

REPUBLIC OF KENYA

KITUI COUNTY ASSEMBLY

SECOND COUNTY ASSEMBLY- FIRST SESSION

OFFICIAL REPORT OF PROCEEDINGS  
(HANSARD)

Thursday 2<sup>nd</sup> November, 2017

The County Assembly met at 2:50 p.m.

*[The Speaker (Hon. George Ndotto) in the Chair]*

PRAYERS

PAPER(S) LAID

SCHEDULE OF BUSINESS COMING BEFORE THE HOUSE IN THE WEEK  
COMMENCING ON 6<sup>TH</sup> NOVEMBER AND ENDING ON 10<sup>TH</sup> NOVEMBER 2017.

COMMUNICATION FROM THE CHAIR

**The Speaker** (Hon. George Ndotto): Hon. Members, I want to make the following communication that Hon. Esther Kalunda Ndile and Hon. Philip Nguli have been nominated to represent the County Assembly at the Governing Council of the County Assembly Forum (CAF);

*(Applause)*

I have also nominated the following to be Members of the Speaker's panel:-

1. Hon. Jane Mutua
2. Hon. Anthony John
3. Hon. David Thuvi

Next Order!

STATEMENTS

SCHEDULE OF BUSINESS COMING BEFORE THE HOUSE IN THE WEEK  
COMMENCING ON 6<sup>TH</sup> NOVEMBER AND ENDING ON 10<sup>TH</sup> NOVEMBER 2017.

**Hon. Speaker:** I believe Hon. Lusa will read the schedule.

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**Hon. Lusa:** Thank you Mr. Speaker. Pursuant to provisions of the County Assembly Standing Orders No. 36 and 41 (2a), I beg to lay on the Table a statement informing the Assembly of the Business coming before the House in the week commencing on 6<sup>th</sup> November and ending on 10<sup>th</sup> November, 2017.

*(Hon. Lusa read the full Statement and laid the Paper on the Table)*

**Hon. Speaker:** Next Order.

### MOTION

MOTION ON APPROVAL OF THE REPORT ON VETTING OF NOMINEES FOR MEMBERS OF THE COUNTY EXECUTIVE COMMITTEE

**Hon. Kisangau** (Minority Leader): Thank you Mr. Speaker. I have stood to move a Motion on approval of the Report on the vetting of nominees for Members of the County Executive Committee.

**THAT** pursuant to provision of Article 179 (2b) of the Constitution as read together with Standing Order No. 184 (4), the Assembly hereby approves the Report on consideration and vetting of nominees for Members of the County Executive Committee.

At this point, Mr. Speaker, I would like to refer the Hon. Members to the Report by the Appointments Committee dated October, 2017 which on behalf of the Committee and in line with the provision of Standing Order No. 184 I proceed to read.

**Hon. Speaker:** Hon. Kisangau, some parts of the Report are not so important and I suggest you skip them. Go to the process of appointment.

**Hon. Kisangau:** Thank you Mr. Speaker Sir. I proceed to the process of appointment of the nominees. In accordance with provision of Article 179(2) (b) of the Constitution, the Kitui Governor Her Excellency, Hon. Charity K. Ngilu forwarded the nomination of eight (8) persons vide a letter dated 4<sup>th</sup> October, 2017 for vetting by the Committee on Appointments and consideration for approval by the County Assembly for appointment as County Executive Committee Members for various Departments.

The Speaker did report the receipt of the notification to the County Assembly on Tuesday 10<sup>th</sup> October, 2017 (*Afternoon Sitting*) in line with section 7(1) of the Public Appointments (*County Assemblies Approval*) Act No.5 of 2017 following, which, the notification stood committed to the Appointments Committee for vetting (*Approval hearing*).

### Legal Requirements:

The Committee on Appointments, while vetting each of the nominees for appointment of Members to the Executive Committee, was guided by the Constitution, the County Governments Act, the Public Appointments (County Assemblies Approval) Act and the Standing Orders amongst traditions and other statutes.

Article 179 (2) (b) of the constitution states that:-

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The County Executive Committee consists of members appointed by the County Governor; with the approval of the Assembly, from among persons who are not members of the Assembly.

The number of members appointed under Article 179 (2)(b) above shall not exceed:-one third of the number of members of the county assembly, if the assembly has less than thirty members; or Ten, if the assembly has thirty or more members.

The committee considered section 35(2) of the County Governments Act which states as follows:

The county assembly shall not approve nominations for appointment to the executive committee that do not take into account:-

- (a) Not more than two thirds of either gender;
- (b) Representation of the minorities, marginalized groups and communities; and
- (c) Community and cultural diversity within the county.

A person may be appointed as a member of the County Executive Committee if that person:-

- (a) Is a Kenyan citizen;
- (b) Is a holder of at least a first degree from a university recognized in Kenya;
- (c) Satisfies the requirements of Chapter Six of the Constitution; and
- (d) Has knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.

#### **Notification to the Public and Submission of Memoranda:**

Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017, provides that *“any person may, prior to the approval hearing and by a written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*.

The Clerk of the County Assembly placed an advertisement in the print media on Monday, 16<sup>th</sup>, October, 2017 inviting the public to submit memoranda by way of written statements on oath (sworn affidavits) on the suitability or otherwise of the nominees in conformity with Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017.

The submissions were to be received latest by Wednesday, 18<sup>th</sup> October, 2017 at 5.00 Pm. By close of the period in question, the Clerk had received no submissions of memoranda against the approval of all the nominees.

Pursuant to provisions of Article 196 of the Constitution, Section 7(5) of the Public Appointments (County Assemblies Approval) Act, 2017, and the Kitui County Assembly Standing orders, the general public was also notified in the print media by the Clerk of the County Assembly of the intention of the Committee on Appointments to conduct the vetting and approval hearing of the nominees on Monday 23<sup>rd</sup> October, and Tuesday 24<sup>th</sup> October, 2017 respectively.

#### **Committee Sittings:-**

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The Committee commenced its sittings for the approval hearing on 23<sup>rd</sup> October, 2017 and held a total of Four (4) sittings which ended on Tuesday the 24<sup>th</sup> October, 2017.

### **The Vetting of the Nominees; Criteria for Vetting**

In conducting the vetting process, the Committee on Appointments examined the nominees against the following criteria, amongst others, as set out in the First Schedule of the Public Appointments (County Assemblies Approval) Act, 2017: -

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

Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, provides that; the issues for consideration by the relevant House in relation to any nomination shall be: -

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

Further, Section 7(12) of the Public Appointments (County Assemblies Approval) Act, 2017, provides that a candidate may at any time, by notice in writing addressed to the Clerk withdraw from the approval process and the candidate's nomination shall thereupon lapse.

However, none of the nominees withdrew from the exercise.

Mr. Speaker Sir, the committee did comply with section 7 of the Public Appointments (County Assemblies Approval) Act in terms of notification to candidates on time and place for approval hearing in addition to inviting the public memoranda on the suitability of the candidates and or personal attendance of the hearing sessions.

Mr. Speaker Sir, the members of the public did attend the approval hearing sessions.

### **Acknowledgement**

Mr. Speaker Sir, I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting exercise.

The Committee also takes this opportunity to thank the Offices of the Speaker and Clerk to Assembly for the logistical support accorded to it during the vetting exercise.

The Committee is also grateful to members of the public who attended its proceedings which enhanced accountability and transparency of the vetting exercise.

On behalf of the Committee on Appointments and pursuant to Section 9 (1) of the Public Appointments (County Assemblies Approval) Act, 2017, and the provisions of Standing Order No.184 (4), it is my pleasure and duty to present to the County Assembly, the Committee's

Report on the vetting of the Eight (8) nominees for appointment to the position of County Executive Committee members.

I thank the Kitui Governor Hon. Charity Kaluki Ngilu for nominating competent men and women from our County to serve in the County Executive Committee and for subjecting the nominees to a thorough shortlisting process, which involved the national Public Service Commission.

Hon. Members, Kitui may be the only County where CEC nominees were subjected to vigorous vetting. I congratulate the candidates for being selected for the various slots. I further thank the Appointments Committee for working round the clock including on Sunday afternoon to ensure this Report was ready for tabling before this House today. I also thank members of the public who participated in the vetting exercise. Finally, I thank the Hon. Members of this House for being present today to execute their mandate of approving or rejecting the nominees.

Mr. Speaker, the Hon. Members will agree with me that this County is currently at a standstill because the exiting County Executive Committee Members are unwilling to work for the obvious reason that they will soon be replaced. The positions are as good as vacant as the holders are just waiting to handover hence their reluctance to engage in service delivery.

I plead with my Hon. colleagues to put the interests of Kitui County first and approve the nominees to enable the county government to start working.

Mr. Speaker, comparing with other areas, I think it is only Kitui where County Ministers have not been sworn-in. Other Governors have presided over the swearing-in of their CECMs as witnessed in the media. On our part, the delay is attributed to the one week we lost when the election of the Speaker was put on hold. It is time for this House to move with speed to make for the lost time and exhibit our readiness and commitment to work for the people who elected us.

**Hon. Speaker:** Hon. Kisangau, you sound as if you are winding up, yet you haven't read the nominees' list.

**Hon. Kisangau:** Mr. Speaker, I am almost there. Further, I want to note that vetting of the nominees was guided by law. I wanted to demonstrate why the selected persons are fit for approval by the House. The following is the nominees' list as submitted by the Governor and interviewed by the Appointments Committee as well as the recommendations by the Committee;

	COUNTY GOVERNMENT MINISTRY	NOMINEE AND QUALIFICATIONS	SUB COUNTY	COMMITTEE RECOMMENDATIONS
1	Health and Sanitation	<p><b>Ms. Rosaita Mbukua Ngina (0722313603)</b></p> <ul style="list-style-type: none"> <li>● <b>Age:</b> 45 years of age</li> <li>● <b>County:</b> Kitui</li> <li>● <b>Qualifications:</b> <ul style="list-style-type: none"> <li>- MA- Business Administration</li> <li>- B.Sc-Natural Resources</li> <li>- Post Graduate Diploma in Project Management</li> <li>- Diploma in Human Resources Management</li> </ul> </li> </ul>	Kitui Central	Suitably Qualified  Relevant Portfolio

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		<ul style="list-style-type: none"> <li>● <b>Work experience</b></li> <li>● 2015-2017: Chief Manager Corporate Affairs and Resource Mobilization-Water Services Trust Fund (WSTF)</li> <li>● 2014-2015: Executive Director-Rospem Consulting Agencies</li> <li>● 2012-2014: Director-Resource Mobilization and Communication-National Environment Trust Fund</li> <li>● 2010-2012: Resource Mobilization and Partnership Manager-WSTF</li> <li>● 2008-2010: Field operations Manager-USAID-Kenya Transitional Initiative Program</li> </ul>		
2	Agriculture, Water and Livestock Development	<p><b>Mr. Emmanuel Malii Kisangau (0724005104)</b></p> <ul style="list-style-type: none"> <li>● <b>Age:</b> 43 years of age</li> <li>● <b>County:</b> Kitui</li> <li>● <b>Qualifications:</b>  <b>B.Sc.-Agricultural Engineering</b>  <b>Professional Courses</b> <ul style="list-style-type: none"> <li>- Community Water Management and Sanitation</li> <li>- Community Managed Disaster Risk deduction</li> <li>- Program Management Course</li> <li>- Taxation and Insurance Policies in labour market</li> <li>- Participatory Monitoring and Evaluation</li> <li>- Certificate in Computer Packages</li> </ul> </li> </ul> <p><b>Work experience</b></p> <ul style="list-style-type: none"> <li>● 2013 to date: County Resilience Officer-Turkana County –National Drought Management Authority (NMDA)</li> <li>● 2010 to 2013: District Food for Assets Coordinator-Ministry of State for Development of Northern Kenya and Arid Lands (MDNKAL)</li> <li>● 2009-2010: Technical Director-Grassroots Development Program (MDKNAL)</li> </ul>	Kitui South	<p>Suitably Qualified</p> <p>Relevant portfolio and also represents the marginalized group in the county that he comes from the furthest end of Athi ward.</p>

		<ul style="list-style-type: none"> <li>• 2007-2009: Diocesan Development Coordinator-Catholic Diocese of Kitui</li> <li>• 1999-2002: Volunteer Field Worker-Ikutha Food Security Project (USAID &amp; ADRA)</li> </ul>		
3	Education, ICT and Youth Development	<p><b>Mr. David Musyoki Kivoto (0724881391)</b></p> <ul style="list-style-type: none"> <li>• <b>Age:</b> 52 years</li> <li>• <b>County:</b> Kitui</li> <li>• <b>Qualifications:</b> <ul style="list-style-type: none"> <li>- M.ED-Education Planning and Policy</li> <li>- M.ED.-Education Management</li> <li>- B-ED-Education and Training</li> <li>- Higher Diploma in Building and Construction</li> <li>- Diploma in Technical Education</li> <li>- Diploma in Building and civil engineering</li> </ul> </li> <li>• <b>Professional Membership</b> <ul style="list-style-type: none"> <li>- Member of the Teacher Service Commission (TSC)</li> <li>- Member of Training Institutions and Vocational Education (TIVET)</li> </ul> </li> <li>• <b>Work experience</b> <ul style="list-style-type: none"> <li>- 2015-2016: Education Program Manager-Youth Training and Empowerment-Norwegian Refugee Council (NRC)-Eriteria</li> <li>- 2013-2015: Education Program Coordinator-NRC-Dadaab Refugee Camp</li> <li>- 2011-2013-Education Project Officer-NRC-Dadaab Camp</li> <li>- 2007-2011: Deputy Principal-NEP Technical Training College-Garissa</li> <li>- 2005-2007: Lecturer-Eldoret National Polytechnic</li> </ul> </li> </ul>	Mwingi Central	Suitably Qualified  Relevant portfolio

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		<ul style="list-style-type: none"> <li>- 2002-2005: Lecturer-Muranga College of Technology</li> <li>- 1995-2002: Teacher at Kabaa High School</li> </ul>		
4	Trade, Cooperatives and Investments	<p><b>Mr. Philip Mutinda Mumo (0724398001)</b></p> <ul style="list-style-type: none"> <li>• <b>Age:</b> 32 years of age</li> <li>• <b>County:</b> Kitui</li> <li>• <b>Qualifications</b></li> <li>- <b>BBA – Information Technology</b></li> <li>• <b>Professional Courses</b></li> <li>- Diploma in Business Administration</li> <li>- High Performance Microfinance Course</li> <li>- Micro-Finance Software Package-Course on Loan Performer</li> <li>• <b>Work experience</b></li> <li>- 2010 to date: Branch Manager-Kabati FSA under K-REP Services</li> <li>- 2007-2009: Tutor- Kitui Institute of Professionals</li> </ul>	Kitui Central (Special Interest Group Financial Services Association)	Suitably Qualified  Relevant Portfolio
5	County Treasury	<p><b>Ms. Mary Ndunge Nguli (0721-543920)</b></p> <p><b>Age:</b> 43 years of age <b>County:</b> Makueni <b>Qualifications:</b></p> <ul style="list-style-type: none"> <li>- Masters of Arts-Economics</li> <li>- Bachelor of Arts –Economics</li> <li>- Currently Ph. D candidate (Economics)</li> <li>- Certificate in Computer Applications</li> </ul> <p><b>Work experience</b></p> <ul style="list-style-type: none"> <li>- 2013 to date County Executive Committee Member for Finance and Planning-Kiambu County</li> <li>- 2005- 2013 – Senior Economist, National Treasury</li> <li>- 2005 Research Assistant-Institute of Policy and Research (IPAR)</li> <li>- 2003- 2004 Part time lecturer</li> <li>- 2001- 2003 Research Assistant-KIPPRA</li> </ul>	<b>Makueni</b>	Suitably Qualified  Relevant portfolio and a serving CEC Member for Finance and Economic Planning- Kiambu County.



6	<b>Land, Infrastructure, Housing and Urban Development</b>	<p><b>Eng. Jacob Maundu Kakundi (0735435459)</b></p> <ul style="list-style-type: none"> <li>• <b>Age:</b> 42 years of age</li> <li>• <b>County:</b> Kitui</li> <li>• <b>Qualifications:</b> <ul style="list-style-type: none"> <li>- Executive Master of Business Administration (MBA)</li> </ul> </li> <li>• Bachelor of Technology-Civil and Structural Engineering</li> <li>• <b>Professional Membership</b> <ul style="list-style-type: none"> <li>- Engineers Board of Kenya</li> <li>- Institution of Engineers of Kenya</li> </ul> </li> <li>• <b>Work experience</b> <ul style="list-style-type: none"> <li>- 2004 to date – Chief Operations Officer Zenith Steel Fabricators Ltd.</li> <li>- 2003-2004 Projects coordinator Steel Structures Ltd.</li> <li>- 2002-2003 Assistant Project coordinator Steel Structures Ltd.</li> </ul> </li> </ul>	<b>Kitui East</b>	Suitably Qualified  Relevant portfolio
7	Environment and Natural Resources	<p><b>John Muneeni Makau (0722704039)</b></p> <ul style="list-style-type: none"> <li>• <b>Age:</b> 48 years of age</li> <li>• <b>County:</b> Kitui</li> <li>• <b>Qualifications:</b> <ul style="list-style-type: none"> <li>- Bachelor of Laws</li> <li>- Diploma in Council of Legal Education</li> <li>- Certified Public Secretary</li> </ul> </li> <li>• <b>Professional Courses</b> <ul style="list-style-type: none"> <li>- Certificate in Microsoft Windows 98</li> <li>- Training of Trainers awarded by students Association for Legal Aid and Research</li> </ul> </li> <li>• <b>Work experience</b> 1998 to date –Founder J. M. Makau &amp; Co Advocates</li> </ul>	<b>Mwingi North</b>	Suitably Qualified  Relevant Portfolio

8	Tourism, Sports and Culture	<p><b>Patrick Koki Musau (0722740603)</b></p> <ul style="list-style-type: none"> <li>• <b>Age:</b> 41 years of age</li> <li>• <b>County:</b> Kitui</li> <li>• <b>Qualifications:</b> <ul style="list-style-type: none"> <li>- Bachelor of Commerce (Marketing Option)</li> <li>- Diploma in Sales Management &amp; Marketing</li> </ul> </li> <li>• <b>Professional Courses</b> <ul style="list-style-type: none"> <li>- Foundation Diploma in Purchasing and Supplies Management</li> <li>- Computer Packages</li> <li>- Basic Customer Service Management</li> </ul> </li> <li>• <b>Professional Membership</b> <ul style="list-style-type: none"> <li>- Marketing Society of Kenya</li> </ul> </li> <li>• <b>Work experience</b> <ul style="list-style-type: none"> <li>- 2007 to date- Managing Director Jemmitech Enterprises Ltd</li> <li>- 2005-2007 Area sales Leader Trade Alliance Group (Popote Wireless)</li> <li>- 2003-2005 Sales and Marketing Manager World Ahead International</li> </ul> </li> </ul> <p>1999-2003 Sales and Marketing Representative Polymac Enterprises Kenya Ltd.</p>	Mwingi West	Suitably Qualified  Relevant Portfolio
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**Hon. Kisangau:** Mr. Speaker, I wish to bring forth additional information on nominee number seven- John Muneeni Makau. Environmental management involves legal challenges in not only Kitui but also everywhere. A case in point is the on-going court cases regarding the anticipated exploitation of Coal in Mui basin and haphazard dumping of Asbestos in Kitui East.

The County is set to pay a contractor Kshs 5.4 million to mop up the harmful substance dumped at Kiongwe. Such tussles require the services of a nominee like Makau who is a lawyer by profession. The docket needs someone who is able to follow up on such issues. A person with a legal background who will ensure the right policies are formulated and implemented to curb malpractices such as sand harvesting and charcoal burning in our county. I understand the previous Assembly passed a Bill on charcoal burning. The nominee will be the only one in the CEC to have a legal mind and thus will be able to guide the committee on certain decisions.

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I want also to talk about the nominee for the County Treasury Ms. Mary Ndunge Nguli. She currently holds the same portfolio in Kiambu County. I acknowledge the fact that Kiambu is well rated in terms of the establishment of the Biashara Fund, the ease of doing business, Financial Reports, and automation of revenue, which has seen revenue collection rising to double digit contrary to the situation before Mary became the CECM for Finance in Kiambu.

Thus, Mr. Speaker Sir, the nominee will come with a lot of experience and I beseech this House to consider what she will do and ignore concerns on where she comes from. She has been working for the County Government of KIambu despite being a Kamba. I expect the three Ukambani Counties to accept their own people. If Ms. Nguli was accepted in Kiambu County, this House has no basis to reject her nomination to serve the people of Kitui her being from Makueni County notwithstanding.

The last nominee is Philip Mumo. He will be the face of the youth in the County Executive Committee. He has worked as the Branch Manager of Kabati FSA. Members of the organization who joined it from 2010 to date can attest to the fact that it has really grown in terms of the number of shareholders, share capital, loan portfolio and asset capital under the stewardship of the Mr. Mumo. Thus, Mr. Speaker, I plead with the House to approve the list in order to move the county forward. Thank you.

**The Speaker:** Please, take the Members through the observations and recommendations by the committee on suitability of the nominees, that is part 4 of the Report, That is the most important bit of the Report.

**Hon. Kisangau:** Sorry Mr. Speaker Sir. The committee observations and recommendations on suitability of the nominees.

Having considered the nominees' filled questionnaires pursuant to First Schedule of the Public Appointment (County Assemblies Approval) Act No.5 of 2017, their Curriculum Vitae, oral submissions and unanimously setting 60% as the average pass mark, the committee rated them as follows in line with the assessment form contained in the Second Schedule of the said Act.

1. Mr. Philip Mutinda Mumo.....	70.3%
2. Mr. John Muneeni Makau.....	66.8%
3. Mr. Emmanuel Malii Kisangau.....	80.3%
4. Mr. David Musyoki Kivoto.....	76.8%
5. Eng. Jacob Maundu Kakundi.....	82.2%
6. M/s. Mary Ndunge Nguli.....	90.5%
7. Mr. Patrick Koki Musau.....	66.7%
8. M/s. Rosaita Mbukua Ngina.....	73.2%

The committee further made the following observations on the suitability of the nominees for appointment as Members of the County Executive Committee.

THAT, they have surpassed the set average pass mark, satisfies the requirements of chapter 6 of the constitution of Kenya on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher Education Loans Board (HELB), Ethics and Anti-corruption Commission and the credit reference bureau as required.

THAT, none of them has ever been dismissed from office for contravention of the provisions of article 75 of the constitution which deals with conduct of state officers, that have never been adversely mentioned in any investigatory report of County Assembly or any commission of inquiry.

THAT, they exhibited impressive knowledge of topical and legal issues touching on their respective dockets and that they have the requisite abilities, qualifications and experience and therefore, the committee found the nominees suitable for appointment as the County Executive Committee Members.

The committee therefore recommends that the County Assembly for subsequent appointment to their respective dockets approve all the eight nominees.

We, Members of the Committee on Appointments append our signatures in this report to affirm the correctness of the contents and support for this report.

You can see on the report that all members of the committee have signed the report. The Clerk to Assembly Mr. E.M.A Mutambuki compiled the Report assisted by the Deputy Clerk Ms Lucy N. Waema.

With that Mr. Speaker, I request the Majority Leader Hon. Peter Kilonzo, to second the Motion .Thank you.

**The Speaker:** Hon. Kilonzo.

**Hon. Kilonzo:** Thank you Mr. Speaker. First, I take this opportunity to thank your office and that of the Clerk for the logistical support extended to the committee while compiling the report. Mr. Speaker, you being the Chair of Appointments Committee, I might get confused and as I continue talking be referring to you as the Chair. I feel for you because you are not in a position to defend what you stood for.

Finally, Mr. Speaker, the Report has been presented to the House for the Hon. Members to deliberate on it. I know the Report is long and hence I will not dwell on everything since the Minority Leader has done it already.

I second the Motion and urge the House to approve the list to enable the county to move on. The two women who appeared before the committee seemed more convincing than the men and I thank them for the confidence they displayed. Given the chance to work for the county, the two women will be resourceful for Kitui people.

I also thank the appointing authority Her Excellency Hon. Charity Ngilu for doing something different. The calibre of CECMs for the previous administration and those proposed now is different. One of the nominees is aged 32 years, which will give local youth hope, and realization that they are able to achieve.

While vetting, I discovered that none of the nominees was well-rounded. Most of them were qualified in one field and not the others. For example the departments of Tourism, Culture and Sports and ICT and Youth. No degree in sports is offered in Kenya and who can not lead the department of culture. At the national Government, the current minister for infrastructure who previously held the health docket is an accountant and not a medic. Our Governor served as the minister for lands yet she has no degree in land economics. Ministerial positions are political appointments.

**Hon. Nganga:** On a point of Information Mr. Speaker

**The Speaker:** Are you interested in the Point of Information?

**Hon. Kilonzo:** Yes Mr. Speaker Sir,

**Hon. Nganga:** Thank you Mr. Speaker Sir and the Leader of Majority for allowing me to pass some information. It is also good to appreciate what happened before. Hon. George Ndotto once served as the Minister for Arid and Semi-Arid areas focussing on water development in this country and yet he is not a water engineer. Thank you.

*(Laughter)*

**Hon. Kilonzo:** Thank you. I wasn't aware of that. Congratulations Mr. Speaker. The nominee for Health Ms. Rosaita is highly qualified. I know she is a resourceful person and resource mobilizer. What people do not know is that the 60 nurses sent to the various health facilities by the Governor recently resulted from an initiative spearheaded by the nominee and JHPIEGO-Kenya, a Non-Governmental Organization. This shows the candidate will be reliable on issues of partnerships.

In terms of finances, we know that the County Ministry of Health receives peanuts from the National Government towards provision of first class health services which people yearn for. This means we have to rely on partners.

I won't forget the *Ndengu* (Green Grams) revolution. Many of us were recently involved in the distribution of certified seeds in our wards in pursuit of the revolution. Ms Rosaita had a hand in conceptualization of the programme. I wish the Governor gets wind to create a Ministry by the name 'Resource Mobilization and appoints Rosaita to head it. She would lead the ministry faithfully and with commitment.

In Kisii County, the Health Sector was last term rated well in respect of service delivery yet the person who headed the sector was an educationist and not a medic. Thus, for Rosaita, the question of being well-rounded should not apply. She is reported to be working on a medical scheme through poor households will be able to access health services after paying Kshs. 1000.

Mr. Speaker, the committee compiled this Report with an open mind hoping it would steer the county forward once the House adopts it. Conversely, some Hon. Members confronted me with allegation that the committee awarded Mary Ngulu a score of 90 % to cover her weakness.

The nominee has a strong education background. She has a Bachelor's Degree and is currently pursuing PhD. Before taking up job with the County Government of Kiambu, Ms. Ngulu had a stint at the National Treasury. Thus, she has a connection at the National Exchequer with one of her referees being the Controller of Budget Ms. Agnes Odhiambo. She will come in handy as the link between the County and those key offices.

We have previously been pushing for establishment of Ward Development Fund to no success. While being vetted, the nominee promised to consider the idea. I actually engaged her on the proposal and she responded positively. If the idea is actualised, we shall push to ensure the annual allocation to the fund is increased above the Kshs. 5 million offered by the previous administration.

I now turn to Engineer Kakundi, the nominee for Lands, Infrastructure, Housing and Urban Development. Some people are casting doubts on the effectiveness of a structural Engineer in handling issues relating to land. For that I say county departments have technical staffs including Chief Officers who deal with such work.

Mr. Speaker, this House should consider approving the nominees now to allow Hon. Ngilu's administration to start working. I know the issue of regional balance will arise regarding the nominations but there are other positions within the county government including Chief

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Officers, Directors, and Assistant Directors, which are yet to be filled. We know Chief Officers are the AIE holders (Accounting Officers) while Ministers handle policy matters.

There is talk that the Governor is contemplating creation of two additional ministries, which might be taken by people from areas, which missed out in the first round. The issue of regional balance brings some confusion.

The previous Governor sought to enforce regional balance by building sub-county offices but that did not work. A case in point is the nomination of Emmanuel Kisangau for the Agriculture, Water, and Livestock Development docket. The nominee comes from the farthest of Ikanga Ward, which means Ikanga people living nearer to this side will not feel his influence. Now, do we say that is regional balance? Regional balance is something people should discuss and agree.

The nominees are suitably qualified and this House should approve them so that we move on. Thank you Mr. Speaker, for according me the opportunity to contribute.

**The Speaker:** Hon. Members I would like to propose the following question.

*(Question proposed)*

*(Several Members stood up in their places)*

Now, Hon. Members, I know most of you want to say something about the nominees. Time is limited so if you rise and catch my eyes, please, be brief to allow many of you to contribute. Only the Mover and Secunder of the Motion have the leeway to speak for more time as they set the mood for debate and expound on the matter under discussion. The rest of Members will be required to say one or two points to allow others to speak. The first to rise was Hon. Nganga.

**Hon. Nganga:** Thank you Mr Speaker Sir.

Hon. Kitheka: On a Point of Order, Mr. Speaker

**The Speaker:** Yes, Hon. Kitheka.

**Hon. Kitheka:** Mr. Speaker Sir, is it allowed for Members to be in Chamber while dressed in jeans? Several Members are dressed in jeans. Does our dress code allow that? Clarify on that Mr. Speaker.

**The Speaker:** I made a ruling on in the past. Hon. Members, If you are dressed in jeans...

*(Loud consultations)*

**The Speaker :** Order! Those wearing jeans should know that it is improper to enter the Chamber dressed casually. However, I will allow that for now since we are dealing with an important Motion. Those affected should avoid that in future. Hon. Nganga.

**Hon. Nganga:** Thank you Mr Speaker Sir. Let me concentrate on the Motion. But before that, Mr Speaker, allow me to tell my brother and good friend, the Hon. Member for Matinyani Ward that I can teach him on fashion.

*(Laughter)*

Mr. Speaker, what I am wearing is not jeans but replication of ....

(Laughter)

I have stood to support the Motion. I thank the Committee through the Chair. I echo the words of Majority Leader that the Chair cannot speak in this house in defence of what he stood for. I urge the Hon Members of this house to pass the Motion. I want to say that the nominees will comprise the policy-making organ of the county government of Kitui.

We are aware that there are policy makers and policy implementers. As appointing authority, you have to source for the best policy makers and technocrats to help in implementing the plans. The Governor headhunted for the best policy makers (CECMs) and will certainly do the same for the technocrats (Chief Officers). She will assemble a team that will move the county to the next level.

As relatively young, I want to say I am happy that the new administration has recognised that young people ought to have an input in management of county affairs and in that regard nominated a young person to the County Executive Committee. This has helped to minimize bickering by the Youth who had they missed out would have presented a memoranda to the Appointments Committee opposing the nominations based on the provisions of the constitution.

We all represent specific wards. I represent Miambani Ward in Kitui Central Constituency and it missed out on the nominations. That does not mean that the ward was sidelined. We should stop invoking regional balancing (sub-counties) when it comes to appointments by the Governor because not all areas can be considered in view of the limited slots. In this Assembly, we represent wards and not sub-counties or constituencies hence better to shun the mentality.

I know, Mr. Speaker, the Governor is being pressurised to create two more Ministries to accommodate regional diversity and interests. But shouldn't we be proud of a lean government that is cost effective or we prefer a bloated administration on which a huge chunk of public resources will be channelled to meet its operational expenses instead of going to development. The people who elected us look upon us to ensure they benefit from development.

**Hon Sylvester Munyalo:** On a Point of Information Mr. Speaker!

**Hon. Nganga:** I don't need any information from the Hon. Member for he started badly.

**The Speaker:** Order!!!

**Hon. Nganga:** I don't need the information from the Hon. Member for Matinyani ward for interrupting my speech when you assigned me the floor. I was saying that having a lean and cost effective government is the best option. Let us not pressurise the Governor to create a bloated bureaucracy as that will strain public coffers and hurt development.

For the first time a lawyer by profession has been appointed as a Member of the County Executive Committee. The move will come in handy with regard to preparation of Bills by the Executive. It means Bills originating from the Executive side for consideration by the County Assembly will bear legal input with the presence of the nominee for Environment and Natural Resources.

We all know, Mr. Speaker, that Kitui County is dogged by problem of resources hence the reason a person with ability to mobilize resources was nominated. I won't forget the nominee for Tourism, Sports and Culture Koki Musau of the *Kwenze Kwenze* fame. He will be lightening up the county through his political antics. The management of the county will require some political input and more so during CEC meetings. Professionals are boring at times.

The fact that the entire County Executive Committee, which served the previous administration, has been overhauled does not portend mass dismissal of other junior county

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workers including the Chief Officers and Directors. I am assuring this as a Member of the governing party. It wont happen. As an insider, am privy to the goings-on at the other side.

County personnel will be evaluated based on their performance, contracts, and suitability for the positions they hold. I have interacted with some Chief Officers, Assistant Directors, and Ward Administrators who expressed fear of being sacked by the new administration. That is not true and I assure Members of this House with relatives or people connected to them who work for the Executive that nothing like that will happen. It is their performance, which will help them to retain the jobs.

NARC won the Kitui gubernatorial seat. We did not stage a coup d'état. Mass sackings are experienced only when a putsch is effected. No wholesale changes are anticipated when the change of guard is done procedurally. Thank you Mr. Speaker Sir.

**Mr. Speaker:** So do you support the Motion or not?

**Hon. Nganga:** I began by saying that I support. Thank you.

**Mr. Speaker:** Hon. Kivunzi (Musili)

**Hon. Musili:** Thank you Mr Speaker for allowing me an opportunity to support the Motion. Firstly, the membership of the Appointments Committee as approved by the County Assembly comprises people with impeccable qualifications and outstanding experience. They did for us a good job. We appreciate the committee's work.

Secondly, Mr. Speaker, the nominees are balanced. We have a youth, an engineer, educationist, a lawyer, and so forth. We expect that they are going to perform. There is no point of having any fears whatsoever in the kind of services this County is likely to get.

With those remarks, I urge the Assembly to pass this Report. Furthermore, we should have a simple debate since the Minority and Majority Leaders have already agreed. Thank you Mr Speaker.

*(Prolonged Laughter)*

*(Hon. David Thuvi stood up in his place)*

**The Speaker:** Hon. Thuvi. Everybody will have a chance to contribute if you speak brief and straight to the point like Hon. Kivunzi. He has not wasted time but has said all he wanted to say.

**Hon. Thuvi:** Thank you Mr Speaker for giving me the opportunity to say something on this important Motion. I think the Committee on Appointments has done a good job. I want also to thank the Minority and Majority Leaders for expounding on the Report. Actually, some of the information you have given us has helped to kind of convince our minds.

However, I would have expected to be told which universities these people went to. I think it is important for me as I make a decision. That is a small omission but it should have been done.

I also expected the Report to capture the issue of equitable distribution of resources. When you check Section 35 (1) of the County Governments Act No. 17 Of 2017; it says that "The Governor shall when nominating Members of the County Executive Committee ensure to the fullest extent the composition of the Executive Committee reflects the community and the cultural diversity of the county."



I come from Kithumula/Kwamutonga Ward, which is in Kitui West, and the local community is not represented in the County Executive Committee. So I want it to go into record that the people of Kitui West are questioning why none of them was considered for the CEC slots.

With those few remarks, I support the Motion so that we can get our county moving but I will in future most likely request an answer to that question. Thank you.

**The Speaker :** Hon. Thuvi has brought out his point very well.

*(Hon. Nthuri stood up in his place)*

Let us now go to the Hon. Member for Tharaka Ward. There is only one Member from Tharaka.

**Hon. Nthuri:** Thank you Mr Speaker Sir for allowing me to contribute. I start by commenting on what has been said in this House. I became unhappy when I heard my colleagues saying the list presented by the Governor is inclusive. To me, inclusivity can only have a meaning if the selected persons hailed from all areas of the county. Most of those picked are from the central location of this county, hence the list is not inclusive.

Mr Speaker Sir, hurry-hurry has no blessing. We cannot compromise standards by rushing to endorse the nominees on grounds that time was running out. I understand that Article 198 of the Constitution provides for the operation of the county government during transition period. So, why are the current CECMs worried yet they are covered by the law? Mr Speaker, I am completely worried.

*(Laughter)*

This is because... I want to support the sentiments expressed by Hon. Thuvi that by considering Section 35(2), the committee should have started with 35(1). To do what? To know what the Governor was expected to do in constituting the CEC. Had the committee considered 35(1) (b), they could have realised that the minorities and marginalised communities ought to have been considered in such appointments.

There seems to a debate on who the majority and minority are. This will be answered by reading Article 260 of the Constitution, which shows that a marginalised community like Tharaka automatically qualified to be given a slot in the CEC but that was denied.

*(Laughter)*

Mr Speaker Sir, I am worried over historical injustices being perpetuated. Look at what has happened now. I said it the other time; the Governor started going astray immediately she started working. She began by water trucking and now she has embarked on constituting her administration with Tharaka being side-lined. So, I request this Honourable House to consider the nominations carefully. Invoking the constitution cannot justify the skewed appointments. I wish to read 2 (4) of the of the Constitution,

*(Laughter)*

It says, “Any law including Customary Law, that is inconsistent with this Constitution is void to the extent of the inconsistency, and any act or any omission (like the way the people of Tharaka have been omitted), in contravention of this Constitution is invalid.

*(Prolonged Laughter)*

So, I plead with this Hon. House to help me achieve my prayers. For example, if I read Article 56 (a), (b), and (c) you will find that what I am saying is not my creation but provided for by the Constitution. And that is what should be done. So let us see what Article 56 says;

*(Prolonged Laughter)*

**The Speaker:** Order! Order! Hon. Nthuri sit down.

**Hon. Kilonzo:** Point of Order Mr. Speaker

**The Speaker:** There is a point of order Hon. Nthuri.

**Hon. Nthuri:** What is it?

**The Speaker :** **There is a** Point of Order from Hon. Kilonzo.

**Hon. Kilonzo:** Mr Speaker, we understand the pain the Hon. Member is going through but is he in order to mislead the House by refereeing to Chapter 56 of the Constitution which does not exist ? It is Article and not Chapter. Give guidance Mr Speaker.

**Hon. Nthuri:** Thank you Majority Leader, It is Article 56. The topic is on Minorities and Marginalised groups. “The State shall put in place affirmative action programmes designed to ensure minorities and marginalised groups–

(a) Participate and are represented in governance and other spheres of life; I will skip part (b).

(c) Are provided special opportunities for access to employment.

(d) Develop their cultural values, languages and practices.

The values of Tharaka people are different from those of Kamba. Unless they are represented in the county government, the values will be lost which is tantamount to killing the Tharakas on account of discrimination. We can also read Article 24.

*(Hon. Nganga rose on a Point of Order)*

**The Speaker:** Yes Hon. Nganga.

**Hon. Nganga:** Mr Speaker is it in order for the Hon. Member for Tharaka to refer to ‘killing of Tharaka people’? Is the wording parliamentary?

**The Speaker:** It is not in order. Killing is a strong word. Reframe your words.

**Hon. Nthuri:** I said it in quotes Mr Speaker and I withdraw the word and replace it with ‘discriminating the community when it shouldn’t be discriminated against.

*(Applause)*

So let me conclude my speech by going back to Section 32 (2) which the committee considered. It states that "the county assembly shall not approve nominations for appointment to the executive committee that do not take into account-

(a) not more than two thirds of either gender. If you do simple mathematics what is a third of eight? A third of eight is 2.6 recurring. When I round off that decimal to the nearest whole number I get 3.

Hon. Munuve: On a Point of Order, Mr. Speaker

**The Speaker (Hon. G. Ndotto):** You are disturbing this gentleman.

*(Laughter)*

**Hon. Nthuri:** Mr Speaker Sir we find that women should be three according to that calculation.

**The Speaker (Hon. G. Ndotto):** But the point of order is from a Mathematician, maybe he wants to correct you. Let us hear what he is saying.

**Hon. J. Munuve:** Mr Speaker Sir, thank you for giving me the opportunity. I wanted to inform my friend, the Hon. Member for Tharaka...

**The Speaker (Hon. G. Ndotto):** Is it a Point of Order or Point of Information?

**Hon. J. Munuve:** Is he in order to mislead the House...

**The Speaker (Hon. G. Ndotto):** Order! Order!

**Hon. J. Munuve:** Is he in order to mislead the House that the County Executive Committee will consists of only two ladies when the Governor who is a lady will be part of the CEC?

**Hon. F.K Nthuri:** I think Mr Speaker Sir...

**The Speaker (Hon. G. Ndotto):** Order! Order!

**Hon. F.K Nthuri:** He has worsened the situation.

**The Speaker (Hon. G. Ndotto):** Order!

**Hon. F.K Nthuri:** I was better placed before he intervened.

*(Laughter)*

**The Speaker (Hon. G. Ndotto):** Order! Order!

**Hon. F.K Nthuri:** I thought he was doing some mathematics

**The Speaker (Hon. G. Ndotto):** Order! Order! Continue.

**Hon. F.K Nthuri:** I said, Hon. Members...

**The Speaker (Hon. G. Ndotto):** And I want you to wind up.

**Hon. F.K Nthuri:** Yes. Let me wind up by saying  $\frac{2}{3}$  of 8 is 5.333. Thus, mathematically, I eliminate .333 and remain with 5 which should have been the number of the male nominees and not 6 as submitted by the Governor.

Mr Speaker Sir, I plead with the House to reject the list until the Governor reviews it to accommodate the interest of Tharaka people who are a distinct community. Alternatively, persons from Tharaka fill the two slots the Governor is considering to create.

*(Hon. Kilonzo stood on a Point of Order)*

**The Speaker (Hon. G. Ndotto):** Order! Order! Sit down Hon. Kilonzo. Wind up!

**Hon. F.K Nthuri:** Finally, Mr Speaker Sir, the committees of this House should be able to resolve such issues. This is an Honourable House and we cannot compromise standards. While executing their mandate, the committees cannot burry their heads in the sand and think nothing wrong is happening. With those remarks, I oppose the list. Thank you.

*(Applause)*

*(Several Members stood up in their places)*

**The Speaker (Hon. G. Ndotto):** Order! Order! Order! Hon. Members. Order! Sit down! Hon. Members! Sit down Hon. Katumo.

*(The Members resumed their seats)*

I allowed the Hon. Member for Tharaka more time because he was speaking on behalf of an entire community. He represents a tribe. So, he had the right to talk longer than other Members. I will not allow other speakers such time. Thus, bear that in mind. Please summarise your statements. Who else wants to say something?

*(Hon. Jane Mutua stood up in her place)*

Hon. Jane Mutua

**Hon. J. Mutua:** Asante Mheshimiwa Spika kwa kunipa fursa ya kuzungumzia kuhusu wateule wa Mheshimiwa gavana katika nyadhifa za mawaziri wa kaunti.

Kwanza nampongeza Gavana kwa uteuzi wake bora wenye mchanganyiko mzuri. Kulingana na uteuzi wake, amehakikisha amezingatia upande wa vijana.

Nikiangalia majina haya kuna mteule kwa jina Bw. John Muneeni Makau ambaye ametoka eneo la Mwingi Kaskazini ambako ni sehemu moja ya ya kaunti ya Kitui ambayo ina raslimali tele kama madini. Yeye ni wakili. Na Mheshimiwa Spika kama unavyojua wakazi wa eneo hilo ni kama wametapeliwa kuhusiana na mambo ya ardhi zao na kadhalika.

Mheshimiwa Spika, ni kama Bi. Gavana alikuwa na maono mazuri kwa kumteua Bw. Makau ingawa unavyojua kuliwa na mshikri kidogo wakati wa kampeni za Uspika wa bunge hili lakini wacha tuseme yaliyopita si ndwele. Hayo yaliisha!

*(Laughter)*

Kulingana na Bibilia Takatifu, “ambaye hajapata bado anangojea.” Hatimaye amepata kitu. Na ni kweli,”mgagaa na upwa hali wali mkavu.”

Mheshimiwa Spika ukiangalia zile sehemu ambazo huwa zimetengwa kama eneo la Kitui Kusini atokako mteule Bw. Emanuel Malii Kisangau, zimewakilishwa vizuri. Mheshimiwa

alienitangulia amezungumzia kuhusu meaneo ambayo yametengwa lakini maeneo hayo yamewakilishwa kwa kumteua mkazi kutoka Kitui Kusini.

Kidogo nina taswishi kwa Wizara ya masuala ya Vijana kwa sababu yule ameuteuliwa ana miaka hamsini na mbili. Kulingana nami, kutokana na dhana walizonazo vijana hapo kutakuwa na pengo la kizazi. Kwa sababu wale wana miaka kumi na tano hadi thelathini na tano hawawezi fikiria kwa kiwango kimoja na mtu wa umri wa miaka hamsini na mbili.

Lakini kwa sababu ana uzoefu wa kazi hiyo na pia kutakuwa na wafanyikazi wengine wa kumsaidia tunaona itakuwa sawa.

Upande wa taaluma ya uhandisi imewakilishwa vizuri kwa sababu Gavana amemteua Mhandisi Jacob Maundu Kakundi kutoka upande wa Kitui Mashariki.

Lakini Mheshimiwa Spika watu wamezungumzia sana mteule Bi.Mary Ndunge Nguli. Tukiangalia kwenye Katiba inasema vizuri sana. Asilimilia thelathini ya wafanyikazi katika kaunti inafaa kutoka kaunti zingine. Mheshimiwa Gavana amehakikisha hilo. Binti huyu anaonekana ana uzoefu wa kazi. Amefuzu vizuri na anafaa kwa kazi hiyo kwa sababu tumeelezewa historia yake na ninaona ataweza kutafutia kaunti hii fedha za kutosha ili tuweze kufanya kazi.

Nikiangalia upande wa mteule Bw. Patrick Koki, kusema ukweli huyo amezawadiwa kazi kwa sababu za kisiasa. Lakini ni sawa kwa sababu hii nyumba ni ya siasa hata Gavana mwenyewe amechaguliwa kwa njia ya kisiasa. Kwa hivyo kutakuwa na usawa wa kisiasa.

Naye Bi. Losaita Ngina ni mama tunayemjua kwa kufanya kazi vizuri kama vile tumefahamishwa.

Tumetumia muda mwingi tukijadiliana kuhusu haya majina. Na ukizingatia vile Viongozi wa Wengi na Wachache Bungeni walivyosema pande zote zimewakilishwa.

Lakini kuna kitu kimoja lazima nikizungumzie nikiwa hapa Bungeni. Nilipochaguliwa katika Wadi ya Kauwi, nilichaguliwa kuwakilisha wakazi wa Kauwi na lazima niongee kwa niaba yao. Nazungumzia kuhusu eneo ninalotoka.. Hatuwezi vumilia kama wakazi wa enebunge zima la Kitui Magharibi. Wenyeji wa eneo hilo walijitokeza kwa wingi na kupiga kura. Vile vile wao ni wakazi wa Kaunti ya Kitui. Inakuwaje eneo la Kitui ya Kati liwe na wateule wawili na mmoja kutoka Makueni ilhali Kitui Magharibi hakuna hata mmoja?

Mheshimiwa Spika ni lazima tumwambie Mheshimiwa Gavana ya kwamba eneo la Kitui Magharibi lipewe wadhifa.

Kwa hayo mengi nakubaliana nao na kuunga mkono na kama inawezekana tumalizane nah ii hoja ndio kwa sababu Gavana anangoja haya majina. Tunataka aweze kuanza kazi kwa sababu kwa sasa Kaunti imekwama. Asante sana.

**The Speaker:** Are you suggesting I put the question?

**Hon. Jane Mutua:** Yes Mr. Speaker sir.

*(The suggestion by Hon. Mutua to have the debate concluded by having the Speaker put the Question was out rightly rejected by some Members)*

*(Several Members stood up in their places )*

**The Speaker:** Order! Order! There is only one Speaker, sit down please? Hon. Jane are you proposing that I put the question?

**Hon. Jane Mutua:** Ndio Mheshimiwa Spika.

**The Speaker:** May I put the Question?

*(Hon. Mwalimu stood up in his place)*

Order! Order! Hon. Mwalimu. Can you sit down? With exhaustion debate, it is allowed for Members to request the Speaker to put the question. Whether Hon. Jane is right or not, it is the discretion of the Speaker to decide on the matter. What is your problem yet I have not resolved to put the question? I haven't actioned on Hon. Jane's request. Let's continue for a while. Hon. Kanandu.

**Hon. Johnstone Kanandu:** Thank you Mr Speaker Sir. I have stood to support the Motion. Mr Speaker, we should realise that we are in the second quarter of the 2017/2018 Financial Year and literally nothing much in terms of development has been done in Kitui County. We all as elected leaders campaigned on a platform of development but we are about to go on recess without something tangible in terms of development having been done.

Mr. Speaker, I congratulate the Appointments Committee for doing a good job. However, let me point out pertinent issues, which the Committee failed to highlight in this Report. If you read the Public Appointments (County Assemblies Approval) Act No 5 of 2017- nominees with political affiliation are required to declare that interest.

Thus, I expected the committee shed light on comment on this requirement in relation to the Environment and Natural Resources and Tourism, Sports and Culture nominees John Makau and Patrick Koki respectively. Makau is Chairman of the Wiper Democratic Movement in Mwingi North while Koki who participated in the just concluded general election.

As Members, we are ready to execute our oversight function after formation of portfolio committees but that is not possible without the work of the CECs. In that regard, I urge the House to approve the list in order to move forward.

I support Hon. Nthuri's sentiments. My understanding of being marginalised is having the least population in the county which is the case with Tharaka people. We would set a bad precedent if we today categorise Athi Ward as marginalised by virtue of its distance from Kitui town and fail to accord Tharaka, Muslims and other minorities the same recognition. Tharaka have diverse culture and natural values as Hon. Nthuri put it. It is important these facts are factored in future county appointments. I beg to support Motion.

*(Hon. Mwalimu stood up in his place)*

**The Speaker:** Hon. Mwalimu.

**Hon. Geoffrey Mwalimu:** Thank you Mr Speaker for giving me the opportunity to support the Motion. First I congratulate the Governor for giving us a well-balanced list of nominees for the CEC positions. Secondly, Members of this House will still have an opportunity to scrutinize the performance of the CECMs after being appointed. Approving them now is not the end of the story. There will be another option for this House to deal with non-performers.

The other thing I will talk about concerns the Members' and electorates' welfare. There is outcry by Members on development and lack of disbursement of funds to our Wards. The

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incoming CECM for Finance will be our saviour regarding those issues. She is set to actualise the Ward Development Fund. That is achievable Hon. Members and we need to support the Motion. Personally, I support the Motion in totality. Thank you Mr Speaker.

*(Several Members rose to contribute with Hon. Kyene catching the Speaker's eyes)*

**The Speaker:** Yes precise and to the point. Hon. Kyene.

**Hon. Ruth Kyene:** Thank you Mr Speaker Sir for giving me an opportunity to contribute on the Motion. Firstly, I comment the Hon. Members for airing their views on the Report. I also thank the Governor for forwarding the names of the nominees to the Assembly for vetting.

As a Member of Appointments Committee, I have one or two comments to make. I got an opportunity to interact with the selected persons and one thing I can assure this House is that the Governor made the best decision for this County. This is because the candidates are full of knowledge. In fact, what they carry in their minds is more than what their papers hold. I know that because we interacted and interrogated the nominees exhaustively and realized their value to the county. They also espoused good visions for the County.

Thus, I urge the Members of this House to approve the candidates and it will come to pass that whatever will be done in our wards shall be to the expected standards and that will be an advantage for us. Thus, we should make up our minds and approve the nominees.

The people we represent have sent us here. Personally, I was sent here by the people of Nzambani Ward to make the right decisions on their behalf.

I strongly support the Motion and I am sure as a Member of the Appointments Committee that is the best decision I have taken on behalf of our county. Thank you Mr Speaker.

*(Several Members stood in their places)*

**The Speaker:** Hon. Mbili.

**Hon. Mbili:** Thank you Mr Speaker. I will be brief. From the start, I support the Motion. I thank the Governor for executing her responsibility. I also thank the Appointments Committee for job well done. However, I expected the Report to highlight on the qualifications of the nominees' vis-à-vis the responsibilities attached to the dockets they have been chosen to serve. I am looking forward to having CEC Members with the ability to formulate good policies for the development of this County. We need persons with high experience who will draft Bills, which will not strain the County Assembly while scrutinizing them. That will accelerate development in this region.

I want also to talk about keeping up with world trends. People with skills, creativity, self-motivation and team players nowadays lead the world. People who strive on prudent leadership and have ability to negotiate and formulate strategies, which can lure donors and investors.

I have listened to both the Mover and the Seconder of the Motion and concur with their sentiments regarding the qualification of the selected persons, which is varied and will ensure diversity in decision making at the top hierarchy of the County Administration. The mix looks very good.

I will conclude by revisiting the two-thirds gender rule which advocates that "Not more than two-thirds of the members of elective public bodies shall be of the same gender". The women

set to be in the CEC are not two but three because the Governor will be part of the Executive. With those few remarks, I beg to support the Motion. Thank you Mr. Speaker Sir.

**The Speaker:** Very well. Where are we now?

*(Several Members stood up in their places)*

*(Laughter as Hon. Munuve jumped up in a bid to catch the Speaker's eyes)*

**The Speaker:** Hon. Munuve thinks am not seeing him and he has tried to jump up so that I can see him. Yes Hon. Munuve.

**Hon James Munuve:** Thank you Mr. Speaker Sir for giving me an opportunity to support this wonderful Report. I don't want to repeat what my colleagues have said. I want to briefly comment on three issues. Going by what is in the Report, I think all the nominees are qualified.

My only concern is what Hon. Nthuri has talked about-side-lining of certain areas with regard to the nominations. I think Athi ward being the furthest from the County headquarter is marginalised. I know the livelihood of most people there is based on hunter and gatherer economy as specified in Article 260 of the constitution.

My request, Mr Speaker, is for the marginalised areas referred to by the Members like Tharaka to be considered when Chief Officers, Directors and Assistant Directors of various departments will be recruited.

People living with disability were also overlooked and the same should be addressed next time. More youth should also be given jobs. We appreciate having a CECM who is below 35 years. We need to empower the youth more through leadership positions. Nevertheless, we for now have qualified people who can start working. Thank you Mr Speaker Sir.

*(Several Members stood up in their places)*

**The Speaker:** Hon. Members we are getting late. Hon. Lusa has been standing for a while. Order! I will allow the following Members to air their views; Hon. Lusa, Hon. Wangunze, Hon. Nguli, Hon. Katumo, Hon. Musyoka and Hon. Kitheka. Right, Hon. Lusa.

**Hon. Andrew Lusa:** Thank you Mr. Speaker Sir for giving me an opportunity to speak. I have stood to support the Motion and request you to Put the Question because the debate has been exhausted. The people nominated to serve in the various positions are full of expertise. For example the nominee for County Treasury is very qualified on accounting matters. The Majority Leader has informed us that she will establish Ward Development Fund which is what we have been looking for.

There are many projects we must ensure are implemented. Contractors who will undertake the projects must be paid. I therefore urge the Hon. Members to support the Motion and focus on other Business. Thank you Mr Speaker Sir, I support the Motion.

**The Speaker:** Hon. Wangunze:

**Hon James Wangunze Kula:** Thank you Mr. Speaker Sir. I am Hon. Wangunze, the Member for Chuluni Ward. First, I thank Her Excellence, the Governor Hon. Charity Ngilu for giving us a good team. I have never met with most of the nominees but I know the nominee for Land Infrastructure, Housing and Urban Development Eng. Jacob Kakundi is a highly experienced

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person. I actually know where he works and he is very well paid but he is sacrificing to come and work for the people of Kitui.

I also thank the Appointments Committee for doing a good job. It has recommended a dependable team to be working with the County Assembly. So, I have stood to support the Motion and urge my colleagues to support it as well so that we move on. Thank you.

**The Speaker:** Hon. Munyalo

**Hon. Sylvester Munyalo:** Thank you Mr Speaker Sir. Much has been said....some Members are making noise. I have the right to be heard in silence.

**The Speaker:** Order! Order! Hon. Members. Continue Hon. Munyalo.

**Hon Sylvester Munyalo:** Mr. Speaker, I have stood to support the Motion. The Governor and the Appointments Committee deserve honour for job well done. The eight nominees have a shared vision. As people of Kitui West and Kitui Rural, we have a right for one of us to be appointed as a CEC Member but that did not happen because the slots are limited. Thus, I do not see anything wrong with that Mr Speaker.

We should support the Motion. The Report is 95 per cent correct. We should be allowed to talk as Members of Kitui West because officials from the County Executive who are here will deliver the message to the Governor.

There is outcry in Kitui West, Kitui Rural and Tharaka which missed out on the appointments to the Executive Committee. There is nothing wrong with one of us from Kitui West being included in the Committee. Thank you Mr Speaker. I support the Motion.

**Hon. Nguli:** Thank you Mr. Speaker. Before I speak in support of the Motion, I take this opportunity to thank Members of this House for sincerely and unanimously appointing me to represent the Assembly at National and International forums.

*(Laughter)*

Thank you Hon. Members for wiping my tears. Thank you so much. Mr. Speaker Sir, I want to quote Article 1 of the Constitution of Kenya 2010 which talks about the sovereignty of the people. It states that sovereignty of the people is exercised either directly or indirectly through democratically elected leaders.

The Committee on Appointments depicts this House. We appointed and approved her membership. This report therefore represents the views of this House and the entire County because the people of Kitui entrusted us with the role of representation in this Assembly. This report therefore represents the wish of the people of this County.

Secondly Mr. Speaker Sir, I want to quote the renowned US president, Abraham Lincoln who said that if he were given six hours to cut a tree, he would spend four hours to sharpen the axe. I thank the Committee on appointments for the time they spent to come up with this list.

As I conclude Mr. Speaker Sir, there was a good televangelist by the name Dr. Monroe who passed on in 2015 following an air crash. He said there is no success without a successor. I wish that we approve the Report to realise success in the county. Thank you Mr. Speaker Sir. I beg to support the Motion.

**The Speaker:** Hon. Katumo

**Hon. Katumo:** Thank you Mr. Speaker Sir for giving me an opportunity to support the Motion. First, I thank the Governor for her agenda for this County. I worked with her before at the Ministry of Health and I believe in her plan to move the County to the next level.

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I don't believe there was biasness in the selection of the 8 persons by the Governor. Members who are complaining of their areas having been side-lined should relook at facts and establish whether there are any qualified people from the areas who sought the positions and missed out. It is unfair to accuse the Governor without observing due diligence.

**Hon. Speaker:** There is a Point of Order Hon. Katumo.

**Hon. Katumo:** I don't need the Point of Order. Mr. Speaker Sir....

(Laughter)

**The Speaker:** Order! Order! Order Members! Order Hon. Katumo! There is a Point of Order from Hon. Munyalo. What is your point of order Hon. Munyalo?

**Hon. Munyalo:** Thank you Mr. Speaker. Mr. Speaker Sir, is it in order for the Hon. Member to insinuate that there are no qualified candidates in Kitui West and Kitui Rural? That is what his speech insinuates Mr. Speaker Sir.

**The Speaker:** Hon Munyalo that is not what Hon. Katumo said. He said you confirm first because there is a possibility that no persons applied for the positions or those who applied did not meet the qualifications. Continue Hon. Katumo.

**Hon. Katumo:** Thank you Mr. Speaker Sir for protecting me from the Hon. Member from Kitui West. Mr. Speaker Sir I know most Members are here courtesy of lying to the electorate...

**The Speaker:** Order! Order Katumo! Hon. Members don't lie. Withdraw that word.

**Hon. Katumo:** I withdraw Mr. Speaker Sir. I meant is that they promised to work for the electorates, which is not the case. The first quarter of the year is gone with us having done very little. I have seen the Calendar of the House and soon we shall be going for recess.

Mr. Speaker Sir it will be embarrassing if we go back to the people who elected us with nothing to show. I have read the mood of the House, I request you to put the question so that we finish with this matter. Thank you.

**Hon. Speaker:** Order Hon. Members, this is the third time I have been asked to put the question. I have no reason to object but before I do so, I will allow the mover of the motion a minute or two to reply to the motion.

**Hon. Kisangau:** Thank you Mr. Speaker. I take this opportunity to thank the Hon. Members for supporting the Motion. I am also thankful to the nominees for sacrificing their jobs to come and work for the county government. I know some of them who have been working in both the public and private sectors are paid handsomely. I know professionals from this county working in the public and private sectors who cannot sacrifice their huge salaries in favour of serving the local people.

Specifically, I thank the Hon. Members for extending support to John Muneeni and Patrick Koki. We are aware that Muneeni vied for a parliamentary seat in the last elections but lost. He was also a candidate for the position of the Speaker of the County Assembly and lost as well. This shows that this is a person with a passion to serve the people of Kitui.

Koki also ran for Mwingi West parliamentary seat and lost and that was his second attempt to capture the seat. Mr. Speaker, it is good for this House to consider people who show interest to serve the people of this County.

I request you as the Chair of Appointments Committee to take note of the issues of the minority communities raised by the Member for Tharaka Ward, Hon. Nthuri and regional balance. I kindly request that Her Excellency the Governor be informed of the concerns in order to consider them.

I urge officials from the County Executive present in this House to take note of the concerns. In my capacity as the Minority Leader and Member of the governing party, I will convey the Members' concerns to the Governor. Once again, thank you Hon. Members for supporting the Motion.

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**Hon. Speaker:** Before I put the question, I want to assure you in my capacity as the Chairperson of Appointments Committee that your sentiments will be officially conveyed to the Governor, particularly the concern of Hon. Nthuri on exclusion of the minority communities.

*(Question put and agreed to)*

I thank you so much Hon. Members, this was an important Motion and your approving is a milestone to the County. It is a big step forward you. You have moved the County forward. With that, I we now adjourn the House.

*(The Members stood in their places)*

### **ADJOURNMENT**

**Hon. Speaker:** Hon. Members, this House now stands adjourned until next week on Tuesday 7<sup>th</sup> November 2017 at 2.30 p.m.

**The County Assembly rose at 5:12 PM.**