

COUNTY GOVERNMENT OF KITUI



COUNTY ASSEMBLY

SECOND ASSEMBLY – (SECOND SESSION)

COMMITTEE ON LAND, INFRASTRUCTURE AND URBAN DEVELOPMENT

**REPORT ON THE VETTING OF CHIEF OFFICER NOMINEE IN THE MINISTRY OF
LANDS, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT
MR. CHRISTOPHER MAINGI SYENGO,**

CLERK'S CHAMBERS
COUNTY ASSEMBLY BUILDINGS,
KITUI.

MARCH, 2018

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1.0 **PREFACE**

On behalf of the Committee on Lands, Infrastructure and Urban Development and pursuant to the provisions of Standing Order 190 (5) (f), it is my pleasant privilege and honour to present to the House the Report of the Committee on the vetting for appointment of Mr. Christopher Maingi Syengo, nominee for appointment to the position of Chief Officer for County Department of Lands, Infrastructure, Housing and Urban Development.

1.1 **Committee Mandate**

The Departmental Committee on Lands, Infrastructure and Urban Development is one of the Departmental Committees of the County Assembly of Kitui established under ***Standing Order 190(1)*** whose mandate, pursuant to the ***Standing Order 190 (5)*** is to, among others;

- i. Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operation and estimates of the assigned department;
- ii. Study programs and policy objectives of departments and the effectiveness of the implementation;
- iii. Study and review all county legislation referred to it;
- iv. Study, assess and analyse the relative success of departments as measured by the results obtained as compared with their stated objectives;
- v. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- vi. To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 184(Committee Appointments); and**
- vii. Make reports and recommendations to the county assembly as often as possible, including recommendation of proposed legislation.

In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters of county housing, street lighting, traffic and parking, public Roads transport, Public works, Construction, and Maintenance of roads, rails and buildings, air, seaports etc.

1.2 Committee Membership

The Committee on Lands, Infrastructure and Urban Development was constituted by the House in October, 2017 and comprises the following Members:-

1. Hon. Boniface Katumo – Chairperson
2. Hon. Geoffrey Mwalimu – Vice-chairperson
3. Hon. Colleta Koli Kimanzi – Member
4. Hon. Eunice Katheke – Member
5. Hon. Charles Maema – Member
6. Hon. Jehoshephat Nzamba – Member
7. Hon. Alex Mbili – Member
8. Hon. Alex W. Mwangangi – Member
9. Hon. David Thuvi – Member
10. Hon. John Kisangau Mbaki – Member
11. Hon. Anthony Ndooh Mwanzia – Member

1.3 Message from H. E. the Governor

Pursuant to Standing Order 42 (1), the Speaker of the County Assembly on **Wednesday 14th March**, 2018 conveyed to the House a message from The Governor regarding the nominee to the position of Chief Officer for Kitui County Department of Lands, Infrastructure, Housing and Urban Development.

The Speaker further informed the House that the Governor was seeking the approval of the House on the said nomination before appointment.

In accordance with Standing Order 42(3) (c) the Speaker having delivered the Message from the governor referred the name of the nominees together with their curricula vitae to the respective Departmental Committees to conduct approval hearings.

The Speaker advised the Committees to conduct extensive public participation as provided for under Article 196 of the Constitution as well as the Public Appointment (County Assemblies Approval) Act (No.5 of 2017) and report to the House within twenty one (21) days.

1.4 Nomination and appointment process

The County Assembly having received the name of the nominee is obligated to conduct approval hearings and make a determination of the nominees' suitability or otherwise within twenty one days as provided for in section 9 (1) of the Public Appointments (County Assemblies Approval) Act (No.5 of 2017).

1.5 Committee proceedings

During the approval hearing, the Committee held one sitting to examine and review the nominee's certificates, testimonial, consider public views and hold vetting meeting with the nominee.

The Committee received no statement on oath from the public as provided in section 7(10) of the Public Appointment (County Assemblies Approval) Act (No. 5 of 2017).

1.6 Committee observations and recommendations

The Committee having held approval hearing of the nominee regarding his suitability, observed that due process was followed on the recruitment process as provided for under the Section 45(1) (b) of the County Government Act and the Public Appointments (Assemblies Approval) Act (No.5 of 2017) and therefore found Mr. Christopher Maingi Syengo suitable and qualified for appointment to the position of Chief Officer for Kitui County Department of Lands,

Infrastructure, Housing and Urban Development although he never met the pass mark of 67% set by the members but managed to score 60%. However the Committee recommends further that the County Assembly do consider the fact that, the nominee is good for the position and subsequently approve the nomination of:

Mr. Christopher Maingi Syengo for appointment by H.E the Governor as the Chief Officer for Kitui County Department of Lands, Infrastructure, Housing and Urban Development.

1.7 Adoption of the Report

We Members of the Departmental Committee on Lands, Infrastructure and Urban Development have, pursuant to Standing Order 179 adopted this report on the vetting of Chief Officer nominee in the Ministry of Lands, Infrastructure, Housing and Urban Development and affix our signatures to confirm our approval and its accuracy, validity and authenticity on Friday, 29th March, 2018 as per appendix II.

1.8 Acknowledgement

Mr. Speaker,

The Committee wishes to thank the Office of the Speaker and the Clerk for the logistical support accorded to it during the vetting exercise. Further, the Committee wishes to thank all the stakeholders for their participation in the approval hearing. The Committee is also thankful to the County Assembly of Kitui department of Communication for their coverage of the proceeding of the Committee, thus enhancing accountability and transparency of the vetting exercise.

Mr. Speaker,

On behalf of the Departmental Committee on Lands, Infrastructure and Urban Development, and pursuant to Section 45(1) (b) of the County Government Act and Section 9(1) of the Public Appointments (County Assembly Approval) Act (No. 5 of 2017), it is my pleasant duty to table the Report of the Committee on the vetting of Chief Officer nominee in the Ministry of Lands, Infrastructure, Housing and Urban Development for debate and adoption by the House. The Committee further request the County Assembly of Kitui to approve the nominee in disregard

of the threshold of 67% set by the committee that the nominee never met and instead base on the fact that;-

- a. The nominee managed to score 60% although never met the pass mark of 67% as set by the committee, but was above average.*

- b. The Nominee's profession and work experience is relevant to the position respectively.*

Signed:**Date:**

Hon. Boniface Katumo, MCA
Chairperson, Departmental Committee on Lands, Infrastructure and Urban Development

2.0 **BACKGROUND INFORMATION**

2.1 **Legal framework**

In conducting the Approval hearing, the Committee was guided by Section 45 of the County Government Act which provides as follows—

45 (1) *the governor shall;-*

a) Nominate qualified and experienced county Chief Officers from among persons competitively sourced and recommended by the County Public Service Board; and

b) With the approval of the County Assembly, appoint county Chief Officers.

(2) The office of the County Chief Officer shall be an office in the county public service.

(3) A county chief officer shall be responsible to the respective County Executive Committee Member for the administration of a county department as provided under section 46.

(4) The county chief officer shall be the authorized officer in respect of exercise of the delegated power.

(5) The governor may re-assign a county chief officer.

(6) A county chief officer may resign from office by giving notice, in writing, to the governor.

2.2 **Qualifications for appointment of Chief Officer**

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

Section 8 of the Public Appointments (County Assemblies Approval) Act, provides for issues which the relevant County Assembly (in this case, the County Assembly of Kitui) is supposed to consider in relation to any nomination. These are:

a) the procedure used to arrive at the nominee including the criteria for the shortlisting of the nominees;

b) any constitutional or statutory requirements relating to the office in question; and

c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

2. Article 73(2) of the Constitution provides that: The guiding principles of leadership and integrity include

(a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;

(b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;

(c) selfless service based solely on the public interest, demonstrated by

(i) honesty in the execution of public duties; and,

(ii) the declaration of any personal interest that may conflict with public duties;

(d) accountability to the public for decisions and actions.

2.3 Message from H.E the Governor

H. E the Governor on Wednesday 14th March, 2018 communicated the name of the nominee for the position of Chief Officer for Kitui county Lands, Infrastructure, Housing and Urban Development to the Speaker for approval by the County Assembly of Kitui pursuant to Section 45 (1) of the County Government Act. The Speaker in his Communication from the Chair, issued on **Wednesday, 14th March, 2018** and pursuant to Section 14(3) and Standing Order 42 referred the name to the Departmental Committee on Lands, Infrastructure and Urban Development to conduct approval hearing and report within twenty one (21) days.

2.4 Notification to the nominee and Clearance requirements

The Clerk of the County Assembly of Kitui vide an advert on the media dated 15th March, 2018 informing the nominee, Mr. Christopher Maingi Syengo on his nomination by H.E the Governor and requested him to appear for vetting by the Departmental Committee on Lands, Infrastructure and Urban

Development on Thursday, 22nd March, 2018 in the Committee Room 2 the County Assembly of Kitui buildings at 4.00 pm.

The Clerk further requested the nominee to bring with him clearance certificates from the Kenya Revenue Authority (KRA), the Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission (EACC), Criminal Investigation Department and the Credit Reference Bureau.

2.5 **Request for Statement on Oath and Notification to the public**

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

The Clerk of the County Assembly of Kitui on **Thursday, 15th March, 2018** placed a notification in the print media informing the general public of the intention of the Committee to conduct approval hearing, as provided for by Article 196 (1) (a) (b) and (2) of the Constitution and Section 7(5) of the Public Appointments (County Assemblies Approval) Act, (No.5 of 2017), which allow public participation in Committee proceedings. The notification gave provision for the submission of a written statement on oath, on the suitability or otherwise of the nominee, by **Tuesday, 20th March, 2018, at 5.00 pm.**

2.6 **Submission of Written Statement on Oath**

At the close of business on Tuesday, 20th March, 2018, the Office of the Clerk, had not received any submissions touching on the suitability or otherwise of the nominee.

3.0 **APPROVAL HEARING**

The Committee was scheduled to conduct approval hearing for the nominee to the position of Chief Officer for the County Department of Lands, Infrastructure, Housing and Urban Development on **Friday, 23rd March, 2018**. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, County Government Act, the Public Appointments (County Assemblies Approval) Act (No. 5 of 2017) and the Standing Orders.

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

- a. Academic qualifications
- b. Employment record and work experience
- c. Professional association
- d. Public office, political activities and affiliations
- e. Potential conflict of interest
- f. Suitability to the position
- g. Tax compliance
- h. Vision and leadership
- i. Integrity
- j. Expectations and Key priorities

3.1 Mr. Christopher Maingi Syengo – Chief Officer nominee for the Kitui County Department of Lands, Infrastructure, Housing and Urban Development.

Mr. Christopher Maingi Syengo; appeared before the Committee for vetting on Friday 23rd March, 2018. He was orally interviewed by the Committee Members and responded to questions during the vetting as follows:-

1. Educational and Professional Qualifications

He took Members through his educational and professional background and stated that: -

- i. He obtained a Bachelors degree of science (electrical engineering) from the University of Nairobi in 1990.
- ii. He is currently the acting Director of Energy in the County Government of Embu, Ministry of Infrastructure, Public Works, Housing & Energy.
- iii. Previously he had worked in various positions as follows:-
 - a) The Electrical Engineer in the ministry of public works.
 - b) Attachment at M/S Ngilu Associates.
- iv. He is a graduate member of the Institute of Engineers of Kenya (I.E.K).

2. Measures for ensuring that ministry projects are completed on time and EACC investigations do not arise.

He informed the meeting that if appointed he will ensure strict adherence to all regulations governing the issuance of tender and further ensure that

staffs do not collude with contractors to approve their unfinished or shoddy projects for payments and incase it happens the nominee promised to ensure that the culprits face the law to the latter.

3. Measures for ensuring that buildings of standard quality are constructed in the county;

He informed the meeting that if appointed he will review the building code with a view of coming up with strict measures to ensure that no structure is erected before approval of the county officials.

4. Measures for ensuring that drainage systems in kitui are properly managed;

He informed the Committee that if appointed he will audit all the drainage systems within the county and repair the damaged drainage systems.

5. Measures to put in place to ensure hawkers do not trade beside the road networks of kitui county;

He stated that if appointed to the position he will first involve stake holders;- churches, the office of the governor and the public at large to sort out the menace because it is a common problem in the entire country.

4.0 COMMITTEE OBSERVATIONS AND FINDINGS

The Committee having considered the nominee's curriculum vitae and heard oral submissions during the vetting exercise made the following observations: -

i) Mr. Christopher Maingi Syengo – Chief Officer Nominee for Kitui County Department of Lands, Infrastructure, Housing and Urban Development

a) He was born in 1966 married with three (3) children and completed his under graduate degree in Bachelor of Science (Electrical Engineering) in 1990 from the University of Nairobi.

b) He has a wealth of professional experience in the department having worked with the national government in the ministry of public works as Electrical Engineer and upon secondment to the County Government of Embu where he is currently serving as the Acting

Director for Energy in the County Ministry of Infrastructure, Public works, Housing and Energy.

- c) He has satisfied the requirements of Chapter 6 of the Constitution of Kenya on leadership and integrity.
- d) He has been cleared by the Ethics and Anti-Corruption Commission (EACC), Criminal Investigation Department (CID), Kenya Revenue Authority on tax compliance, Higher Education Loans Board (HELB) and the Credit Reference Bureau.
- e) He was successfully interviewed by the Kitui County Public Services Board for the position of Chief Officer in February, 2018.
- f) He has never been charged in a Court of Law and has no potential conflict of interest.
- g) He has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers and has not been adversely mentioned in any investigatory report of any County Assembly or any Commission of Inquiry.

From the foregoing and according to the Members' Assessment Sheets provided under the second schedule of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, the nominee never met the pass mark of 67% as set by the committee. However he managed to score 60% which was derived after summing up the total marks of each member that the nominee scored during the vetting process, and there after divided the total marks awarded by each member with the total number of members who participated in the exercise on 23rd March, 2018 as shown in the arithmetic below.

<u>COMMITTEE MEMBERS</u>	<u>MARKS</u>
Hon. David Thuvi	20%
Hon. Jehoshephat Nzamba	76%

Hon. Colleta Kimanzi	50%
Hon. Alex Mbili	64%
Hon. Anthony Ndooh	80%
Hon. John Mbaki	88%
Hon. Charles Maema	20%
Hon. Geoffrey Mwalimu	28%
Hon. Boniface Katumo	91%
Hon. Eunice Katheke	80%
Total score	597

After getting the total score members went further and divided it with their head counts whereof they derived at a mean score of 59.7 and unanimously agreed to round it off to 60%.

5.0 COMMITTEE RECOMMENDATION

At the end of the vetting process, the Committee made the following recommendation:

That; having considered the suitability, capacity and integrity of the nominee, and pursuant to section 45(1) of the County Government Act, Section 7 (9) and 8 of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, Standing Orders and other relevant statutes, Committee recommends to the County Assembly for approval of the nomination of Mr. Christopher Maingi Syengo for appointment by H.E. the Governor as the Chief Officer for the County Department for Lands, Infrastructure, Housing and Urban Development.

Report Prepared and Compiled By:-

Mr. David Manzi (clerk assistant)

APPENDIX II

SIGNED LIST OF MEMBERS OF THE COMMITTEE ON LAND, INFRASTRUCTURE AND URBAN DEVELOPMENT ADOPTING THE REPORT ON VETTING OF MR. CHRISTOPHER MAINGI SYENGO, THE CHIEF OFFICER NOMINEE FOR APPOINTMENT TO THE MINISTRY OF LANDS, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT

<u>NAME</u>	<u>DESIGNATION</u>	<u>SIGNATURE</u>
i. Hon. Boniface Kilungya Katumo	- Chairperson	.....
ii. Hon. Geoffrey Muli Mwalimu	- Vice Chairperson	.....
iii. Hon. David Thuvi	- Member	.....
iv. Hon. Alexander Munuve Mbili	- Member	.....
v. Hon. Eunice Mwathi Katheke	- Member	.....
vi. Hon. Jehoshapat James	- Member	.....
vii. Hon. Charles Maema	- Member	.....
viii. Hon. Anthony Mwanzia Ndo	- Member	.....
ix. Hon. John Mbaki Kisangau	- Member	.....
x. Hon. Alexander M. Mwangangi	- Member	.....
xi. Hon. Colleta K. Kimanzi	- Member	.....

APPENDIX I

MINUTES OF THE COMMITTEE ON LAND, INFRASTRUCTURE AND URBAN DEVELOPMENT MEETING HELD AT FLAMINGO BEACH RESORT MOMBASA ON 29TH MARCH, 2018 STARTING AT 2.00 P.M.

MEMBERS PRESENT

1. Hon. Boniface Katumo - Chairperson
2. Hon. Geofry Muli Mwalimu - vice chairperson
3. Hon. Anthony Mwanzia Ndoo - Member
4. Hon. John Mutuku Mbaki Kisangau - Member
5. Hon. Alex Wambua Mwangangi - Member
6. Hon. David Thuvi - Member
7. Hon. Colleta K. Kimanzi - Member
8. Hon. Alexander Munuve Mbili - Member
9. Hon. Charles Muthui Kilonzi Maema - Member
10. Hon. Jehoshaphat Nzamba James - Member
11. Hon. Eunice Mwathi Katheke - Member

IN ATTENDANCE

David Manzi - Clerk Assistant (Taking minutes)

PRAYER

The meeting started at 2.00 P.M with a word of prayer said by the chairperson.

MIN. LIUD 024/2018 COMMUNICATION FROM THE CHAIRPERSON

The Chairperson welcomed the Members to the meeting and briefly explained to them the business before the committee meeting was to adopt the Committee's Report on the vetting exercise for departmental Chief Officer that was conducted on 23rd March, 2018 at committee room II.

MIN. LIUD 025/2018 ADOPTION OF THE COMMITTEE’S REPORT ON THE VETTING EXERCISE FOR THE CHIEF OFFICER NOMINEE FOR THE MINISTRY OF LANDS, INFRASTRUCTURE, HOUSING AND URBAN DVEVELOPMENT

The Members discussed and approved the Committee’s report on the vetting exercise for the chief officer Nominee for appointment to the department of Lands, Infrastructure, Housing and Urban Development.

MIN (LIUD) 026/2018 ADJOURNMENT

And there being no other business, the meeting ended at 5.00 P.M.

.....
DAVID MANZI
For: The Clerk of the County Assembly

Date

Confirmed
HON. BONIFACE KATUMO
Chairperson Lands, Infrastructure & Urban Development Committee,
County Assembly of Kitui.

Date.....