

# COUNTY GOVERNMENT OF KITUI



## COUNTY ASSEMBLY

### SECOND ASSEMBLY – (SECOND SESSION)

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#### COMMITTEE ON LANDS, INFRASTRUCTURE AND URBAN DEVELOPMENT

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#### REPORT ON THE VETTING AND CONSIDERATION OF NOMINEES TO THE KITUI MUNICIPALITY BOARD

Clerk's Chambers,  
County Assembly Buildings,  
**Kitui, Kenya**

**September, 2018**

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## **1.0 PREFACE**

**Mr. Speaker Sir,**

On behalf of the Committee on Lands, Infrastructure and Urban Development and pursuant to Standing Order 190 (5)(f), it is my duty and pleasure to present to the House the committee's report on vetting and consideration of nominees for appointment to the Kitui Municipality Board.

This is one of the Sectoral Committees established under the Standing Orders 190(1). Among its functions are to vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee Appointments)

### **1.1 Committee Membership**

**Mr. Speaker Sir,**

The Committee on Lands, Infrastructure and Urban Development was constituted by the House in October, 2017 and comprises of 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           |

### **1.2 Mandate of the Committee**

**Mr. Speaker Sir,**

The Departmental Committee on Lands, Infrastructure and Urban Development is one of the ten 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 185 (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.

### **1.3 Nominations and notification to the Speaker**

On 8<sup>th</sup> August, 2018 and pursuant to Section 13 and 14 of the Urban Areas and Cities Act, 2011 and Section 6 and 10 of the Public Appointments (County Assemblies) Approval Act, 2017 H.E. The Governor of Kitui forwarded to the Speaker the names of five nominees to the Kitui Municipality Board. In compliance with section 10(2) of the Public Appointments (County Assemblies) Approval Act, 2017 and the reasons raised by the Members in the House during a sitting held on 25<sup>th</sup> July, 2018, on rejection of the previous nominees as stated below;

- i. Lack of regional balancing
- ii. The members are senior citizens and youth have been left out

H.E.The Governor in her prudent wisdom and further consultations re-submitted the names of Dr. Musyimi Mbathi and Mr Badi Muhsin in the forwarded list of nominees below for appointment in the Kitui Municipality Board Members.

<b>No.</b>	<b>Nominee</b>	<b>Ward</b>	<b>SubCounty</b>
1.	Dr. Musyimi Mbathi	Mulango	Kitui central
2.	Mr. Badi Muhsin	Township	Kitui central
3.	Mr. Stephen Makau Kavuvu	Mutonguni	Kitui west
4.	Mr. Elijah Masai Musembi	Kyome/Thaana	Mwingi west
5.	Mrs. Mary Musya Moses	Mutitu	Kitui East

The Speaker in his Communication from the Chair, issued on **Tuesday, 11<sup>th</sup> September, 2018** and pursuant to Section 14(3) of the County Government Act, and Section 7 of the Public Appointments (County Assemblies) Approval Act, 2017, committed the names of the nominees to the Departmental Committee on Lands, Infrastructure and Urban Development for approval hearing in pursuant to section 9 of the Public Appointments (County Assemblies) Approval Act, 2017, and subsequently table a report to the House within twenty one (21) days.

#### **1.4 Notification of the nominees and the public**

**Mr. Speaker Sir,**

Pursuant to Article 196 (1) (a) (b) and (2) of the Constitution and Section 7(4) and (5) of the Public Appointments (County Assemblies) Approval Act, 2017, an advertisement was placed in the Daily Nation on 15<sup>th</sup> September, 2018 inviting the nominees to appear before the Committee on Lands, Infrastructure and Urban Development on 24<sup>th</sup> September, 2018 in Committee Room 2. Further, members of the public were expected to participate in the vetting process by submission of written statements on oath on the suitability or otherwise of the nominees by 21<sup>st</sup> September, 2018.

As at close of business on 21<sup>st</sup> September, 2018 no memoranda had been submitted.

#### **1.5 Vetting of the Nominees**

**Mr. Speaker Sir,**

On Monday, 24<sup>th</sup> September, 2018, the Committee held two sittings during which the nominees appeared before the Committee and were vetted in accordance with the law.

In conducting the vetting process, the Committee examined the nominees against the following criteria, amongst others, in accordance with the Public Appointments (County Assemblies) Approval Act and Article 73(2) (a) (b) (c) (d) and (e) of the Constitution and other applicable laws:

- i) Academic qualifications;
- ii) Employment records;
- iii) professional affiliations;
- iv) potential conflict of interest;
- v) knowledge of the relevant subject matter;
- vi) overall suitability for the position;
- vii) tax compliance;
- viii) Integrity.

The Committee also reviewed the criteria used to arrive at the nominees as submitted by H.E. The Governor vide a letter dated 8<sup>th</sup> August, 2018.

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

### **1.6 Adoption of the Report**

**Mr. Speaker Sir,**

Members of the Sectoral Committee on Lands, Infrastructure and Urban Development have, pursuant to Standing Order 179 adopted this report on the vetting of nominees to the Kitui Municipality Board and affixed their signatures to confirm their approval and its accuracy, validity and authenticity on Tuesday, 25<sup>th</sup> September, 2018 as per appendix II.

## **1.7 Acknowledgment**

**Mr. Speaker Sir,**

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 office of H.E the Governor for the cooperation and quick response in providing the legitimate nominee, when the committee was almost to a standstill due to a mix-up of the nominee's name Mary Moses, thus enhancing accountability and transparency of the vetting exercise.

**Mr. Speaker Sir,**

On behalf of the Departmental Committee on Lands, Infrastructure and Urban Development, and pursuant to Section 13(2) of the Urban and Cities Act and Section 9(1) of the Schedule to 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 nominees for appointment to the Kitui Municipality Board Members for debate and adoption by the House. The Committee further request the County Assembly of Kitui to approve the nominees for the aforementioned appointment.

**Signed: .....Date: .....**

**Hon. Boniface Katumo, MCA**

**Chairperson, Departmental Committee on Lands, Infrastructure and Urban Development**



## **1.8 Approval Hearing**

**Mr. Speaker Sir,**

The Committee conducted an approval hearing for the nominees for appointment to the Kitui Municipality Board on **Monday, 24<sup>th</sup> September, 2018**. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, Urban and Cities Act, the Public Appointments (County Assemblies Approval) Act (No. 5 of 2017) and the Standing Orders.

In coming up with observations, findings and recommendations for appointment of the nominees, the Committee examined the nominees using the guidelines provided for in the Public Appointments (County Assemblies Approval) Act No. 5 of 2017. The Committee also considered the following during vetting of the nominees:

- 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

## 2.0 COMMITTEE OBSERVATIONS AND FINDINGS

**Mr. Speaker Sir,**

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

### 1. DR. MUSYIMI MUTHOKA MBATHI

The nominee appeared before the Committee on 24<sup>th</sup> September, 2018. His credentials are as outlined below:

	<b>Criteria</b>	<b>Details</b>
1.	Personal Bio- data	Born in 1965 and is married
2.	Place of Birth	Nairobi, comes from Mulango
3.	Academic qualifications	PhD in Planning- University of New Castle- 2012
		Masters of Arts (Urban and Regional Planning) University of Nairobi- 1992
		Bachelor of Arts University of Nairobi- 1989
		KACE- Mumbuni High School- 1984
		KCE- Mumbuni High School- 1982
		CPE- Mumbuni High School- 1979
3	Employment record/ work experience	Over 20 years work experience Currently a lecturer at the University of Nairobi
		Ministry of Lands and Housing
		UN HABITAT- 2013
		Centre for Urban Research and Innovations
		Experienced Board Member in various organizations
		Experienced in urban and regional planning, urban waste management, lecturing, community development, general administration, resource mobilization for various urban areas including Asia, Lusaka, Kilifi, Bungoma, Nakuru and Kitui
4	Professional affiliations	Kenya Institute of Planners since 1992
		GIS Society since 2014
5	Potential conflict of interest	None
		To be guided by the relevant laws where an issue as pertains to conflict of interest rises
		Will be guided by professional ethics and work experience
6	Knowledge of relevant subject	Nominee displayed knowledge and understanding of the position he was nominated for and ability to deliver on his duties if appointed
		Articulated issues affecting the municipality and what needs to be addressed including street lighting, zoning of town, poor planning, waste management,

		lack of adequate resources, poor drainage systems, etc
		Passionate about management and public service, working with low income earners, resource mobilization, slum upgrading etc
		Emphasized on need for stakeholder engagement
7	Overall suitability	The nominee is qualified for the appointment with relevant experience in urban planning
8	Tax compliance	Tax Compliance Certificate attached
9	Integrity	No integrity issues noted

## 2. MR BADI MUHSIN JUMA

The nominee appeared before the Committee on 24<sup>th</sup> September, 2018. His credentials are as outlined below:

	<b>Criteria</b>	<b>Details</b>
1.	Personal Bio- data	Born on 15 <sup>th</sup> July, 1954 and is married
2.	Place of Birth	Kitui Central
3.	Academic qualifications	Diploma Freelance journalism, International Correspondence Schools London- 1994
		K.C.E- Kalawa Secondary School (Confirmed to the Members that he never sat for Kenya Certificate of Education(K.C.E)
		C.P.E- Muslims Primary School
4.	Employment record/ relevant work experience	Has worked at KBC as a news translator, news editor, news supervisor, news anchor
		Information officer at Kuwait Embassy 1982 (part time)
		Public relations officer Kuwait Embassy
		Media consultant for various Embassies- Oman, Sudan and Saudi Arabia
5.	Professional affiliations	Media Council of Kenya
6.	Potential conflict of interest	None
		To be guided by the relevant laws where an issue as pertains to conflict of interest rises
		Will adhere to the law and not be unduly influenced
7.	Knowledge of relevant subject	Nominee displayed knowledge and understanding of the position he was nominated for.

		Outlined issues affecting Kitui town and what needs to be addressed e.g. poor infrastructure, poor sewerage systems, unequipped hospitals, poor planning, etc
		Would be guided by the Urban Areas and Cities Act and ensure implementation of development plans if appointed
		Seeks to offer conflict resolution skills, public relations, address issues affecting the municipality and public and to serve the community
8.	Overall suitability	Nominee qualified for the appointment with knowledge of the relevant subject matter
9.	Tax compliance	Tax Compliance Certificate attached
10.	Integrity	No integrity issues noted

### 3. MR STEPHEN MAKAU KAVUVU

The nominee appeared before the Committee on 24<sup>th</sup> September, 2018. His credentials are as outlined below:

	Criteria	Details
1.	Personal Bio- data	Born on 22 <sup>nd</sup> November, 19666 and is married
2.	Place of Birth	Mutonguni
3.	Academic qualifications	Kenyatta University Masters of Strategic Management 2011
		Bachelor of Education Arts, Kenyatta University, 1992
		Kitui High School (K.A.C.E)-1988
		Thatha Secondary School (K.C.E)-1986
		Kitundumo Primary School (C.P.E)- 1982
4	Professional Qualification	Certificate in -Conflict, Disaster and Peace building -Education Management (KESI Course)
5.	Employment record/ relevant work experience	2013 up to date- Principal, Kakeani Secondary School
		2008-2012- Principal Mutulu Secondary School
		2005-2008- Principal Muthue Secondary School
		2004-2005- deputy Principal Kisasi Secondary School
		1997-2003- H.O.D Humanities St. Angelas Sec. School
		1995-1996- A.G Headteacher Mosa Secondary School
		1993-1995- Assistant Teacher Mosa Secondary School
6.	Professional affiliations	Teachers Service Commission (T.S.C)
7.	Potential conflict of interest	None
		To be guided by the relevant laws where an issue as pertains to conflict of interest rises
		Will be guided by professional ethics

8.	Knowledge of relevant subject	Nominee displayed knowledge and understanding of the position he was nominated for and confidence to deliver on his duties
		Conversant with the functions of the Municipality, challenges facing it and what issues need to be addressed including poor planning, hawkers, poor infrastructural development, poor sewerage systems etc
		Would ensure public participation, and ensure strategic working relationships if appointed
9	Overall suitability	The nominee is qualified for the post with experience in strategic management and administration
10	Tax compliance	Tax compliance certificate attached
11	Integrity	No integrity issues noted

#### 4. Mr. ELIJAH MASAI MUSEMBI

The nominee appeared before the Committee on 24<sup>th</sup> September, 2018. His credentials are as outlined below:

	<b>Criteria</b>	<b>Details</b>
1.	Personal Bio- data	Born on 23 <sup>rd</sup> December, 1982 and is married
2.	Place of Birth	Musuani (Kyome/thaana ward in Mwingi West)
3.	Academic qualifications	Bachelor of Commerce(Finance option)- The Technical University of Kenya- 2016
		Diploma in Business Administration- Kenya Polytechnic-2005
		KATC I –KNEC-2005
		KCSE Kyuso Boys Secondary School-2001
		KCPE Musuani Primary School-1997
4.	Employment record/ work experience	2009 up to date -Business Man in Kitui Town
		2006-2008- Research Assistant Kenya National Bureau of Statistics in collaboration with the UN-Bodies
		2004-Attachment at Registry- Central Bureau of Statistics
5.	Professional affiliations	None
		To be guided by the relevant laws where an issue as pertains to conflict of interest rises
6.	Potential conflict of interest	None
7.	Knowledge of relevant subject	He displayed in depth knowledge and understanding of the position he was nominated to and ability to deliver on his duties

		Outlined issues affecting the municipality and what should be addressed to including the issue of Hawkers, poor sewerage systems etc
		Emphasized need for public participation through forums and dialogue.
8.	Overall suitability	The nominee is qualified for the post with experience and exposure in management and entrepreneurship
9.	Tax compliance	Tax compliance certificate attached
10.	Integrity	No integrity issues were noted

## **5. MARY WANGECI MOSES**

The candidate appeared before the Committee on 24<sup>th</sup> September, 2018 to represent the Kitui Urban Jua Kali Association.

However, in the process of vetting, the Committee discovered that the nominee is not a member of Jua Kali Association upon admission and confirmation by herself that she is not a member of the said association, neither does she have a membership number, despite being allegedly nominated to represent the same association. This information is available on Hansard for verification and or confirmation.

The Committee therefore discontinued vetting of the nominee following the candidate's own statement to the effect that she is not a member of the Jua Kali association. Based on the aforementioned information, the candidate was not vetted to conclusion.

Following consultations between the Office of the Speaker and the Office of the Governor, the County Secretary thereafter forwarded the name of the right candidate, that is Mary Musya Moses. **See appendix III.**

## **6. MARY MUSYA MOSES**

The nominee appeared before the Committee on 24<sup>th</sup> September, 2018, following the disqualification of Mary Wangeci Moses as outlined above, and the forwarding of her name by the County Secretary as the legitimate candidate nominated by the Jua Kali sector as a board Member to the Kitui Municipality Board. See appendix III.

Her identity card bears the name Mary Ndewa Musya. However, she availed a duly sworn affidavit to verify that the names "Mary Ndewa Musya" and "Mary Moses" both belong and refer to her, having acquired the latter name by virtue of marriage. **See appendix iv.**

Her credentials are as outlined below:

	<b>Criteria</b>	<b>Details</b>
1.	Personal Bio- data	Born in 1981 and is married with 2 children
2.	Place of Birth	Mutito in Kitui East
3.	Academic qualifications	KCPE 1989-1996- Kwa Tundu Primary school KCSE 1997-2000- Kwamwenze Secondary School Secretarial Course- 2001-2003- Mercy Commercial College
3	Employment record/ work experience	15 years of work experience 2014 to date- Jua Kali sector Kitui 2009-2013-Secretary at Kyanika Secondary School 2004-2008- T.M. Musyoki & Co. Associates
4	Professional affiliations	None Is however a valid Jua Kali member under membership No. 223
5	Potential conflict of interest	None Will be guided by the relevant laws should any conflict of interest arise.
6	Knowledge of relevant subject	Nominee displayed knowledge and understanding of the position she was nominated for Articulated issues affecting the municipality such as poor drainage systems, water shortage, hawkers, firefighting services etc. If nominated, consultations with the public would be key in making decisions Seeks to serve the public and improve the livelihoods of Jua Kali sector workers
7	Overall suitability	The nominee is qualified for the appointment
8	Tax compliance	Tax Compliance Certificate availed
9	Integrity	No integrity issues noted

From the a foregoing and according to the Members' Assessment Sheets as provided under the second schedule of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, the nominees managed to score the marks below, which are above the set pass mark of 60%.

<b>No</b>	<b>Name</b>	<b>Marks Obtained (%)</b>
<b>1.</b>	Dr. Musyimi Muthoka Mbathi	82%
<b>2.</b>	Badi Muhsin Juma	74%
<b>3.</b>	Stephen Makau Kavuvu	74%
<b>4.</b>	Elijah Masai Musembi	70%

5.	Mary Musya Moses	74%
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## **COMMITTEE RECOMMENDATIONS**

**Mr. Speaker Sir,**

At the end of the vetting process, the Committee made the following recommendation based on the nominees' analysis and findings:

**That; having considered the suitability, capacity and integrity of the nominees, and pursuant to Section 13 & 14 of the Urban and Cities Act, Section 7 (9) and 8 of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, Standing Orders No. 190(5) (f) and other relevant statutes, the Committee recommends that the County Assembly approves the nomination of: -**

1. Mrs. Mary N. Musya
2. Dr. Musyimi Muthoka Mbathi
3. Mr. Badi Muhsin Juma
4. Mr. Stephen Makau Kavuvu
5. Mr. Elijah Masai Musembi

**for appointment by H.E. the Governor as Members of the Board for Kitui Municipality.**

*This Report was compiled by David Manzi -Clerk Assistant  
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