

COUNTY GOVERNMENT OF KITUI



THE COUNTY ASSEMBLY OF KITUI SECOND ASSEMBLY – (SECOND SESSION)

THE COMMITTEE ON TRADE, INDUSTRY, I.C.T & CO-OPERATIVES: REPORT ON THE VETTING OF

MRS. MARGARET MWIKALI JOHN THE NOMINEE FOR APPOINTMENT,
AS THE CHIEF OFFICER COUNTY MINISTRY OF TRADE, CO-OPERATIVES
AND INVESTMENTS

CLERK OF ASSEMBLY CHAMBER'S
P. O BOX 694
KITUI

MARCH, 2018

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1.0 PREFACE

Mr. Speaker Sir,

On behalf of the Committee on Trade, Industry, I.C.T and Co-operatives and pursuant to provisions of Standing Order No. 190 (5) (f), it is my pleasure and duty to present to the House, the Committee's report on the vetting of the nominee for the post of County Chief Officer for the department of Trade, Co-operatives and Investments.

1.1 Committee Establishment and Membership

Mr. Speaker Sir,

The Sectoral Committee on Trade, Industry, I.C.T and Co-operatives was established pursuant to the provisions of Standing Order No. 190 and it comprises of the following Members:

- | | |
|---------------------------------|------------------|
| 1. Hon. James Musyoka - | Chairperson |
| 2. Hon. Anne Mwendu Mumo - | Vice Chairperson |
| 3. Hon. Alex Nganga - | Member |
| 4. Hon Waziri Baraka Bakari - | Member |
| 5. Hon. Colleta Koli Kimanzi - | Member |
| 6. Hon. Annastacia M. Mutunga - | Member |
| 7. Hon. Sylvester M. Kitheka - | Member |
| 8. Hon. Peter M. Kilonzo - | Member |
| 9. Hon. Esther Kalunda Ndile - | Member |
| 10.Hon. Nelson Kivali Musyoka - | Member |
| 11. Hon. Stephen M. Musili - | Member |

1.2 Committee's Mandate

Mr. Speaker Sir,

The Committee on Trade, Industry, I.C.T and Co-operatives draws its mandate from Standing Order 190 (5) (f) which specifically provides that the committee shall:

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).

1.3 Committee Meetings

Mr. Speaker Sir,

The Committee held one sitting on 22nd March, 2018 at the County Assembly precincts - Committee Room 2, where the nominee had been invited for vetting.

1.4 Acknowledgement

Mr. Speaker Sir,

I take this opportunity to thank Members of this Committee for their valuable input and contributions during the vetting and subsequent compilation of this report.

The Committee also wishes to thank the Office of the Speaker, the Clerk of Assembly and staff assigned to the Committee for the logistical and technical support accorded to it.

The Committee is also indebted to the members of the public for attending the proceedings of the Committee thus enhancing accountability and transparency of the vetting.

Finally, on behalf of the Committee on Trade, Industry, I.C.T and Co-operatives and pursuant to the provisions of Standing Order No. 190 (5) (f), it is my pleasure and duty to present this report to the House.

Thank you.

Signed

Hon. James Musyoka

Chairperson, Committee on Trade, Industry, I.C.T and Co-operatives

Date

2.0 BACKGROUND

2.1 Powers of the Committee during vetting

The committee draws its powers and mandate from section 12(1) (2) Public Appointments (County Assemblies Approval) Act No. 5 of 2017 which provides that:-

(1) The committee shall have power to summon any person to appear before it for the purpose of giving evidence or providing information during the approval hearing.

(2) For the purposes of subsection (1), the committee shall have the same powers as the High Court to -

(a) Enforce the attendance of witnesses and examine them on oath, affirmation or otherwise;

(b) Compel the production of documents; and

(c) Issue a commission or request to examine witnesses abroad.

2.2 Establishment of the office of the County Chief Officer

Section 45 (1) and (2) of the County Government Act provides that;

(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 County Assembly, appoint County Chief Officers.

(2) The office of a County Chief Officer shall be an office in the County Public Service.

2.3 Functions of the Chief Officers.

Mr. Speaker Sir,

- i. A County Chief Officer shall be responsible to the respective County Executive Committee Member for the administration of county department as provided under section 46 of the County Government Act, 2012.
- ii. The County Chief Officers shall be the authorized officer in respect of exercise of delegated power.

2.4 Nomination of the County Chief Officer in charge of the department of Trade, Co-operatives and Investments.

Mr. Speaker Sir,

On the 14th March, 2018 in a Communication, the Honorable Speaker pursuant to provisions of Standing Order 39 (1), informed the House that H.E the Governor had submitted Thirteen (13) nominees for the office of County Chief Officers in their respective County Departments for approval by the House pursuant to Section 45 (1) of the County Government Act, 2012.

Subsequently, the Speaker referred the list from H.E. the Governor containing the Thirteen names (13) of the nominees with their curriculum vitae to the relevant Committees to conduct vetting. He further directed that the Committees should table their reports within 21 days as provided in Section 9 (1) of Public Appointments (County Assemblies Approval) Act No.5 of 2017, for approval.

Mr. Speaker Sir,

Among the nominees was Mrs. Margaret Mwikali John, the nominee for the position of Chief Officer - Trade, Co-operatives and Investments committed to the Committee on Trade, Industry, I.C.T and Co-operatives.

2.5 Notification to the Public and Submission of Memoranda

Mr. Speaker Sir,

The public was expected to participate in the vetting process through submission of memoranda by written statement on oath prior to the approval hearing on the suitability of the nominee in accordance with section 7 (10) of the Public Appointments (County Assemblies Approval) Act No.5 of 2017.

Mr. Speaker Sir,

On 15th March, 2018 pursuant to section 7 (5) of the Public Appointments (County Assemblies Approval) Act, the Clerk of Assembly on behalf of the Committees, placed an advertisement in the print media inviting the public to submit memoranda by 20th March, 2018 on the said nominee.

As at the close of business on Tuesday 20th March, 2018 the Clerk of Assembly had not received any memoranda from the public challenging the suitability or otherwise of the nominee.

2.6 Notification to the nominee

On 15th March, 2018, the Clerk of the Assembly, pursuant to Section 7 (4) of the Public Appointments (County Assemblies Approval) Act, No.5 of 2017 notified the nominee on the time and place for holding the approval hearing through an advert in the print media.

3.0 VETTING EXERCISE

Mr. Speaker sir,

The Chairperson tabled and read a letter referenced *CG/KTI/COUNTY ASSEMBLY/VOL.2/51* dated 21st March, 2018 from the Office of the Acting County Secretary addressed to the Office of the Speaker informing him that the said nominee, Mrs. Margaret Mwikali John was unwell and would not be able to appear before the Committee for the approval hearing.

Mr. Speaker sir,

The letter indicated that Mrs. Margaret Mwikali John was out of the Country seeking medical attention at *Indraprastha Apollo Hospitale* and she was expected to be there for approximately a period of one (1) month. A letter on the same from the medical institution to certify the above is annexed to this report.

4.0 COMMITTEE RECOMMENDATION

At the end of the Sitting, the Committee made the following recommendation:-

1. That having considered the condition of the nominee in respect to the letter in receipt and the request by the acting County Secretary to reschedule the nominee's vetting session, the Committee recommends that the County Assembly reschedules the vetting session of Mrs. Margaret Mwikali John to a later date once she recovers and comes back to the Country.

Report Compiled By: -
Mr. Chris Mwangangi (Clerk Assistant)

5.0 ANNEXES

1. OWNERSHIP OF THE REPORT
2. LETTER FROM THE OFFICE OF THE ACTING COUNTY SECRETARY AND CERTIFICATION FROM *INDRAPRASTHA APOLLO HOSPITALE*.
3. VETTING EXERCISE MINUTES
4. COMMITTEES'S MINUTES ON THE ADOPTION OF THE COMMITTEES REPORT ON THE VETTING EXERCISE.

ANNEX 1

OWNERSHIP OF THE REPORT

We, the members of Trade, Industry, I.C.T and Co-operatives committee do append our signatures against our names to this report to affirm the correctness of the contents and support for the report.

		<u>Signature</u>
1. Hon. James Musyoka -	Chairperson	_____
2. Hon. Anne Mwendu Mumo -	Vice Chairperson	_____
3. Hon. Peter Kilonzo -	Member	_____
4. Hon. Alex Nganga -	Member	_____
5. Hon. Annastacia Mwathi -	Member	_____
6. Hon. Esther Kalunda Ndile -	Member	_____
7. Hon. Stephen Musili -	Member	_____
8. Hon. Waziri Bakari -	Member	_____
9. Hon. Nelson K. Musyoka -	Member	_____
10. Hon. Colleta K. Kimanzi -	Member	_____
11. Hon. Sylevester K. Munyalo	Member	_____