

REPUBLIC OF KENYA

KITUI COUNTY ASSEMBLY

SECOND ASSEMBLY- SECOND SESSION

OFFICIAL REPORT

(THE HANSARD)

Thursday 26th July, 2018.

The County Assembly met at 3.05 p.m. at the Temporary chambers within the Kenya Forestry Research Institute Offices (KEFRI)-Kitui Regional Branch.

[Temporary Speaker (Hon. David. Thuvi)] in the Chair]

PRAYERS

STATEMENTS

SCHEDULE OF COMMITTEE SITTINGS AND PLENARY BUSINESS FOR
THE WEEK ENDING ON 3RD AUGUST, 2018.

(Hon. Colleta read the full statement and laid the Paper on the Table)

STATEMENT REQUEST ON KITUI SEVENS

Hon. Kilonzo (Majority Party Leader): Thank you Mr. Speaker. I rise to request for a statement on Kitui Sevens.

Mr. Speaker Sir, Pursuant to the provision of Standing Order No. 41(2) (c), I would like to request for a statement from the Chairperson Committee on Tourism.

Aware that Article 201 (d) of the Constitution requires that public money shall be used in a prudent and responsible way.

Further aware that the Fourth schedule of the Constitution of Kenya provides public entertainment and local tourism as some of the devolved functions of the County Government.

Mr. Speaker Sir, based on this, I seek a statement from the Chairperson, Committee on Tourism addressing the following issues:-

- i. The sum of money spent on the Kitui Sevens event;
- ii. The amount paid to Laugh Industry (host of Churchill Show) and other artists who were performing;
- iii. The total revenue collected from the Kitui Sevens event;
- iv. The agreement/ contract between Kitui County Government and Laugh Industry in regard to the ticket sales for the Churchill show;

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- v. The Cost-benefit analysis of the event.

Thank you Mr. Speaker, I beg to lay the statement request.

(Loud consultations by Members)

Temporary Speaker: Order Hon. Members! Now that statement request stands committed to the Committee on Tourism. Next order!

MOTIONS

MOTION ON APPROVAL OF THE REPORT BY THE COMMITTEE ON APPOINTMENTS ON THE VETTING AND CONSIDERATION OF THE NOMINEES TO THE KITUI MUNICIPALITY BOARD

Hon. Kilonzo: Thank you Mr. Speaker Sir. This is a report on vetting and consideration of nominees to the Kitui Municipality Board.

Mr Speaker sir, since members have had time to go through this report, I will only highlight on the crucial contents of the report so that members can have enough time to ventilate on the report.

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 Vetting and Consideration of Nominees to the Kitui Municipality Board.

Committee Membership

Mr. Speaker Sir, the Committee on Appointment as constituted by the House on 10th October, 2017 comprises of the following Members:

- | | |
|-----------------------------------|-------------|
| 1. Hon George Ndotto | Chairperson |
| 2. Hon Peter Kilonzo | Member |
| 3. Hon John Mutuku Mbaki Kisangau | “ |
| 4. Hon Jefason Kiruru | “ |
| 5. Hon Ruth Kyene | “ |
| 6. Hon Elizabeth Ndunge Peter | “ |

Mandate of the Committee

Standing Order 184 mandates the Committee on Appointment to consider, for approval by the County Assembly, appointments under Article 179(2) of the Constitution.

Nominations and notification to the Speaker

On 26th June, 2018 and pursuant to Section 13 and 14 of the Urban Areas and Cities Act, 2011 and Section 6 of the Public Appointments (County Assemblies) Approval Act, 2017 H.E. the Governor of Kitui forwarded to the Speaker the names of five nominees to the Kitui Municipality Board as below:

No.	Nominee	Ward
1.	Dr Musyimi Mbathi	Mulango
2.	Mr Badi Muhsin	Township

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3.	Mr Stanley Muluvi Kiima	Nzambani
4.	Ven. Canon Simon Muoko	Mbitini

Further, on 27th June, 2018 and pursuant to the above legal provisions, the County Secretary forwarded to the Speaker the name of Ms Linda Syokau Kimoli representing the Jua Kali sector for vetting, to replace Mrs Charity Mutanu Kyungutu who was vetted but rejected by the House.

On 5th July, 2018 and pursuant to Section 7 of the Public Appointments (County Assemblies) Approval Act, 2017, the Speaker communicated the names of the nominees to the House and thereafter stood committed to the Committee on Appointments for vetting and tabling of a Report.

Notification of the nominees and the public

Pursuant to Section 7(4) and (5) of the Public Appointments (County Assemblies) Approval Act, 2017, an advertisement was placed in the Daily Nation on 6th July, 2018 inviting the nominees to appear before the Committee on Appointments on 16th July, 2018 in Committee Room 2.

Further, members of the public were expected to participate in the vetting process by submission of written statements on oath on the suitability or otherwise of the nominees by 12th July, 2018. As at close of business on 12th July, 2018 no memoranda had been submitted.

Vetting of the Nominees

On Monday, 16th June, 2018, 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 process, the Committee examined the nominees against the following criteria, amongst others, in accordance with the Public Appointments (County Assemblies) Approval Act and Article 73(2) (a) (b)(c) (d) and (e) of the Constitution 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) Overall suitability for the position;
- vii) Tax compliance;
- viii) Integrity.

The Committee also reviewed the criteria used to arrive at the nominees as submitted by H.E. the Governor vide a letter dated 13th July, 2018.

The Committee therefore complied with the constitutional and legal requirements on vetting. As stated earlier, it ensured public participation and openness in the vetting process.

Acknowledgment

I wish to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting of the nominees.

The Committee wishes to sincerely thank the Office of the Speaker and the Clerk of the County Assembly for the support accorded to it during the vetting exercise.

The Committee wishes to record its appreciation for the services rendered by the staff of County Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this Report possible.

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On behalf of the Appointments Committee, it is my pleasure to present the Committee's Report on the Vetting and Consideration of Nominees to the Kitui Municipality Board.

ANALYSIS OF THE NOMINEES QUALIFICATIONS, EXPERIENCE AND SUITABILITY

1. MS. LINDAH SYOKAU KIMOLI

The nominee appeared before the Committee on 16th July, 2018. She was nominated to represent the Kitui Urban Jua Kali Association under the umbrella body representing informal sector registered associations and to replace one Ms. Charity Mutanu Kyunguti who was vetted and rejected by this House.

Her credentials Mr. Speaker Sir, are as outlined below:

	Criteria	Details
1.	Personal Bio- data	Born on 26 th June, 1968 and is single
2.	Place of Birth	Kitui Central- Kyangwithya West (Mbusyani)
3.	Academic qualifications	Secretarial and Communication Courses Nairobi – 1992 Kenya Certificate of Education Mutonguni Secondary- 1987 Certificate of Education Mbusyani Primary- 1981
4.	Employment record/ Work experience	1995 up to date- Jua Kali sector Kitui Currently self-employed at Usulusya Jua Kali Enterprises. Tailoring company supervisor in Mombasa for 2 years
5.	Professional affiliations	None. However, she is a Committee member of Kitui Urban Jua Kali Association
6.	Potential conflict of interest	None
7.	Knowledge of relevant subject	Nominee displayed knowledge and understanding of the position she was nominated for and ability to deliver on her duties. Elaborated on challenges facing Kitui town and what needs to be addressed e.g hawkers, garbage collection, poor planning, etc Will advocate for safe working environment and designated areas for hawkers, Jua kali workers, and zoning of business areas if appointed Emphasized on need for public participation and stakeholder engagement Seeks to bring knowledge and experience gained as member of Kitui Urban Jua Kali Association in problem solving and in management to the Board
8.	Overall suitability	The nominee is qualified for the appointment with knowledge of relevant subject matter.
9.	Tax compliance	Tax Compliance Certificate availed
10.	Integrity	No integrity issues noted

2. DR. MUSYIMI MUTHOKA MBATHI

The nominee appeared before the Committee on 16th July, 2018. His credentials are as outlined below:

	Criteria	Details
1.	Personal Bio- data	Born in 1965 and is married

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2.	Place of Birth	Nairobi, comes from Mulango
3.	Academic qualifications	PhD in Planning- University of New Castle- 2012
		Masters of Arts (Urban and Regional Planning) University of Nairobi- 1992
		Bachelor of Arts University of Nairobi- 1989
		KCSE
		KCPE
3	Employment record/ work experience	Over 20 years work experience Currently a lecturer at the University of Nairobi
		Ministry of Lands and Housing
		UN HABITAT- 2013
		Centre for Urban Research and Innovations
		Experienced Board Member in various organizations
		Experienced in urban and regional planning, urban waste management, lecturing, community development, general administration, resource mobilization for various urban areas including Lusaka and Kitui
4	Professional affiliations	Kenya Institute of Planners since 1992
		GIS Society since 2014
5	Potential conflict of interest	None
		Will be guided by professional ethics and work experience
6	Knowledge of relevant subject	Nominee displayed knowledge and understanding of the position he was nominated for and ability to deliver on his duties if appointed
		Articulated issues affecting the municipality and what needs to be addressed including poor planning, waste management, lack of adequate resources etc
		Passionate about management and public service, working with low income earners, resource mobilization, slum upgrading etc
		Emphasized on need for stakeholder engagement
7	Overall suitability	The nominee is qualified for the appointment with relevant experience in urban planning
8	Tax compliance	Tax Compliance Certificate to be availed
9	Integrity	No integrity issues noted

3. MR. BADI MUHSIN JUMA

The nominee appeared before the Committee on 16th July, 2018. His credentials are as outlined below:

	Criteria	Details
1.	Personal Bio- data	Born on 15 th July, 1954 and is married
2.	Place of Birth	Kitui Central
3.	Academic qualifications	Diploma Freelance journalism, International Correspondence Schools London- 1994
		KCSE- Kalawa Secondary School
		KCPE

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4.	Employment record/ relevant work experience	Has worked at KBC as a news translator, news editor, news supervisor, news anchor Information officer at Kuwait Embassy 1982 (part time) Public relations officer Kuwait Embassy Media consultant for various Embassies- Oman, Sudan and Saudi Arabia
5.	Professional affiliations	Media Council of Kenya
6.	Potential conflict of interest	None Will adhere to the law and not be unduly influenced
7.	Knowledge of relevant subject	Nominee displayed knowledge and understanding of the position he was nominated for. Outlined issues affecting Kitui town and what needs to be addressed eg poor infrastructure, poor sewerage systems, unequipped hospitals, poor planning, etc Would be guided by the Urban Areas and Cities Act and ensure implementation of development plans if appointed Seeks to offer conflict resolution skills, public relations, address issues affecting the municipality and public and to serve the community
8.	Overall suitability	Nominee qualified for the appointment with knowledge of the relevant subject matter
9.	Tax compliance	Tax Compliance Certificate to be available
10.	Integrity	No integrity issues noted

4. MR STANLEY MULUVI KIIMA

The nominee appeared before the Committee on 16th July, 2018. His credentials are as outlined below:

	Criteria	Details
1.	Personal Bio- data	Born on 8 th August, 1979 and is married
2.	Place of Birth	Nzambani
3.	Academic qualifications	University of Nairobi Masters of Arts in Sociology (Labour Management) 2016 Institute of Human Resource Management Higher Diploma in HRM- 2012 Bachelor of Laws, University of Nairobi, 2004 Kenya School of Law, 2005 St Charles Lwanga Secondary School- 1997 Kilonzo Primary School- 1994
4.	Employment record/ relevant work experience	2011 up to date- Mutunga & Co. Advocates, Managing Partner 2005-2011- Equity Bank Assistant Relationship manager Experienced in general management, human resource, diverse legal aspects, interpretation of law, etc

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		Seeks to assist in all legal matters including interpretation of law, making of by- laws, negotiating contracts, etc
5.	Professional affiliations	Law Society of Kenya (LSK)
		Institute of Human Resource Management (IHRM)
6.	Potential conflict of interest	None
		Will be guided by professional ethics
7.	Knowledge of relevant subject	Nominee displayed knowledge and understanding of the position he was nominated for and confidence to deliver on his duties
		Conversant with the functions of the Municipality, challenges facing it and what issues need to be addressed including poor planning, hawkers, poor infrastructural development, etc
		Would ensure public participation, and ensure strategic working relationships if appointed
7	Overall suitability	The nominee is qualified for the post with experience management and legal background
8	Tax compliance	Tax compliance certificate attached
9	Integrity	No integrity issues noted

5. VEN. CANON SIMON MUOKO

The nominee appeared before the Committee on 16th July, 2018. His credentials are as outlined below:

	Criteria	Details
1.	Personal Bio- data	Born on 20 th October, 1968 and is married
2.	Place of Birth	Mbitini
3.	Academic qualifications	PhD in Sociology- MKU on going
		Masters in Sociology and Community Development, University of Nairobi, 2010
		Bachelor's Degree in Divinity St Pauls 1996
		Certificate in electronics engineering- Kenya Polytechnic
		KCSE Kyome Boys Secondary School-1989
		KCPE Nzangathi Primary School-1985
4.	Employment record/ work experience	Currently works at Nairobi All Saints Cathedral Diocese as the vicar general and deputizes the archbishop
		Has worked with the Anglican Church (ACK) as an archbishop's chaplain, administrative secretary, vicar archdeacon, etc
		Has experience as a manager in ACK Mwingi region diocese and administrator of Kitui diocese
		Seeks to bring management, conflict resolution and sociology experience to the Board if appointed
5.	Professional affiliations	None
		Is however an elected Clergy Chairman
6.	Potential conflict of interest	None

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7.	Knowledge of relevant subject	He displayed in depth knowledge and understanding of the position he was nominated to and ability to deliver on his duties
		Outlined issues affecting the municipality and what should be addressed including waste disposal, sewerage systems, street lighting, zoning of town
		Emphasized need for public participation
8.	Overall suitability	The nominee is qualified for the post with experience and exposure in management and conflict resolution
9.	Tax compliance	Tax compliance certificate attached
10.	Integrity	No integrity issues were noted

Committee Findings and Observations

Mr. Speaker Sir, having set **60%** as the average pass mark, considering that the nominees filled questionnaires and documents submitted, and heard their oral submissions, the Committee rated the nominees as below:

No	Name	Marks Obtained (%)
1.	Linda Syokau Kimoli	68 %
2.	Musyimi Muthoka Mbathi	93 %
3.	Badi Muhsin Juma	65 %
4.	Stanley Muluvi Kiima	79 %
5.	Simon Muoko	73 %

Mr. Speaker Sir, the five (5) nominees surpassed the set pass mark of 60%. They were qualified and experienced for the positions they had been nominated to as they hold minimum qualifications and have vast work experience ranging from management to resource mobilization to public relations and community development, amongst others which will be key in administration of the Municipality.

Mr. Speaker Sir, the nominees were also very articulate and knowledgeable about the positions they had been nominated to, what was expected of them, and clearly articulated issues affecting the municipality and need to be addressed, such as poor infrastructural development, hawkers, poor planning, garbage collection, etc.

Mr. Speaker Sir, they also emphasized the need for public participation in activities of the Board that affect the public, if appointed. They also did not have any integrity issues.

The Committee therefore found the 5 nominees suitable for appointment as Members of the Kitui Municipality Board.

Committee Recommendations

Mr. Speaker Sir, based on the above findings, the Committee recommends that: Having considered the suitability, capacity and integrity of the nominees and pursuant to the provisions of Section 13 and 14 of the Urban Areas and Cities Act, 2011 and Section 9 of the Public Appointments (County Assemblies Approvals) Act, 2017, the County Assembly of Kitui **APPROVES** the nomination and subsequent appointment of the following as Members of the Kitui Municipality Board:

1. Ms Linda Syokau Kimoli
2. Dr Musyimi Muthoka Mbathi
3. Mr Badi Muhsin Juma

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4. Mr Stanley Muluvi Kiima
5. Ven. Canon Simon Muoko

Mr. Speaker Sir that is the Committee report duly signed by the members. Only two members, Hon. John Mutuku Mbaki Kisangau and Hon. Jefferson Kiruru, who are out on duty with another Committee have not been able to sign.

Mr. Speaker Sir, before I engage on the general debate, I want to point out two issues I have noted; I have noted what I do believe is a typing error on the academic qualifications of nominee number two. It is recorded that this nominee sat for KCPE and KCSE in the 60's. However we used to have KCE and CPE during those years.

Further, I would want also to put the record straight on nominee number three; Just like the second nominee, Mr. Badi Muhsin could not have done KCPE or KCSE. So this is likely a matter of copy and paste. This gentleman did KCE and CPE.

Mr. Speaker Sir, if there is anything this government of the day might have done good, it is nominating these five members we have here for the municipality. If you look at the nominees they have presented, the likes of Dr. Mbathi, the young lawyer, Dr. Kiima, and even venerable Canon Simon, these are individuals who are fully qualified.

Mr. Speaker sir, the case of Badi Muhsin is purely a talent. This gentleman according to me after completing his secondary education, he did correspondences and nobody doesn't know Badi Muhsin from his days at Kenya Broadcasting Corporation (KBC). Mr. Speaker Sir, it is not only the Governor who might have scouted the talent. You will even find out that the Embassy of Kuwait and Sudan gave him a chance to be their public relations officer with his little education. When you engage in a one on one with Badi Muhsin, he is very knowledgeable but he has no papers. I know papers are important but I would urge the House to consider the nominee's talent.

Mr. Speaker Sir, according to my assessment on Dr. Mbathi, he is not a person who should even be asking to work with a municipality. I even enquired with him why he wanted to work with the municipality of Kitui. When you engage this gentleman one on one, you will find out that this is a United Nations potential employee. He is clearly a top cream gentleman even in stocking.

The young gentleman, the lawyer, is also very qualified for this position. He is doing well even in the companies he is working with like Mutunga advocates and Equity Bank.

The other lady who was nominated to replace Ms. Charity Mutanu Kyunguti who was vetted and rejected by this House, we found her very suitable. I think in the Jua Kali industry, it is mandatory that you be very fluent in Kiswahili and she proved this. She showed seriousness on matters concerning to water which affect the residents and she was better than the previous one. Unlike Ms. Charity, she did not get frightened when asked question. She was steady and composed. Since she was nominated by the association, we didn't have much to say about her.

Mr. Speaker Sir, with those remarks I beg to move the motion on this report for the Hon. Members to have a consider it.

Mr. Speaker Sir, I request Hon. Elizabeth Ndunge Peter to second the motion. Thank you.

Temporary Speaker (Hon. D. Thuvi): Hon. Ndunge the floor is yours.

Hon. Ndunge: Thank you Hon. Kilonzo. Mr. Speaker Sir I stand to second this motion. Thank you.

Temporary Speaker (Hon. D. Thuvi): Hon. Ndunge you are done? You don't want to add anything about it as a member of the Committee?

Hon. Ndunge: I am done Mr Speaker Sir.

Temporary Speaker (Hon. D. Thuvi): Thank you.

(Question proposed)

Hon. Nguli: Mr. Speaker Sir, I rise on Standing Order no. 184 and 190. I realized the vetting for these board members was done by the appointments committee. According to Standing Orders no. 184 (4), the appointment committee can only vet CEC Members. When you look at Standing Order no. 190, this is a function of a sectoral committee on LIUD. So, before anything else Mr. Speaker Sir, I beg to seek clarification on this matter. Thank you.

The Temporary Speaker (Hon. David Thuvi): Thank you Hon. Nguli for that question. I think it is important for us to refer to the Article 179 (2) to be able to get a clear meaning of this.

(The Temporary Speaker consulted with Clerks-at-the table)

(The Majority Leader Hon. Peter Kilonzo Stood on a point of information)

Yes, we are going to address it, relax everything is going to be fine. What is it Hon. Kilonzo?

Hon. Kilonzo: Mr. Speaker when you look at the pegging order in that committee, I am equivalent to the vice-chair. So in absence of the Chair, I can take the question. If you allow me I can clarify because it's only a clarification that the Hon. Member is seeking.

The Temporary Speaker (Hon. David Thuvi): Yes, I know there is an exception. We just wanted to get a particular section of the constitution which gives the committee the power to do that but you can proceed.

Hon. Kilonzo: Mr. Speaker it is noted with a lot of concern and I am not talking on behalf of the Speaker but on behalf of the Chair. At the time when the house noticed this, the office of the Speaker and that of the Clerk had already communicated to the public through print media. They had already given the date and also said the committee to do the vetting exercise and you remember part (a) of this report was done previously when we came for the first Approval of the first four members.

So it is noted and I would like to apologize on behalf of the Chair that it will not be repeated but the main technicalities in this are because it had already been communicated to the public through the print media hence it had to proceed.

The Hon. Member (unless he just wants to sink his head in the sand), is among the people who approved the three who had already been done by the Appointments committee. Thank you Mr. Speaker.

The Temporary Speaker (Hon. David Thuvi): Yes, this is getting better. Hon. Munuve Mbili.

Hon. Munuve: Thank you Mr. Speaker. I stand to add on to what Hon. Nguli has said. Mr. Speaker if you remember, in this house, when Municipality Charter came, the Speaker committed it to the LIUD committee. So there seems to be confusion because when it comes to

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the Municipal Charter, it was committee work but now when it comes to Appointments it goes to Appointments committee. So I think as you consider to give us your decision that should also be considered...

The Temporary Speaker (Hon. David Thuvi): To that extend, you are out of order because one of them is actually directly the business of that committee. The other one is actually the Appointments committee. We will give you the necessary clause in the constitution. Proceed.

Hon. Munuve: I thought they were similar since the Municipality Charter was committed to the LIUD committee. So I thought the nominees were supposed to be vetted by the same committee because that is the normal way we have been doing it.

Secondly I have heard what Hon. Kilonzo has said but I think a mistake can't be covered by another one. So we can't go that way even if there was a mistake. Two errors cannot be converted to a right. Thank you Mr. Speaker.

The Temporary Speaker (Hon. David Thuvi): Very well. Hon. Stephen Musili.

Hon. Musili: Thank you Mr. Speaker for giving me an opportunity to contribute on this report. Mr. Speaker I have to say that this report has to be rejected from the word go. Starting on the wrong foot and taking the wrong direction. As we have done in a lot of this things in this house.

Mr. Speaker this report and these appointments directly goes against letter and spirit of constitution. There is nothing like regional balance, there no issue of disability or youth. They are all been ignored in this report and appointments.

Mr. Speaker the narrative that these people have to come from the Municipality doesn't hold any water. The guidelines are very clear, the appointees must be citizens of Kenya, a person originating from the Municipality or residing or doing business within the Municipality for five years. The person must have lived in the Municipality.

When you look at these people, they are from all over the region. We have people who come from other regions who have been doing business in Kitui town. They are permanently dwelling in this town for more than ten years.

When we see some areas getting more than two people from the same region and a region which has a potential of even becoming a County is been ostracized from the business of this County. We cannot pass such appointments.

Mr. Speaker this house has been taken from granted for far too long. Things are now being done carelessly because this house will just pass them. Today we want to make a very clear statement that people have to do their work. They have to bring to this Assembly that and only that which can meet the threshold of our constitution because we shall not be accepting everything that comes to this Assembly.

Mr. Speaker when I look at this report I must say that I am disappointed with the appointments committee. They didn't vet what was supposed to be vetted and that way they are blaming the clerks and that is the route we seem to be taking nowadays whenever we fail in our duties.

When you see someone who was born in 1968 and is still single, they are capable of even forging their certificates. So why are we blaming our clerks carelessly? Mr. Speaker this report cannot see the light of the day and I am sorry this house must reject it in totality. Thank you Mr. Speaker.

The Temporary Speaker (Hon. David Thuvi): Hon. Mwalimu.

Hon. Mwalimu: Thank you Mr. Speaker. I want to say clearly that the appointments committee has totally failed. When you look at all these names, it seems like is going to be “nyumba ya wazee”. One of them was born in 1954 and we have people who have the qualifications, young people who can do this job very well. How long will these people work before they retire? Some of them have already retired. You want us to go and get a retiree?

Yeah white is gold but when it comes to the age factor the whole list is already out because Kitui County has young people who are professionals and they can do the job. We are talking of 1954. Surely even my dad is not that old! Someone who was born before independence and that person is still working today while we the youth who have no jobs and are looking for jobs.

Mr. Speaker that one is totally unacceptable and this house is not going to legalize an illegality because even from the word go and the vice-chair of that committee has admitted that there were some mistakes. So we are not going to legalize what they failed to notice then. Therefore Mr. Speaker I don't support this report at all. Let us get a new list and we will pass it without much undo. Thank you Mr. Speaker.

The Temporary Speaker (Hon. David Thuvi): Hon. Munuve.

Hon. Munuve: Thank you Mr. Speaker sir. I thought Hon. Nguli stood on a point of clarification and I don't know whether you have already clarified his point Mr. Speaker Sir? When we look at this report, the chairperson is Hon. Georgy Ndotto who is the Speaker of this house. The other members followed by Hon. Peter Kilonzo who is the Majority leader in this house. The third one is John Mutuku Mbaki Kisangau who is the Minority leader in this house.

Mr. Speaker Sir we are really disappointed by the top leadership of this house making mistakes and they want us to pass the mistakes. Standing order No. 190 (f) gives the sectoral committee the powers to vet all the appointees and what they are quoting I think is standing order No. 184 on appointments, “shall consider and approve appointees under Article 179” and it's in brackets. Mr. Speaker in that standing order its only members of the County Executive Committee Member (CECM). Through the Majority leader, they have agreed that there was a mistake and today the same mistake is repeated.

I don't know whether this house is in the position to pass these names. Last time there was one nominee who was rejected by the same committee and we can see today they brought a replacement.

Mr. Speaker we were told that nominee didn't bring certificates and I am aware one of the nominee by the name Mr. Badi Muhsin did not bring any single certificate to show whether he completed secondary school at Kalawa secondary. I think he only came with the national identity card. Why are playing double standards when it comes to vetting?

The Temporary Speaker (Hon. David Thuvi): Order Hon. Munuve, this is information you can verify? Can you be able to substantiate that information?

Hon. Munuve: Yes, and we need the same committee to bring copies of the certificates of those nominees.

The Temporary Speaker (Hon. David Thuvi): Order Hon. Munuve. I am asking, can you substantiate that information?

Hon. Munuve: Mr. Speaker I have information on that particular nominee.

The Temporary Speaker (Hon. David Thuvi): Tell us, Yes or No.

Hon. Munuve: Why don't they bring copies of all the nominees?

The Temporary Speaker (Hon. David Thuvi): Order Hon. Munuve.

Hon. Munuve: Yes Mr. Speaker sir, I can substantiate.

The Temporary Speaker (Hon. David Thuvi): We will give you time to be able to substantiate that information. Today is Thursday, so on Tuesday morning substantiate that information?

Hon. Munuve: Okay. Thank you Mr. Speaker. I know we are not going to pass this one today. So I am very happy.

Mr. Speaker sir, in terms of regional balance, I thank Hon. Mbili and Hon. Stephen Musili on what they said. When it comes to regional balance according to my calculations, we have three members in this Board. From Mulango I think we have one, from Nzambani we have Mr. Stanley Muluvi Kiima and on the other list we also had one nominee from Nzambani. So those are two members from Nzambani Ward.

Mr. Speaker sir, we know that the Municipality is made up of two sub-counties (Kitui West and Kitui Central). Where is the representation from Kitui West? Where is the representation from Kwa-Mutonga Ward? Where is the representation from Matinyani Ward?

Mr. Speaker sir, as a house, we are guided by the supreme law of this nation whereby we must have regional balance especially when we are vetting and approving people to work in our County.

Mr Speaker as I wide up let the Majority Leader withdraw the report and consider what we have talked about. It is so shameful that all the nominees we have so far vetted starting with the CECMs, COs and even these ones don't have representatives of the people living with disabilities. Mr Speaker, where are we heading to? I think we need to stamp our authority as a House and do the needful. I stand to reject the report.

The Temporary Speaker (Hon. D. Thuvi): Hon. Munuve before you sit I just want to help you about the information. Are you able to substantiate or you want to withdraw?

Hon. Munuve: Mr Speaker I think you gave me until Tuesday.

The Temporary Speaker (Hon. D. Thuvi): Very well.

(Hon. Philip Nguli stood in his space)

The Temporary Speaker (Hon. D. Thuvi): Let us proceed. Hon. Nguli.

Hon. Nguli: Thank you Mr Speaker for giving me the opportunity to contribute to this motion. And, I want to applaud the concept of municipality in this county. It is a very good concept and in fact there are benefits for that. We expect a lot of local employment...

(Loud consultations)

The Temporary Speaker (Hon. D. Thuvi): Let's consult quietly please.

Hon. Nguli: Mr Speaker, I was trying to underscore the importance of municipality in our county. And one of it is that we expect a lot of employment, utilities to spur economic growth in the county and in return we expect increased revenues either from the sales tax or from the rates of the properties that we shall have in the municipal. So, it is a very good and noble idea to have a municipality.

However, I want to bring to your attention that two wrongs do not make a right. Let me start from there. Mr Speaker, when you look at Standing Orders no. 184 (5) that tries to give functions to the Committee on Appointments it puts into brackets. In computer terms, it is called

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‘parenthesis’ and parenthesis is made to separate that statement from the context specifically to address a particular issue. It is used to avoid contradictions.

(Hon. Peter Kilonzo stood on a point of order)

The Temporary Speaker (Hon. D. Thuvi): Yes, Hon. Kilonzo.

Hon. Kilonzo: Mr Speaker, is it in order for my esteemed friend of mine, the Hon. Member for Migwani to mislead this House by saying that parenthesis is a computer term and it can be used as bracket? I want to inform him that in algorithm, parenthesis and brackets are different. Kindly let him withdraw.

The Temporary Speaker (Hon. D. Thuvi): Go ahead Hon. Nguli.

Hon. Nguli: Thank you Mr Speaker. There is nothing to withdraw there. Those people that have studied deeply into the dictionary know that brackets could be parenthesis, they could be used to indicate an acronym of something. That is why I went ahead and said in computer terminologies.

Mr Speaker it is very clear from our own Standing Orders that the vetting of these appointments should have been done by the Committee on Lands, Infrastructure and Urban Development (LIUD). That is very clear.

Secondly, in the Governor’s manifesto, there is something called education and youth empowerment if I am not wrong. There is also the County Ministry on Education, ICT and Youth Development. What does it mean if we have to go ahead and nominate, appoint and approve people who are retirees? When you talk about somebody who was born in 1954, nine years after the World War II.

(Laughter)

These are facts. I have no apologies for saying this. We have got very young people that are looking for these jobs. That is why if this trend continues, we shall have goons in this county because the youth will have nowhere to go. Whenever a vacancy arises, it is grabbed by the retirees, it is grabbed by those who are over 70 years!

So today, I want to urge this Honorable House that we stamp our authority and reject the list in totality. We take it back so that they can bring young and energetic people, people that discharge their duties in their good time to serve the public.

I checked the Municipal Charter, it is in line with the constitution of this country. I want to say this because the Majority Leader who is a member of the Committee on Appointments talked about somebody with a lot of experience, who should work in the UN, but Mr Speaker in appointments and employment we don’t only look at the academic qualifications.

There are other criteria that are underscored even in the County Governments Act. According to the Constitution we should look at gender and equity. The Charter is very clear on the eligibility for the appointments of the members of the Municipality.

In Section 3.4, part one (1) it says, the person must be a Kenyan, must have a permanent dwelling in the municipality and they should be carrying out business in the Municipality. But we see names coming from Mbitini Ward which doesn’t even fall under the Municipality. From here to Migwani it is 25 kilometers but my people are not here.

If it was an issue of putting people from other regions that work in Kitui town, in fact there are so many people that work in this town from my ward, Migwani. They have stayed here

for over 20 years but they are not here. In good practice of management, transparency and accountability we are talking about, to see regional balance, representation of youth and even the marginalized.

If we asked how many Atharaka people are in Kitui County, I know they are there and can be included here. So, it is my humble submission as we sit down, that this House reverts the document back to the sender so that it can be corrected and come back so that it can we can pass it. I rest my case by objecting the list in totality. Thank you very much Mr Speaker.

The Temporary Speaker (Hon. D. Thuvi): Very well. Hon. Members are we done with the motion? I think we are through with it and therefore I am going to put the question.

(Question put and negatived)

(Hon. Kilonzo stood in his place)

You can reply Hon. Kilonzo.

Hon. Kilonzo: Thank you Mr. Speaker sir. I think it has been clearly heard from the floor that the list has been rejected. However unless we read and forget in the list we have a disabled person. Don't look at that list because we had another list which was passed.

I just want to say a few things. There are a few things which ourselves we may not have touched. For example if the residents of Hon. Nguli did not apply for these positions. That is not the mistake of the Appointments Committee. Even when you go issues of associations (Jua Kali Association). If they have nominated so and so, it might not have a fault whether he/she is young. It is a prerogative of that association.

However I think the message is very clear, the sender is Her Excellency the Governor of this County. It is not the Appointments Committee. So the list will go back, where correction are needed there will be done.

I therefore take this opportunity ...

(Hon. Kivali Spoke off- record)

Mr. Speaker can you protect me?

The Temporary Speaker (Hon. David Thuvi): Order! Hon. Kivali.

Hon. Kilonzo: He is a young son of mine. Anyway Mr. Speaker what I am saying it is clearly heard and with all due respect I would want to thank the honorable Members for have seen it deem fit to reject the list. Thank you.

The Temporary Speaker (Hon. David Thuvi): Hon. Members we have come to the end of our business today and therefore we can rise to adjourn the house.

ADJOURNMENT

Hon. Members, the House now stands adjourned until next week on Tuesday, July 31st, 2018 at 2.30 p.m.

The County Assembly rose at 16.25 p.m.

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