure corrective measures are taken.</p> <p>He is interested in serving the County and ensuring that people appointed to various positions are qualified in line with their profession and if given a chance, he will serve without favour, nepotism and ensure that each Ward gets its share of employees in the County.</p>
8.	Integrity/ Statement submitted by Mr Sammy Mutua Kisilu regarding his	Regarding the allegation that he performed poorly during the interviews, the nominee stated that in his opinion this is false, the writer has no facts and he should have researched further.

	suitability for the position	Regarding lack of training in HRM and unsuitability for the position, he stated that he trained at KIA on HRM, therefore the person has no facts to justify his allegations and that officers multi task while working in different fields.
9.	Clearance Certificates	
	a) EACC	He availed a self- declaration form dated 23 rd August, 2019.
	b) CRB	He availed a certificate of clearance indicating that he had no negative listing as at 22 nd August, 2019 issued by Metropol Credit Reference Bureau.
	c) KRA	He availed a Tax Compliance Certificate valid up to 31 st July, 2020.
	d) HELB	He availed a Compliance Certificate indicating that he was not a beneficiary of the University Loans Scheme issued on 16 th August, 2019.
	e) DCI	He availed a Police Clearance Certificate issued on 12 th June, 2019.

2. ESTHER KASYOKA MUTHUI

The nominee appeared before the Committee on 9th March, 2020 to be vetted on her nomination as a member of the KCPSB. Her credentials are as outlined below:

	Criteria	Details
1.	Personal Bio- data	She was born on 6 th January, 1977 and comes from Mwingi Central Sub County.
2.	Academic qualifications	From 1997 to 2001, she attended the University of Nairobi whereby she studied Bachelor of Science (Mathematics and Chemistry) and graduated in November 2001. She sat for her Kenya Certificate of Secondary Education (KCSE) examinations at Mulango Girls High School during the examinations of November/ December 1995.

		For her primary school education, she attended Kyulungwa Primary School (KCPE).
3.	Employment record/ Work experience	<p>She has over 15 years work experience as a consultant and researcher.</p> <p>In 2017, she formed a consultancy firm which engages in capacity building, data collection, training research assistants, training of trainers, amongst others.</p> <p>From 2004 to 2017, she worked with various organizations as a Researcher on contractual basis. Some of the organizations she has worked for/ with include: ELKAY Solutions Info Ltd, Health Masters Limited, MED Switch Company, National Crime Research Centre, Population Council, Ministry of Health, KNBS, etc.</p>
4.	Relevant training and experience	<p>The nominee stated that though she does not possess any certificate in HRM, she was trained by the organizations she has worked in/ with and as such, relies on the work experience gained in HR matters.</p> <p>She further stated that in the course of her duties she has been a manager and supervisor and therefore based on this work experience she will be able to manage staff engaged in the Kitui County public service.</p>
5.	Knowledge of relevant subject	<p>She highlighted some functions of the PSB such as recruitment, training and motivation of workers.</p> <p>To address HR issues, she will use her background as a researcher to conduct needs assessment to determine how to incorporate best practices in human resource management in the Kitui County public service.</p> <p>To address the ballooning wage bill against the need for more staffing, she will ensure that needs</p>

		assessment is conducted, employment of only qualified people and advocate for laying off of staff who do not add any value to the public service.
		If appointed she will apply her experience in training and working with research assistants in serving the Board, advocate for recruitment of qualified and skilled staff of high integrity including Persons With Disability (PWD), youth, and promote the values of public service.
6.	Conflicts of interest	Should potential conflicts of interests arise in the course of her duties, she will declare her interest and not participate in the process.
		In addition, if conflicts arise between the need to employ qualified candidates and other partisan interests, she will be impartial and uphold her position despite any negative consequences.
7.	Integrity/ Statement submitted by Mr Sammy Mutua Kisilu regarding her suitability for the position	Regarding the allegation that her qualifications were not availed for public participation, she stated that she forwarded her Curriculum Vitae (CV) in line with the advertisement and in her opinion, Mr Sammy Kisilu failed to get a copy from the relevant offices.
8.	Professional affiliations	She did not demonstrate affiliation to any professional body.
9.	Certificates of clearance/ compliance	
	a) EACC	She availed a self- declaration form received by EACC on 27 th August, 2019.
	b) KRA	She availed a Tax Compliance Certificate valid up to 22 nd December, 2020.
	c) CRB	She availed a CRB clearance certificate dated 26 th August, 2019 issued by Creditinfo.

d) HELB	She availed a Clearance Certificate dated 26 th Jul, 2019.
e) Certificate of Good Conduct	She availed a Police Clearance certificate dated 18 th June, 2019.

3. JANE MWENDE KIMUYU KIBATI

The nominee appeared before the Committee on 9th March, 2020 to be vetted on her nomination as a Member of the KCPSB. She confirmed that the various different names in her certificates all belong to her. Her analysis is as below:

	Criteria	Details
1.	Personal Bio- data	She was born on 5 th January, 1969 and hails from Kitui Rural, Kisasi Ward.
2.	Academic qualifications	She is currently a PhD Student at Masinde Muliro University- School of Science and Technology undertaking Disaster Management Studies.
		In 2011, she obtained a Masters of Arts in Sociology (Disaster Management) from University of Nairobi.
		She was awarded a Bachelor of Arts degree in Development Studies by Holy Ghost College- Ireland in 2005.
		In 2002, Premise Africa- Kenya awarded her a Diploma in Community Based Development.
		In 1994, she obtained Bachelor of Arts degree in Sociology and Geography from University of Nairobi.
		She sat for her Kenya Advanced Certificate of Education (KACE) at Mulango Girls High School during the examinations of November/ December 1989.
		She sat for her Kenya Certificate of Education (KCE) at AIC Sombe Girls High School during the examination of November/ December 1987.
		She attended Kavisuni Primary School for her primary school studies.

3.	Employment Record/ work experience	<p>The nominee informed the Committee that she is a social scientist by profession with a bias in leadership and management and deals with social issues affecting citizens.</p> <p>From 2007 up to date, she has been an independent consultant at GANCAE and Associates, whereby she engages in consultancy, development of policies and training needs for clients, general administration of staff amongst others duties.</p> <p>From March 2015 to December 2016, she was an Assistant Lecturer in sociology and disaster Management at Masinde Muliro University of Science and Technology.</p> <p>From 2015 up to date, she has been a Board Member at CARITAS- Catholic Diocese of Kitui.</p> <p>Between 2015 to 2017, she served in various Boards including Water Resources Management Authority (WARMA) as a Director, Kitui County Land Management Board, Tanathi Water Services Board, Coast Water Services Board.</p> <p>She has also worked in other organizations including MS Kenya, the Women of Yatta, civil society orgs, etc.</p> <p>She also volunteers in various organizations.</p>
4.	Training and experience in HR	<p>The nominee stated that though she has not studied HRM, she has hands- on experience in HRM and has administrative skills having served as a Chairperson in various Boards and is qualified for the position based on her academic background and professional experience obtained.</p> <p>At Tanathi, she was in- charge of HRM and general purpose committee and at Coast Water Services Board, she was in charge of the HR and technical committees whereby she obtained 3 years work experience in HRM.</p>

		<p>While working at Tanathi, she assisted in reviewing the HR Manual to ensure it was in line with the strategic plan and the Country's HR Policy and that all departments comply with the relevant laws.</p> <p>She also worked at WARMA which has over 3000 members of staff and this gave her experience in HRM.</p> <p>Therefore she has sufficient work experience in HR matters.</p>
5.	Professional affiliations	She did not demonstrate affiliation to any professional body.
6.	Conflict of interest	<p>Should conflicts of interests arise, she will declare her interest and not participate in the process.</p> <p>In addition, if conflicts between her duties and partisan interests arise, she will be guided by Chapter 6 of the Constitution on leadership and integrity, the values and principles of public service and ensure that the right and fair decision is made in service to the citizens.</p> <p>She will also identify other appropriate means of solving potential conflicts.</p> <p>She will be guided by all applicable laws in execution of her duties.</p>
7.	Knowledge of relevant subject	<p>Regarding the functions of the CPSB, she stated that these include establishing and abolishing offices, selecting staff and terminating their contracts.</p> <p>Should there be staff unrest, she stated that while recognizing that demonstration is a constitutional right, she will ensure that the issues are first addressed internally, advise the Executive to follow the law and ensure that there is a win- win situation for both parties.</p>
8.	Integrity/ Statement submitted by Mr Sammy Mutua Kisilu regarding	Regarding the allegation that she has a degree in social work and lacks work experience and training in HR, she stated that her CV clearly shows her qualifications and work experience, having served in various Boards and gained hands- on experience in HR. Further, she is a

	her suitability for the position.	Kenyan and is entitled to seek any position to serve the County. On the allegation that she is a politician and can't be impartial, she vied as an independent candidate and is not a member of any political party. Therefore while acknowledging the right to object to her nomination, the allegations can only hold water if proven to be true.
9.	Certificates of Clearance	
	a) EACC	She availed a self- declaration form received by EACC on 25 th January, 2019.
	b) KRA	She availed a Tax Compliance Certificate valid up to 2 nd March, 2021.
	c) CRB	She availed a Clearance Certificate issued by Creditinfo on 22 nd January, 2019.
	d) DCI	She availed a Police clearance certificate dated 10 th January, 2019.
	e) HELB	She availed a Certificate of clearance dated 1 st March, 2012.

4. JOSEPH KYAVOA

The nominee appeared before the Committee on 9th March, 2020 to be vetted on his nomination as a Member of the KCPSB. Analysis of the nominee is as outlined below:

	Criteria	Details
1.	Personal Bio- data	He was born on 26 th August, 1963 and comes from Kitui East Sub County.
2.	Academic qualifications	As from 2018 up to date, he has been a student at Management University of Africa (MUA) undertaking a Masters in Leadership Management. From 2016 to 2018, he attended Management University of Africa and was awarded a Bachelor

		<p>degree in Management and Leadership (Business Option).</p>
		<p>In 2015, the Kenya Institute of Management (KIM) awarded him a Diploma in Management (Business Option).</p>
		<p>In 2014, KIM awarded him a Certificate in Management and in 2012 awarded him a Bridging Certificate.</p>
		<p>He sat for his KCSE in 2003 as a private candidate. Further to this, he clarified that President Mwai Kibaki introduced adult education and he decided to sit for his KCSE so as to enable him further his education.</p>
		<p>From 1980 to 1982, he attended St Valentine High School in Machakos then left for employment at the Kenya Post and Telecommunication Corporation before completion of his high school studies.</p>
		<p>He attended Kabati Primary School as from 1973 to 1979 for his primary school education.</p>
		<p>Regarding his Degrees' contradictory names as per the University website (Bachelors of Management and Leadership) and his CV (Bachelor in Business Management) he clarified that "Bachelors of Management and Leadership" refers to the course, while he specialized in the business management option. This is the same case for the Masters whereby one is allowed to further their area of specialization after the undergraduate studies.</p>
		<p>Further, regarding the timelines/ duration between graduation and commencing his Masters (2018), he clarified that on completion of undergraduate coursework and project but before graduation, students are allowed to commence their Masters</p>

		awaiting graduation and it is on this basis that he enrolled for his Masters before graduation.
3.	Employment record/ work experience	<p>He has over 15 years work experience.</p> <p>From 2008 up to date, he has been working at GN & Company Polythene Limited as a Sales and Marketing Officer and Non- Executive Director.</p> <p>He worked as a Liaison Officer- Parliament of Kenya (Senate) at the Minority Whip’s Office from 2013 to 2017.</p> <p>From 2003 to 2012, he was a County Coordinator- Wiper Democratic Movement Party based at the Vice President’s office.</p> <p>He worked as a Coordinator- Wiper Democratic Movement Party - Kitui from 2008 to 2012.</p> <p>From 2000 to 2006, he worked as a Returning Officer and Civic education supervisor at Electoral Commission of Kenya (ECK).</p> <p>He was a Bishop (full time minister) from 1994 up to 2000.</p> <p>From 1983 to 1994, he was employed as a Senior Clerical Officer at Kenya Post and Telecommunication Corporation.</p>
4.	Relevant training and experience	<p>Regarding training and experience in HR, he has dealt with staff in the course of his career and has experience in HR matters and should he be appointed, it will not be his first time to deal with staff matters.</p> <p>During his tenure at Kenya Post and Telecommunication Corporation, he worked in the personnel department (HR Department) in the following sections: appointment, staff appraisal, welfare, retirement and pension.</p>

		<p>In addition, while at ECK, he was involved in the identification of staff required for elections that is clerks, returning officers, etc and therefore gained HR experience.</p> <p>Currently, he heads the Sales Department, Marketing Department, Debt Control Department and manages the staff in these departments.</p> <p>If he is appointed, he will discharge his skills and knowledge obtained in the course of his career in the CPSB.</p>
5.	Knowledge of the relevant subject matter	<p>Regarding the functions of the Board, he stated that it deals with the HR function in the county public service, conducts recruitment, policy making, and advises the County Executive on HR matters.</p> <p>He highlighted the recruitment process of Chief Officers, stating there are laid down procedures to be followed, that is: there should be a vacancy, there should be minimum qualifications, and wide advertisement to ensure competitiveness in recruitment.</p> <p>Regarding the wage bill challenge <i>vis a vis</i> high unemployment rates, in his view, wage bill is tagged on revenues, and therefore if appointed he will advocate for policies and instruments to be put in place to boost revenues and allocations for wages which will cushion the staff already in service and also provide employment opportunities for others.</p>
6.	Integrity/ Statement submitted by Mr Sammy Mutua Kisilu regarding his	<p>Regarding the allegation that he did not complete his O' Levels and that his certificates are forged, he stated that his certificates are authentic and the Committee can verify the documents with the relevant institutions to confirm their genuineness.</p>

	suitability for the position	<p>On the allegation that he has no work experience, he stated that he has worked in Kitui with ECK, Posta, etc. In his opinion, Mr Sammy should have gone to the interviewing panel to raise his concerns, checked his documents, and verified them with the relevant institutions to confirm their authenticity.</p> <p>On the allegation that he performed poorly, he personally does not know what he scored during the interviews and also wonders how Mr Sammy knew the marks scored by the candidates.</p>
7.	Professional affiliations	He did not demonstrate affiliation to any professional body
8.	Conflict of interest	<p>Should potential conflicts of interests arise, he will declare his interest and not participate in the process.</p> <p>In addition, should conflicts arise between his duties and partisan interests to employ certain people, he will ensure that professionalism is upheld and that the right procedure and code of conduct are followed.</p> <p>He further clarified that he does not serve the current County Government in any capacity and is not an employee. He only served the County Government when he was appointed to the Task Force checking on the status of Health Facilities in Kitui and the Committee can verify this information.</p>
9.	Certificates of Clearance/ Compliance	
	a) EACC	He availed a self- declaration form received by EACC on 21 st August, 2019.
	b) KRA	He availed a Tax compliance certificate valid up to 31 st March 2020.

c) CRB	He availed a Clearance Certificate dated 21 st August, 2019 and issued by Metropol Credit Reference Bureau Ltd.
d) DCI	He availed a Police clearance certificate dated 9 th April, 2019.
e) HELB	He availed a Compliance certificate indicating that he is not a beneficiary of HELB and valid up to 21 st August, 2020.

5. BERNARD MWENDWA MUNYASYA

The nominee appeared before the Committee on 9th March, 2020. His credentials are as outlined below:

	Criteria	Detail
1.	Personal Bio- data	He was born on 21 st April, 1965 and comes from Kitui Central Sub County.
2.	Academic qualifications	From 2004 to 2008, he attended Moi University and was awarded a Bachelor of Business Management (Micro- Enterprise). He attended College of Professional Management as from 1994 to 1997, and was awarded a Diploma in Sales Management. He attended Kitui School from 1986 to 1987 for his A levels- Kenya Advanced Certificate of Education (KACE). From 1980 to 1983, he attended St Marys Secondary School for his O levels- Kenya Certificate of Education. He attended Kathungi Primary School From 1973 to 1979, for his primary school education (Certificate of Primary Education).
3	Employment record/ work experience	He has over 20 years work experience. Currently, he is a Principal Officer at Safari Forex Bureau Ltd in Eldoret where he has been working

		<p>since 2005. The enterprise has branches in Malaba, Busia and Iten.</p> <p>He is also a business man with interests in real estate, transport and other small businesses.</p> <p>He was a Principal Officer at Gold Field Forex Bureau Ltd from 1999 to 2004.</p> <p>From 1989 to 2004 he worked as an Operations Manager at Standard Chartered Bank. He also worked as a Cashier and Section Head in the same organization.</p> <p>Between 1988 and 1989, he was a Science Teacher at Maliku Secondary School.</p>
4.	Relevant training and experience	<p>The nominee informed the Committee that during his University studies, he studied HR as one of the units and has applied the knowledge gained in the recruitment and management of staff for his businesses.</p> <p>In addition, as a Board Member- Maliku Girls Secondary School, he has been involved in the recruitment of staff.</p> <p>On this basis, he believes he has the relevant experience and training to serve as a Member of the KCPSB.</p>
5.	Knowledge of relevant subject	<p>He stated that the CPSB is charged with HRM in the County Government, that is creating offices, dismissing staff, advising on HR matters, amongst other duties.</p> <p>Regarding recruitment for political positions, eg Chief Officers, he stated that he will ensure that the right procedure is followed at all times, that is, if there is a vacancy, advertisements will be done followed by shortlisting and calls for interviews.</p>

		<p>Based on qualification, competence and suitability, he will ensure selection of the best candidate for appointment by the appointing authority.</p> <p>If appointed to the position, his vision for the Board is to change systems of operation in most of the Ministries as they use manual systems and opt for digitized systems to ensure increased revenue and tracking of performance.</p> <p>He will advocate for training, new policies and forwarding of proposals to the County Assembly for approval.</p> <p>Further, he will bring professionalism, competence and zeal from the private sector to the Board so as to ensure quality service and ensure that officers recruited are of high integrity, competent and qualified for the positions.</p>
6.	Professional affiliations	He claimed to be a member of the Kenya Forex Bureau Association.
7.	Conflict of interest/ political interferences	Should any conflicts between his duties and partisan interests arise, he will invoke the provisions of chapter 6 of the Constitution on leadership and integrity and adhere to any other relevant laws as he will be personally liable should any issues arise.
8.	Integrity/ Statement submitted by Mr Sammy Mutua Kisilu regarding his suitability for the position	<p>Regarding the allegation that he has not gone beyond O' level, he stated that this is just a mere allegation as he holds the requisite certificates and that the issuing institutions can confirm this.</p> <p>Regarding the allegation that he performed poorly during interviews and has no relevant experience, he stated that he has over 20 years work experience</p>

		managing his businesses, recruiting and dismissing staff and as a Board Member. Therefore his experience and qualifications are not in question.
9.	Certificates of clearance/ compliance	
	a) EACC	He availed a self- declaration form dated 16 th March, 2017.
	b) KRA	He availed a Tax Compliance Certificate valid up to 6 th October, 2020.
	c) CRB	He availed a Clearance certificate indicating no negative listing as at 8 th March, 2017.
	d) DCI	He availed a certificate of good conduct dated 1 st March, 2017.
	e) HELB	He availed a compliance certificate issued on 8 th March, 2017 indicating that he is not a beneficiary.

6. DAVID MUNYAO

The nominee appeared before the Committee on 9th March, 2020 to be vetted on his nomination as a Member of the KCPSB. His credentials are as outlined below:

	Criteria	Details
1.	Personal Bio- data	He was born on 24 th December, 1972 and hails from Kitui South.
2.	Academic qualifications	He holds a Masters in Business Administration (MBA)- Strategic Management from Mount Kenya University awarded in 2014.
		In 2006, he graduated from Kenyatta University with a Bachelors Degree in Education (English and Kiswahili).
		From 1995 to 1997 he attended Egoji Teachers Training College for his P1 training.

		<p>He attended Ikutha Boys High School as from 1991 to 1994 for his secondary school education (KCSE).</p> <p>He attended Syunguni Primary in Mutomo for his primary school education (KCPE).</p>
3.	Employment record/ work experience	<p>He has over 20 years work experience.</p> <p>From August 2018 up to date, he has been a part time lecturer at Rongo University.</p> <p>From September 1997, he has been a Headteacher in various schools including Mutomo Primary School, Isaa Day and Boarding Primary School and Kinakoni Primary School, He was a teacher in various schools including Tanganyika Primary School, Mutomo Mixed Secondary School and St Patrick’s Secondary.</p> <p>He was the Kenya National Union of Teachers (KNUT) Chairperson- Mutomo Branch and KNUT Vice Chairperson- Eastern Region as from 2008 to early 2016.</p>
4.	Relevant training and experience	<p>As far as relevant training is concerned, he has an MBA in strategic management and this course cuts across HRM. The 2 disciplines work hand in hand as strategic management deals with organizational set up which is bound by the workforce (HR).</p> <p>Regarding relevant experience, he served as a KNUT Chairperson and Vice Chairperson for ten years and was involved in the recruitment and dismissal of staff, which gave him work experience in HRM.</p>
5.	Professional affiliations	<p>He did not demonstrate affiliation to any professional body.</p>

6.	Conflict of interest/ Political interferences	Regarding any conflict of interest and partisan interests, he informed the Committee that he will be bound by the applicable law including the Constitution and various codes of conduct as he will be liable for any decisions made.
		Further, despite the transition from KNUT (a workers/ employee union) to the PSB (an employer), if appointed, he will be impartial and only apply the HR experience gained during his tenure at KNUT in service to the County and will be bound by the Constitution in execution of his duties.
7.	Knowledge of relevant subject	He outlined some functions of the Board such as establishing and abolishing offices, recruitment and dismissal of staff, etc.
		He stated that if appointed, he is equal to the task and would be keen on making a positive change in the County public service and would put in place relevant policies, and ensure that political forces do not interfere with the public service.
8.	Integrity/ Statement submitted by Mr Sammy Mutua Kisilu regarding his suitability for the position, Letter from Mutomo Law Courts, Letter by TSC, all which touch on his conduct and Chapter 6 of the Constitution	Regarding the allegation that he was dismissed by the Teachers Service Commission (TSC) for attempted carnal knowledge of a school girl, he acknowledged that the issues and documents in question touch on Chapter 6 of the Constitution on leadership and integrity. He stated that he was acquitted of the charges and cannot be tried twice on the same matter in line with Section 138 of the Criminal Procedure Code. The allegations were malicious because at the time, he was the headteacher at the central school, that is Mutomo Primary school. The proponents behind all the accusations knew that the only way

	<p>for them to advance their agenda in 2017, was for him (the nominee) to not be within the vicinity. He faced many consequences including death threats because of his popularity in the area and how he interacts with the people.</p> <p>He was arrested and in the process the interested parties decided to advance their personal motives. The girl in question revealed the people who were coaching her and implicating him because of their ulterior motives during the 7 days she spent at Mutomo police station.</p> <p>The court cleared and exonerated him and he availed copies of the bond and court proceedings (Annex 11(c)).</p> <p>But because of the force of the people behind his woes and their connection to higher offices, they maliciously advanced their motive contrary to Article 73(2) of the Constitution and that the decisions in question were made guided by improper motives and corrupt deals to incriminate him of something he did not do.</p> <p>Because of the decision made by the TSC, he took the matter to the Employment and Labour Relations court and the matter is ongoing in the case of <i>David Munyao versus the TSC case no. 191/2019</i> (Annex 11(c)).</p> <p>He further stated that he has evidence in form of a registration certificate to show that he is still a registered teacher in line with the TSC Act. Once a person has ceased being a teacher, he is removed</p>
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		<p>from the register of teachers and is barred from teaching within the country. He availed a copy of the TSC registration certificate dated 3rd March, 2020 (Annex 11(d)).</p> <p>He further stated that he has never been convicted of a sexual offence.</p>
9.	Certificates of clearance/ compliance	
	a) EACC	The nominee availed a self- declaration form received by EACC on 25 th July, 2018.
	b) KRA	The nominee did not avail a Tax Compliance Certificate. He availed an acknowledgement receipt (application for tax compliance) dated 31 st May, 2019.
	c) CRB	He did not avail a CRB clearance certificate. He informed the Committee that he had applied for the same but had not obtained it at the time of vetting.
	d) DCI	He availed a police clearance certificate dated 1 st August 2018.
	e) HELB	He availed a compliance certificate dated 24 th April 2015 and valid up to April 2016, indicating that he is not a beneficiary of the University Loans Scheme.

SUBMISSION OF STATEMENT ON OATH

Through an affidavit sworn on 5th March, 2020 (Annex 5), Mr Sammy Mutua Kisilu submitted a statement on oath contesting the suitability of the six (6) nominees forwarded to the County Assembly by H.E. The Governor.

Pursuant to the provisions of section 12 of the PACAAA, he was invited to appear before the Committee on Monday 17th March, 2020 to give evidence and provide information on his statement. He submitted as follows, **THAT**:

- 1) He does not know the nominees personally or professionally and as regards the shortlisted candidates, he tabled a copy of the shortlist. (Annex 17).
- 2) In response to paragraph 8 on the allegation that the selection panel didn't conduct public participation on the suitability of the shortlisted candidates, the selection panel should have called leaders and other stakeholders to submit their views on the suitability of the candidates and therefore this activity has already been overtaken by events. Though the panel did not avail the candidates' score cards to the public, the public later came to know how the candidates performed during the interviews, through some members of the selection panel.
- 3) In response to paragraph 13(a) on the allegation that Mr Francis Muinde Kiliku performed very poorly and came last, he does not have any evidence (score cards) to prove this, with the source of his information being hearsay from some members of the selection panel. He is sure that this is the position and is ready to go court regarding the matter.

Regarding the allegation that the nominee has no training in HRM, as the proposed Chairperson of the Board, he has to be guided by the applicable and relevant background in executing his duties. Based on this and in his view, the nominee should have a certificate in HRM and the public also expects this to be the case.

On the allegation that the nominee holds a degree in zoology, he (Mr Sammy) has networks in Kitui and the public knows the background of the nominee.

- 4) In response to paragraph 13(b) on the allegation that Esther Kasyoka's qualifications were not availed for public participation, he stated that nobody requested for her documents from the selection panel. In addition, he knows that she has a Degree in Chemistry, while the position in question is not a classroom job but a public service board job.

- 5) In response to paragraph 13(c) on the allegation that Jane Mwende Kibati is a politician holding positions in political parties, in 2013 she was in Wiper as a women leader though currently she is independent. However, he does not have evidence to prove the alleged affiliation to political parties.
- 6) In response to paragraph 13(d) on the allegation that Joseph Kyavoa did not complete his O' Levels and that he performed poorly during the interviews, he came to know of the allegations through his networks in Kitui (contacts) and it is up to the committee to investigate these allegations as the vetting institution.
- 7) In response to paragraph 13(e) on the allegation that Benard Mwendwa Munyasya has not gone beyond his O' Levels, the Committee should conduct due diligence to ascertain the truth or otherwise of this allegation.
On the allegation that the nominee performed very poorly during the interviews, he has no evidence to prove this but is relying on information from the selection panel.
On the allegation that the nominee does not have the requisite experience, he knows that the nominee has never worked for over five (5) years in the public service and knows him as Safari Njema, a businessman.
- 8) In response to paragraph 13(f) on the contents of the letter marked SM2 from TSC regarding the conduct and dismissal of David Munyao by TSC he is not willing to reveal the source of the document, but the Committee should contact TSC for further information and clarification, noting that it is now in their possession.
Regarding the author of the letter that is J.K. Mutai, he does not work in TSC but he has brought the information to the attention of the Committee for further action.
- 9) In response to paragraph 14 on regional balancing, both Jane Kibati and Francis Kiliku come from Kitui Rural while there are regions that are not represented.
- 10) As regards paragraph 15 on representation of the marginalized and other special groups, there should be a nominee representing Persons With Disability (PWD), the marginalized communities, etc. However, he does not know whether the special interest groups applied for the positions in question.

- 11) His intention in submitting the statement to the County Assembly was that the current list of nominees should be dismissed and a new list forwarded to the County Assembly.
- 12) It is upon the Committee and the County Assembly to decide on the matter and the public is waiting for the outcome of the exercise.

VERIFICATION OF NOMINEES' CREDENTIALS

A) Universities Attended

Through letters dated 28th February, 2020 the Office of the Clerk wrote to the Universities attended by the nominees to confirm the authenticity of the certificates submitted. The Universities responded as follows:

1. Francis B. Muinde Kiliku

Vide a letter dated 5th March, 2020 (Annex 12) Kenyatta University confirmed that he graduated from the University on 14th December, 2007 with a Master's of Science (Applied Parasitology) and further confirmed that his Master's certificate is authentic.

2. Esther Kasyoka Muthui

Vide a letter dated 5th March, 2020 (Annex 13) University of Nairobi confirmed that she was a student at the University and was awarded a Bachelor of Science in Chemistry/ Mathematics on 26th November, 2001.

3. Jane M. Pius/ Kibati

Vide a letter dated 5th March, 2020 (Annex 13) University of Nairobi confirmed that she was a student at the University and was awarded a Bachelor of Arts on 10th December, 1994.

4. Joseph Kyavoa

Vide a letter dated 3rd March, 2020 (Annex 14) Management University of Africa (MUA) confirmed that he was student at the institution as from January 2016 to December, 2018 and was awarded a Bachelor of Management and Leadership (BML) Degree on 30th November, 2018.

5. Mwendwa Munyasya

Vide a letter dated 5th March, 2020 (Annex 15) Moi University confirmed that he was a bona fide student in the School of Business and Economics and was conferred a Bachelor of Business and Management (Micro- Enterprise) and graduated from the University on 19th December, 2008. The University further confirmed that the certificate was issued by Moi University and is authentic.

6. David Munyao

Vide a letter dated 5th March, 2020 (Annex 16) Kenyatta University confirmed that he graduated from the University on 14th July, 2006 with a degree in Bachelor of Education (Arts) and further confirmed that his degree certificate is authentic.

B) Commission for University Education (CUE)

Through a letter dated 14th March, 2020 (Annex 18), the Office of the Clerk wrote to the CUE requesting the Commission to clarify whether the Higher Diploma presented by Mr Francis Kiliku can be equated to a Bachelor's Degree.

Vide a letter dated 14th March, 2020 (Annex 19), the CUE stated that a Higher Diploma qualification **CANNOT** be equated to a Bachelor's Degree, with the Higher Diploma being considered one level below the Bachelor's degree.

C) Ethics and Anti- Corruption Commission (EACC)

The office of the Clerk also wrote to the EACC regarding compliance of the six (6) nominees with Chapter 6 of the Constitution on leadership and integrity.

Vide a letter dated 5th May, 2020, (Annex 20), the EACC confirmed that it has not undertaken any investigations whereby the six (6) nominees were found culpable.

COMMITTEE FINDINGS, OBSERVATIONS AND RECOMMENDATIONS

A. Chairperson of the Kitui County Public Service Board

Having set **65%** as the pass mark for the position of Chairperson of the KCPSB, considered the nominee's filled questionnaire, documents submitted, and heard his oral submissions, the Committee rated the nominee as below:

		Nominee
		Francis Muinde Kiliku
	Member No. & marks awarded	
1.	Member No. 1	43%
2.	Member No. 2	44%
3.	Member No. 3	49%
4.	Member No. 4	66%
5.	Member No. 5	96%
6.	Member No. 6	97%
	Total	395
	Average score	65.83%

Mr Francis Muinde Kiliku therefore attained the set pass mark of 65% by scoring 65.83%.

Despite having attained the set pass mark, majority of the Committee members were of the opinion that he does not qualify for the position and do not recommend him for appointment as the Chairperson of the KCPSB based on the following reasons:

- i) He does not possess the minimum academic qualifications as envisaged under section 58(3)(c) of the County Governments Act and that a Higher Diploma cannot be equated to a degree as was stated by the

Commission on University Education in its letter dated 14th March, 2020;

- ii) He does not have ten (10) years **relevant** work experience as envisaged by section 58(3)(c) of the County Governments Act by virtue of being a medic and did not demonstrate relevant HR training;
- iii) He did not demonstrate membership to any professional body.

Dissenting Opinion

However, two (2) committee members (that is Hon Alex Nganga and Hon Boniface Katumo) were of the opinion that the nominee **is qualified** for the position and recommended him for appointment as the Chairperson of the KCPSB based on the following reasons:

- i) The nominee surpassed the set pass mark by scoring 65.83%;
- ii) He meets the minimum academic qualifications as he has a Master’s degree which is superior to the Bachelor’s degree envisaged by section 58(3)(c) of the CGA;
- iii) The nominee satisfied them as individuals and as committee members that he has what it takes to be the Chairperson of the Board;

B. Members of the Kitui County Public Service Board

Having set **60%** as the pass mark for the position of Members of the KCPSB, considered the nominees’ filled questionnaires, documents and heard their oral submissions, the Committee rated the nominees as below:

		Nominees				
		Esther Kasyoka	Jane Kibati	Joseph Kyavoa	Bernard Mwendwa	David Munyao
Member & marks awarded						
1.	Member No. 1	36	55	41	49	48
2.	Member No. 2	57	66	47	57	49

3.	Member No. 3	64	74	45	60	64
4.	Member No. 4	68	61	48	67	54
5.	Member No. 5	93	91	97	92	93
6.	Member No. 6	95	96	96	97	98
	Total	413	443	374	422	406
	Average score	68.8%	73.8%	62.33%	70.3%	67.66%

1. Esther Kasyoka Muthui

The nominee attained the set pass mark of 60% by scoring 68.8%.

The Committee recommended her for appointment as a member of the KCPSB based on the following reasons:

- i) Application and furtherance of the affirmative action principle as enshrined in Article 27(6) of the Constitution, gender and regional balancing considerations noting that she was the only female nominee from the larger Mwingi region;
- ii) She holds a bachelor's degree in compliance with section 58(3)(d)(i) of the CGA and attained the set pass mark.

This is despite the fact that:

- i) She did not demonstrate membership to any professional body as envisaged by section 58(3)(d) of the CGA;
- ii) She did not demonstrate relevant work experience as relates to the position in question as envisaged by section 58(3)(d) of the CGA;

2. Jane Mwendu Kimuyu Kibati

The nominee attained the set pass mark of 60% by scoring 73.8%.

The Committee recommended her for appointment as a member of the KCPSB based on the following reasons:

- i) Application and furtherance of the affirmative action principle as enshrined in Article 27(6) of the Constitution and gender considerations noting that she is a female nominee;
- ii) She holds a bachelor's degree in compliance with section 58(3)(d)(i) of the CGA and attained the set pass mark.

This is despite the fact that she did not demonstrate membership to any professional body as envisaged by section 58(3)(d) of the CGA.

3. Joseph Kyavoa

The nominee attained the set pass mark of 60% by scoring 62.33%.

Despite having attained the set pass mark, majority of the committee members found him unqualified for the position and did not recommend him for appointment as a member of the KCPSB for the following reasons:

- i) He did not demonstrate relevant work experience and training as relates to the position in question as envisaged by section 58(3)(d) of the CGA;
- ii) He did not demonstrate membership to any professional body as envisaged by section 58(3)(d) of the CGA.

Dissenting Opinion

However, two (2) committee members (that is Hon Alex Nganga and Hon Boniface Katumo) were of the opinion that the nominee is qualified for the position and recommend him for appointment as a member of the KCPSB based on the following reasons:

- i) He attained the set passmark by scoring 62.33%;
- ii) He has a bachelor's degree in compliance with section 58(3)(d) of the County Governments Act;
- iii) He has over five (5) years' work experience obtained before he was awarded his Bachelor's degree.

4. Benard Mwendwa Munyasya

The nominee attained the set pass mark of 60% by scoring 70.3%.

The Committee recommended him for appointment as a member of the KCPSB based on the following reasons:

- i) He holds a bachelor's degree in compliance with section 58(3)(d)(i) of the CGA;
- ii) He attained the set pass mark by scoring 70.3%.

This is despite the fact that he did not demonstrate membership to any professional body as envisaged by section 58(3)(d) of the CGA.

5. David Munyao

The nominee attained the set pass mark of 60% by scoring 67.66%.

Despite having attained the set pass mark, majority of the committee members found him unqualified for the position and did not recommend him for appointment as a member of the KCPSB for the following reasons:

- i) The nominee has unresolved integrity, ethical and moral issues contrary to chapter 6 of the Constitution which render him unfit for the position and has a pending court case that he instituted against his employer that is the TSC, and cannot be appointed until the case is determined (That is case of David Munyao Versus the TSC case no. 191/2019);
- ii) The last communication from the nominee's employer in possession of the committee states that he was dismissed from employment by the TSC;
- iii) He did not demonstrate membership to any professional body as envisaged by section 58(3)(d) of the CGA.

Dissenting Opinion

However, two (2) committee members (that is Hon Alex Nganga and Hon Boniface Katumo) were of the opinion that the nominee is qualified for the position and recommended him for appointment as a member of the KCPSB based on the following reasons:

- i) He has not been convicted of any offence and therefore remains innocent until proven guilty;
- ii) He attained the set passmark by scoring 67.66%;
- iii) He has a bachelor's degree in compliance with section 58(3)(d) of the County Governments Act; and he attained the set pass mark.

GENERAL OBSERVATIONS

Members also made the following general observations, **THAT:**

1. The matter under consideration is *sub judice* as per Standing Order 85 due to an ongoing court case that is petition no. 51 of 2020- *The County Government of Kitui versus The County Assembly of Kitui & The Speaker of the County Assembly*. However, the Speaker exercised his discretion under Standing Order 85(5) and allowed reference to the matter to enable conclusion of the Committee's proceedings for subsequent tabling and consideration of the report.
2. The Committee requested for various documents from the nominating authority including score cards for the marks attained during the interview process. By the time of compiling this report, the score cards had not been availed which hindered the Committee in execution of its legal mandate.

SUMMARY OF COMMITTEE RECOMMENDATIONS

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

- I. Having considered the academic credentials, professional training and experience, integrity and background of the nominee and pursuant to the provisions of Section 58 of the County Governments Act and Section 9 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Committee by majority decision recommends that the County Assembly of Kitui **REJECTS** the nomination and subsequent appointment of Francis Muinde Kiliku as the Chairperson of the Kitui County Public Service Board.

II. Having considered the academic credentials, professional training and experience, integrity and background of the nominee and pursuant to the provisions of Section 58 of the County Governments Act and Section 9 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Committee recommends that the County Assembly of Kitui **APPROVES** the nomination and subsequent appointment of the following as Members of the Kitui County Public Service Board:

- 1) Esther Kasyoka Muthui;
- 2) Jane Mwendu Kimuyu Kibati;
- 3) Bernard Mwendwa Munyasya;

III. Having considered the academic credentials, professional training and experience, integrity and background of the nominee and pursuant to the provisions of Section 58 of the County Governments Act and Section 9 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Committee by majority decision recommends that the County Assembly of Kitui **REJECTS** the nomination and subsequent appointment of the following as Members of the Kitui County Public Service Board:

- 1) Joseph Kyavoa;
- 2) David Munyao.

CONCLUSION

Following conclusion of the vetting exercise, the Committee urges the House to adopt this Report.

Annex 1

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

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