

# COUNTY ASSEMBLY OF KITUI



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## **THE APPOINTMENT COMMITTEE REPORT ON THE VETTING OF KITUI COUNTY LAND MANAGEMENT BOARD**

**DATE:** *10<sup>TH</sup> June, 2015*

# **COMMITTEE REPORT ON THE VETTING OF KITUI COUNTY LAND MANAGEMENT BOARD (APPEAL BY HIS EXCELLENCE THE GOVERNOR)**

## **PREFACE**

Mr. Speaker Sir, on behalf of the Members of the Committee on Appointments and Pursuant to Provisions of Standing Order No. 185, I take this opportunity to present to the Assembly the report and recommendations on the appointments of the Land Management Board following the Governor's appeal to re-consider our earlier decision.

## **MANDATE OF THE COMMITTEE**

The Committee derives its mandate from Standing Order No. 185 which states that:-

***“There should be a Select Committee to be designated the Committee on appointments to be appointed by the County Assembly consisting of the Speaker as the Chairperson, Leader of Majority Party, the Leader of Minority Party and not more than three other members nominated by the County Assembly Business Committee on the basis of Proportional Party Membership in the County Assembly, taking into consideration the numerical strength of the parties and interests of independent Members”.***

Mr. Speaker Sir, as the name of the Committee suggests, the mandate of this Committee is to solely vet Appointments by the Executive before approval of the same by the Assembly.

## **COMMITTEE MEMBERS**

1. Hon. George M. Ndoto – Chairperson
2. Hon. Jacob M. Kilonzi – Vice Chairperson
3. Hon. Alex Nganga – Member
4. Hon. Titus Kasinga – Member
5. Hon. Francis Mwalili – Member
6. Hon. Jane Mutua – Member

## **MATTER UNDER CONSIDERATION**

Consideration and vetting of the Kitui County Land Management Board Members.

Mr. Speaker Sir, this follows the appeal by His Excellency the Governor to reconsider four (4) in number nominees who were among the initial eight (8) in number nominees forwarded to the Assembly and who did not have any issues that would warrant their rejection.

## **COMMITTEE SITTINGS**

Upon receiving the appeal the Committee held a total of three (3) in number sittings on 13<sup>th</sup> May, 2015, 4<sup>th</sup> June, 2015 and 9<sup>th</sup> June, 2015 whereby serious deliberation were held and consultations done.

## **LEGAL FRAME WORK**

Mr. Speaker Sir, The National Land Commission Act No.5 of 2012 Section 18 provides as follows on the establishment and composition Of County Land Management Boards:-

18 (1) The Commission shall, in consultation and cooperation with the National and County Governments, establish County Land Management Boards for purposes of managing Public Land.

(2) A County Land Management Board shall comprise:-

**a) Not less than three and not more than seven Members appointed by the commission and**

**b) A Physical Planner or a Surveyor who shall be nominated by the County Executive Member and appointed by the Governor.**

(3) A Member of the Board, unless ex-officio shall be appointed for a single term of five years and shall not be eligible for re-appointment.

(4) The Chairperson of the Board shall be elected by the Members in their first sitting.

(5) The Secretary to the Board shall be appointed by the commission.

(6) The appointment of the members shall be approved by the County Assembly and shall take into account the national values referred to in Article 10 and article 232 of the Constitution and shall reflect gender equity and ethnic diversity within that County.

(7) The Chairperson, members and the Secretary of the Board shall, before assuming office, make and subscribe, before a Judge to the Oath or affirmation set out in the third schedule.

(8) In the discharge of their functions, the Board shall comply with the regulations made by the Commission under this Act.

## **CRITERIA FOR VETTING**

Mr. Speaker Sir, the Committee applied the criteria of vetting provided by the Public Appointment (Parliamentary Approval) Act.

Mr. Speaker Sir, Section 3 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 states that:-

***“An appointment under the constitution or any other Law for which the approval of Parliament is required shall not be made unless the appointment is approved or deemed to have been approved by Parliament in accordance with this Act”***

In this regard approval is done by the Assembly.

## **COMMITTEE RECOMMENDATIONS ON THE NOMINEES**

### **1. Pamela Mathanga Kimwele**

This nominee had been recommended by the Committee in an earlier vetting held on between 27<sup>th</sup> and 28<sup>th</sup> of October, 2014. She hails from Matinyani and her academic and professional certificates were verified by the Committee.

- She hails from Kitui West.

### **2. Reuben Ngui**

This nominee was not vetted again since he had been vetted between 27<sup>th</sup> and 28<sup>th</sup> October 2014 and recommended by the Committee to the Assembly for approval. He hails from Mwingi Central.

### **3. Jennifer Mwangangi**

This nominee was vetted by the Committee on 13<sup>th</sup> May, 2015. Her academic and professional certificates were verified by the Committee after which they recommended her appointment. The Committee found her legally and academically qualified.

- She hails from Kitui South

### **4. Jane Mwende Kibati**

Mr. Speaker Sir, this nominee is academically and legally qualified. The Committee thus recommends her appointment.

- She hails from Kitui Rural.

### **5. Francis Kiminza**

This nominee was vetted and found to be academically and legally qualified. His academic and professional certificates were verified by the Committee. The Committee do therefore recommend his appointment.

- He hails from Kitui Central.

## **CONCLUSION**

Mr. Speaker Sir, it is important to note that three more slots for the Board remain vacant as no names were forwarded in the Governor's Appeal. It is therefore this Committee's recommendation that the same be reserved for Mwingi North, Mwingi West and Kitui East Sub Counties to complete the regional balance equation. The National Land Commission should therefore fast track appointments for the same.

It is the prayers of this Committee that this Assembly approves the above nominees to be Members of the Kitui County Land

Management Board in line with Section 18 Subsection 6 of the National Land Commission (Act No. 5 of 2012).

**APPRECIATION**

The Committee Mr. Speaker wishes to record her appreciation for the support rendered by your office and that of the Clerk of the Assembly in preparation of this report.

Mr. Speaker Sir, on behalf of the whole Committee I now wish to table the report and request the House to adopt it and the recommendations, there in.

**SIGNED:-----**

**HON. TITUS KASINGA  
FOR: CHAIRPERSON  
COMMITTEE ON APPOINTMENT**

**DATE:-----**

We the Members of the Appointment Committee do hereby affix our signatures this day of Wednesday the 10<sup>th</sup> of June, 2015 to this report to affirm the contents and support the same.

**Members**

**Signature**

1. Hon. George M. Ndoto :-----
2. Hon. Jacob M. Kilonzi :-----
3. Hon. Alex Nganga :-----
4. Hon. Titus Kasinga :-----
5. Hon. Francis Mwalili :-----
6. Hon. Jane Mutua :-----

*Report prepared by: L. Waema (Deputy Clerk of Assembly)*