

Monday, 22<sup>nd</sup> January, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

## REPUBLIC OF KENYA

### SIAYA COUNTY ASSEMBLY

#### THE HANSARD

#### VETTING OF COUNTY EXECUTIVE COMMITTEE MEMBER NOMINEES

**Monday, 22<sup>nd</sup> January, 2018**

The Appointments Committee met at Board Room 3, at 9.00 a.m.

*[The Chairperson (Hon. Okode) in the Chair]*

#### PRAYER

**The Chairperson (Hon. Okode):** Thank you. This is the Committee on Appointments and we want to begin the exercise. I want to ask Hon. Members of the Assembly seated at the gallery to introduce themselves. I will start with the former members present.

*(Hon. Abayo introduced himself)*

**The Chairperson (Hon. Okode):** Thank you. The current Members present!

*(Hon. Kinyanyi, Hon. Otare and Hon. Odinga, Hon. Oyuago, Hon. Mboha, Hon. Aringo, Hon. Siguru, Hon. Adala, introduced themselves)*

*(Hon. Members of the Siaya County Assembly Service Board, Civil Society Groups and members of the Fourth Estate, also introduced themselves)*

**The Chairperson (Hon. Okode):** We also have distinguished members of the public. We may not mention you by your names but your presence here is appreciated and acknowledged. May we now invite the first nominee!

#### 1. VETTING OF CECM NOMINEE; AGRICULTURE, FOOD AND FISHERIES

CHARLES ODUOR OGADA

*(Mr. Charles Oduor Ogada was ushered in)*

**The Chairperson (Hon. Okode):** This is Mr. Charles Oduor Ogada?

**Mr. Ogada:** Yes!

**The Chairperson (Hon. Okode):** Good morning, Charles?

**Mr. Ogada:** Good morning, Chairman.

**The Chairperson (Hon. Okode):** Before you is the Appointments Committee whose task is to vet those who have been nominated to serve as County Executive Committee

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Members. In this room, we have members of the Fourth Estate, former Members of this Assembly, current Members of the Assembly, civil society members and members of the public. I want you to feel safe even though they are behind you. They are not causing any threat to your life.

At this juncture, I will ask Members of the Committee to introduce themselves.

*(Members of the Appointments Committee introduced themselves)*

IN ATTENDANCE

*(The Appointments Committee Secretariat)*

**The Chairperson** (Hon. Okode): Thank you. I am George Okode, the Chairperson of this Committee. Charles, before we engage, I want to be sure that you are comfortable with the composition of this team. Could you be having any feelings of bias that could come from either the entire composition of this Committee or a member of this Committee?

**Mr. Ogada:** I am comfortable.

**The Chairperson** (Hon. Okode): And to my colleagues, are there interests that you may want to declare?

**Hon. Oor:** Personally, I am comfortable with him. He is from my Ward.

**The Chairperson** (Hon. Okode): So, you have a more liking for him?

**Hon. Oor:** I like him.

*(Laughter)*

**Mr. Ogada:** Thank you so much, Mheshimiwa.

**The Chairperson** (Hon. Okode): Thank you. We want to get started and it is important to note that we may not be very sure of the documentation we have before us and the sentiments that will come from you are; so, want you to take an oath that whatever you are going to say and whatever documents you are going to present, you will stand with them to the extent that you fear no prosecution should you lie. So, if you are comfortable, the Deputy Clerk will administer the oath.

*(The Oath of administration was administered to Mr. Ogada)*

**The Chairperson** (Hon. Okode): For those who are here, you realize this is the first time we are doing this. The reason is that we are not God to authenticate or certify the information we are receiving. If you read today's papers, people are saying that there was no proper background check done on some of these nominees. So, for us as a Committee, we are saying that we are relying on the information that you are giving us and if you lie then you on your own. Having said that, I want Members to engage you.

**Hon. Oor:** Can you tell us about yourself?

**Mr. Ogada:** Thank you, Hon. Peter Odero. Through the Chair, my name is Charles Ogada, I am a resident of Nyamasare village, Ngunya sub-location, Ugenya Central, Ugunja sub-county. I am a man aged 40 years, married to one wife with three children.

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I went to school for the period between 1984-1991 at Ulwani Primary School. For the period 1992-1995 I was at Rang'ala Boys Secondary School. For the period 1991-1992, after my high school, I was self-employed, doing agriculture at the family backyard.

In the year 1999, I joined some of my colleagues who are not here in forming a local organization called The Ugunja Community Resource Centre to strengthen issues of development focusing mainly on agriculture.

In 2004, I joined college and undertook my first professional training in community development and social work. During that period, I majored in agriculture. In 2008 I joined Kenya Institute of Management and undertook an advanced certificate course in business management. Again I majored in agricultural enterprise development. In 2008-2009, I went back to the Kenya Institute of Management and took a diploma course in project management and planning.

In 2012, I went back to school again and took my first Degree in project planning and management. I concluded that in 2015. From 2015 to date, I have been pursuing a Master's Degree in project planning and management at the University of Nairobi. I am through with my course work and I am now undertaking my research whose title is '*Influence of Gender Mainstreaming on Organisational Performance - A case of the Department of Agriculture, Siaya County*'. With the help of God, I anticipate clearing this research work by End of February and I am looking forward to graduating in September, 2018.

From 2004, the organization that we voluntarily formed, transformed into an NGO and I started working there in the agricultural sector first as a volunteer field officer. Between 2006 and 2008, I got a secondment from my organization to ICRAF as assistant coordinator for a program that was being implemented by ICRAF and funded by Rockefeller Foundation and it involved over 100 organizations working in Western Kenya. My responsibility was to oversee the development of interactive learning sites and ensure that the technologies that were being promoted are taken to the farmers. We were promoting a basket of options suitable for soil fertility.

In 2008 I got an opportunity to go for a learning exchange in Canada and during my time there I was supported by Canadian Crossroads International and I was posted to an organization there that was doing urban agriculture. I spent three months working with them and learning principals of organic farming and how to feed families living in the urban with low income.

I got back in 2009 and continued with the work at the organization where I was elevated from a field officer to a project officer. I managed a project called 'Unlimited potential project' that was training people on computer literacy across Siaya County.

The project was supported by Microsoft Limited. During my time as the project leader, we trained over 3,000 people from the greater Siaya on basic computer knowledge. The aim of this project then was to demystify computer among the rural farmers. We had centres in Ugunja, Siaya and a small one in Yala.

Currently, I am the programmes manager with this organization. I know Hon. Members of this Committee are wondering why I did not leave this organization. I would say it is because of the love for community work and Siaya County. I felt this was a vehicle that we would use to transform agricultural sector in this County. That is why I have stayed with

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the organization and sometimes sacrificing opportunities that come my way. That is a brief about me. Thank you.

**Hon. Adida:** Good morning, Charles. Allow me to also engage you a little bit. I believe there are certain documents that you were to avail to this Committee and I wish to confirm whether you have them. Kindly pass them as I read.

Your ID or passport; your Curriculum Vitae; personal credentials and academic certificates, Clearance certificates by the various statutory bodies and Documentary evidence (not CV) of knowledge, experience, and distinguished career of not less than 5 years in the field relevant to the portfolio of the department to which the nominee is being appointed as stipulated in Section 35(3) (d) of the County Governments Act, 2012.

**Mr. Ogada:** I have a number of materials that I have co-authored and others that were edited, I have recommendation letters...

**Hon. Speaker:** Mention them in passing.

**Mr. Ogada:** The first one is a report about the World Food day that we hosted in Sidindi on 16<sup>th</sup> of November, 2013. Another one is a case story of a loan product we developed with farmers as we were implementing sweet potato project in Siaya County.

The third one is a document that I edited, it is a learning experience on how to champion sweet potato as a gender sensitive social enterprise. The last one is a case study that I co-authored on seed production. Successful seed multiplication of orange and sweet potato in Siaya and Gem Sub counties.

I also have a number of manuals. I couldn't present all, but I have authored several other training manuals for farmers. I was only able to produce a few because of the volume, but I have carried two which are the latest, we produced together with the support of GIZ on how to train farmers on sweet potato production. This one I did with a group of extension providers in Siaya is about sweet potato production, technical handbook.

I have some letters of recommendation from some institutions I have interacted with. A recommendation letter from Director, Non-repellant Research Institute (KALRO) Kakamega, recommending about our partnership and my leadership abilities about the two projects that we did with them.

I have a recommendation letter from an NGO operating in Busia County; Appropriate Rural Development Agriculture. It's a letter commending me for the work I have done with them in Monitoring and Evaluation, developing donor Report systems, fundraising, and development of their implementation framework for agricultural activities in Busia County.

I also have a recommendation letter from the Fund manager, National Government Constituencies Development Fund, where I was a chairman for 1 term, which is 2013 to 2016, commending me for the work that I did during my tenure.

I have a letter from my current organization; Ugunja Community Resource Center, supporting what I have shared with you mostly.

I have a letter of my volunteer placement in Canada, on issues of Urban Agriculture and Development.

I have several certificates of short courses related to the field, and those that are not related directly to other fields.

**Hon. Adida:** okay, last but not least is a dully filled questionnaire.

**Hon. Speaker:** Yes, Hon Olasi!

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**Hon. Olasi:** Thank you. Good Afternoon, Charles.

**Mr. Ogada:** Good afternoon, Hon. Olasi.

**Hon. Olasi:** Yes, kindly tell us and the public how you arrived here today. Did you go through those processes and the interview before arriving here?

**Mr. Ogada:** Thank you, Hon. Olasi. I was informed by the Siaya County Governor, H.E. Cornel Rasanga that he has forwarded my name to the County assembly Vetting Committee as a nominee for the position of the CECM Agriculture, Food and Fisheries and I concurred with him when he shared with me that information.

**Hon Olasi:** It means you did not register any interest anywhere? I am made to understand that H.E The Governor just forwarded your name!

**Mr. Ogada:** I did not in any way make any application, or reach out to any individual, seeking for this opportunity, but again, the appointment in my understanding is a prerogative of the Governor, the Executive. So when he shared this information with me, I appreciated.

**Hon. Speaker:** Thank You. Yes, Hon. Andiego!

**Hon. Andiego:** Charles?

**Mr. Ogada:** Yes, Hon. Andiego

**Hon. Andiego:** You must have come across today's Standard Newspaper.

**Mr. Ogada:** Not yet Sir.

**Hon. Andiego:** You are lucky I have one here. If you can go through it, the headline, '40 Governors on the spot over the job you are seeking today. The issue I want to ask you is about integrity. During all your achievements, have you ever been charged in a court of law?

**Mr. Ogada:** No.

**Hon. Andiego:** Can you tell this Committee, maybe as a human being you have met situations where you have been adversely mentioned or investigated in any case.

**Mr. Ogada:** I have not had such an experience, I have not been adversely mentioned anywhere.

**Hon. Andiego:** This we are not wishing you but perhaps in any eventuality that such an issue comes up, how would you handle it?

**Mr. Ogada:** If such a matter comes up, I would give room for investigation, and let the Law take its course.

**Hon. Speaker:** yes, Hon. Madialo!

**Hon. Madialo:** Charles, good afternoon.

**Mr. Ogada:** Good afternoon, Hon. Madialo.

**Hon. Madialo:** We have been directed, in vetting you, to look at your professional training, your academic credentials and your background. I think you have very ably narrated what your background entails. Which are the three dominant sectors that you will deal with, in the event that we approve your nomination?

**Mr. Ogada:** The first sector I would deal with is the crop and food security, then Livestock and fisheries.

**Hon. Madialo:** You have a long history of dealing with projects and you have said it is mainly agriculture. Do you have any experience in fisheries and livestock?

**Mr. Ogada:** Yes. I do.

**Hon. Madialo:** Can you enlighten us?

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**Mr. Ogada:** Yes, during my engagement, I agitated for over 100 interactive fish farmers learning sites. KOSO farm was a project that was designating a basket of technologies. Some of the technologies that we promoted there were Livestock and fisheries. In Western Kenya, we had interactive learning sites that were developed around agriculture and soil fertility management.

In Nyanza, around Kajulu area, we had interactive learning sites that were dealing with issues of fodder and dairy products. So I have had a fair interaction of those two in my areas of work.

**Hon. Madialo:** Have you also involved yourself in Crop development during your career?

**Mr. Ogada:** Yes, I have worked so much with both agronomists and leaders from such institutions and also extensive service providers in supporting crop development.

**Hon. Madialo:** Lastly, would you describe yourself as having a career in Agriculture or in project management or both?

**Mr. Ogada:** I would describe myself as having a vast experience in managing and implementing Agricultural projects.

**Hon. Speaker:** Charles, Anything you want to tell us before we set you free?

**Mr. Ogada:** Thank you so much, Mr. Speaker for giving me this opportunity. My word is that if I am given the chance to work as a CECM in the Agriculture and fisheries sector, I will endeavor; first, the call for Government collective responsibility, two, I will work with you and the Executive to ensure that the sector plan has a structured County Integrated Development Plan and is fast tracked so that we transform the Agriculture in Siaya for two major things: Food and income security. So I ask that you pray for me and you consider giving a positive feedback. Thank you.

**Hon. Speaker:** Pray for us also and we wish you all the best. Thank you

*(The Nominee left the vetting room)*

**2. VETTING OF CECM NOMINEE; FINANCE AND ECONOMIC PLANNING**

JOSEPH OBIERO WAREGA

**The Chairperson** (Hon. Okode): In front of you are members of the Appointments Committee and behind you are members of the public, former and current MCAs, civil society representatives who have all come to give you an opportunity to prove your worth of serving the people of Siaya.

I want to start by asking members of this committee to introduce themselves to you.

*(Members of the Committee introduced themselves)*

Thank you Joseph, as a procedure we want you to be accountable to your word and to the documentations you shared with us. For that matter, since we are not angels, we urge you; if it is agreeable, to take an oath to the effect that the information you are sharing with us is nothing but the truth. Do you agree?

**Mr. Warega:** I agree.

*(Oath administered)*

**The Chairperson** (Hon. Okode): Feel comfortable because we want to have a conversation with you. I want to inform you that we are aware that your area MCA is here in person to give you moral support. Are you comfortable with the composition of this committee?

**Mr. Warega:** Yes. I know quite a number, I am okay.

**Hon. Oor:** Can you tell us about yourself.

**Mr. Warega:** My name is Joseph Obiero Warega. I hail from Yimbo East, Bondo Sub-County in Siaya County. I am a resident of this County, I live at home. At the moment, I work for Siaya County in the position of Director of Finance.

Before joining Siaya County as Director, I was serving in the National Government as an Accountant, I have been in the public service for about 30 years. That is 26 in the National Government and 4 in the County Government. For all these years I have been in service in the area of Accounting and Public Finance.

In Siaya, where I have served as Director of Finance I have done a lot of work. When I joined in 2014, I found the county struggling to find its foot in terms of accounting services. One of the key things that I am proud to say that I did was to prepare the Finance Department Operations Manual because there was none then and the national government had not produced the manual then that would guide operations in finance management.

I prepared and planned the guide which up to the time we received the guidelines from the national government on financial guides to the counties, we were happy to look at what the National Government had prepared and we saw that everything that I had prepared earlier was part of that document.

Secondly, before the Chief Officers were appointed, I was the AIE holder in the County for a number of months before they came into being. I recall that we had a lot of problems in terms of procurement in terms of documentation and I recall how vividly we had

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to struggle to make payments to our first generation of contractors who had been given work without documentation. That is another key area that I gave advice on, and happily we circumvented the situation we had.

We have not had any issues since then and during my tenure as Director of Finance, I think we have done a lot in terms of expenditure control and accounting. I want this committee to know and this is something they can cross check and find out. Siaya County, in terms of accounting and book keeping we are number one. If we talk about record keeping, accounting and principles of finance management we are number one. We may not be number one in other issues.

I also mentioned that we prepared in time the schedule of issues for all Finance Officers and I made sure that that is all in place. So when the COs came in, I supported them and my Minister. I think we have made some progress.

Prior to that, I had a short stint in retirement, I left service at the age of 50. There is the 50 year old rule that you can opt to leave public service. So having served for 26 years, I left service simply to go and run my business and the documentation which I have provided will illustrate to the Committee the process which I took to obtain that retirement. My PS at that time was Dr. Karega Mutai who sat me down and asked me why I wanted to retire. I told him I had something I wanted to go and look after so he agreed, I did my memo, he approved my retirement and the documentation is there to confirm. That was in 2011.

Between 2011 and 2014, I was in my own business. I have no problem indicating to this committee which business it is. I have a hotel in Kisumu and I was running it for about 3 years before advertisement for County jobs were made. I applied and that is how I ended up in the County.

I want the Committee to know that even before I applied for the job of Director of Finance I did apply for the position which I am appearing before you today to be CECM Finance. I recollect that I was interviewed by a Committee that was chaired by the Former Deputy Governor at JOOUST and without blowing my trumpet, I would say that the result of that interview was very favourable but why I didn't become one that is not for this committee and I do not want to go into that.

Prior to my being in my business, I worked in the Ministry of Local Government as the Principal Accountant in charge of the Ministry. First as the Ministry of Local Government from 2004 to about 2007 and thereafter from 2007 to 2011 at the Office of the Deputy Prime Minister and Ministry of Local Government. In my position as the Head of Accounting in that ministry and characteristic to how I work I did a lot of favourable changes to the management of finances and the running of the accounting department.

During that time I sat in various task forces where I was appointed by the Treasury through the PS of Finance and the Minister for Finance at that time. I sat in the task force that formulated the Integrated Finance Management Systems as one of the people who were inputting the accounting aspect that would be captured in the modules that are required to run the IFMIS as it is called.

I also sat in the committee that formulated and rolled out the IPPD that we use to run our human resource that is the Integrated Personnel and Payroll Data system. I was in those two task forces and at the same time I was on and off invited to lecture in Accounting and Finance at the Kenya Institute of Administration (KIA) as it was then, currently it is Kenya

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School of Governance. I taught there on part time basis because at times the full time lecturers would want people with firsthand experience to come and talk with their students so I did that as I served in the Ministry of Local Government.

I also served in the Office of The President for many years and so I want to go back where I started as an Accountant II. After my university education I was employed as an Accountant II and was posted to Mombasa District Treasury where I served as an Accountant II. I was moved from there to serve again within the Coast Province as the Assistant Provincial Accountant.

Having served in Mombasa, I was transferred to the headquarters Office of The President at Harambee House where I worked and was promoted from Accountant II to Accountant I and I have shown which year that happened. I got further promotion 5 years later because those years it used to take time before you are promoted from one grade to another as opposed to now that we see some promotions that are rather rapid. It wasn't possible to get to the next level before you serve for 5 years.

I moved to Senior Accountant and I had the honour to be placed as the one in charge of the management of the District Cash Fund. Some of you may be aware of the DCF, it was a fund created in the office of the President that would be revolving to serve the AIE holders in the whole country. I was in charge of that unit from the time that we had 45 Districts to the time when it had moved to 75. I moved it further to 175 Districts.

I also forgot to mention that when I was in the Ministry of Local Government, I had the pleasure during my tenure to be a crucial player in the management of Local Authorities Transfer Fund, LATIF. I was the one in charge of LATIF at the Ministry Headquarters and designed the documentation that was necessary for the local authorities to access LATIF e.g. Abstract of Account which areas the local authorities would advise how to service their debts. I developed LATIF from the budgeted amount of Kshs. 3 billion to Kshs. 12 billion by the time I left the Ministry of Local Government. As a Senior Accountant in the Office of the President, there is a time, Mr. Chairman, that the President of the Country then, His Excellency Daniel Arap Moi asked the then Permanent Secretary in the Office of the President, Mr. Kimalat to find some good accountant in the Ministry to go and serve in a parastatal called Nyayo Tea Zones.

I was identified and sought for that request by the president to go and be the Financial Controller at the Nyayo Tea Zones Development Corporation in my capacity as the controller of Finance in the Nyayo Tea Zones Corporation, a job that I did for about 6 years.

The reason the president had wanted someone to go and serve in the Nyayo Tea Zones was because it was run down. It had been run down by successive regimes. I got the opportunity to go and serve as the Financial Controller; my Managing Director was the late Mr. Amos Bore, the former PC at some point. The Deputy was Mr. Silas Maina, who later became a PC.

In my capacity as Financial Controller, I want the Committee to know that I negotiated a loan for the Nyayo Tea Zones single handedly I would say, but of course I was supported by the Treasury and the Office of the President PS and my new MD that I have said was Mr. Bore.

We negotiated a loan that would assist the Nyayo Tea Zones to come out of the problems in which it was. So I travelled to Abidjan, the Headquarters of African

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Development Fund with my MD and the Treasury PS and we negotiated the loan that would be used to assist.

**Hon. Speaker:** Mr. Warega, are all that in the document, is it in the CV?

**Mr. Warega:** Yes, it is there.

**Hon. Speaker:** We will refer to it.

**Mr. Warega:** Right.

**Hon. Speaker:** Just try to summarize.

**Mr. Warega:** After Nyayo Tea Zones where I served as the Financial Controller, I was recalled to the Office of the President. Interestingly, when you work well it so happens that after you have transformed a place you are taken to a different one that requires the same action. I was moved from the Tea Zones, I went back to the Office of the President and I served as the one in charge of what is called the Cash Fund which I think I alluded to earlier.

I served in that position as the Chief Accountant and then the Principle Accountant before I was transferred to the Local Government where finally I exited. I think briefly that is my past.

**Hon. Speaker:** Thank you.

**Hon. Abigaël:** Mr. Warega, there are certain documents that you are required to bring. I will read them to you then you give us the original copies.

*(Mr. Warega handed to the Committee his ID, Curriculum Vitae, Personal Credentials, Academic Certificates, Compliance Certificate from KRA, Clearance Certificate from HELB, Clearance Certificate from EACC, Current Certificate of Good Conduct from CID, Current Clearance Certificate from CRB, Accreditation from Commission of University Education for Foreign degrees, Documentary evidence of knowledge, experience and a distinguished career of not less than five years)*

**Hon. Speaker:** You can go through them one by one, that is when you have the opportunity to now say what you had wanted to.

**Mr. Warega:** Thank you so much, Mr. Chairman. This is where the information is summarized and again I have attached the documents which I have given to you, they are part of this. As I said, this is my original appointment letter as an Accountant II in 1984 after my university. This is my promotion, promoted to Accountant I.

This is a letter by the Office of the President but coming from the Personnel Division. This is my promotion again to Senior Accountant, the original promotion letter. This is my promotion to the position of Chief Accountant. This is my secondment letter.

I have talked about my secondment to Nyayo Tea Zones where I was the Financial Controller. I talked about Ministerial Payroll Audit, I was in a task force when the Office of the President wanted to find out why there was heavy Wage Bill and I was part of the team, so that is the appointment letter.

I have a further Appointment Letter here as Alternate Director, I was appointed by my PS as alternate director in charge of Tanatha Waters Services Board in representing my PS in matters financial. I was also appointed to the Ministerial Budget Implementation Committee of the Office of the Deputy Prime Minister and Ministry of Local Government by my PS Prof. Karega Mutahi. Then comes my retirement which I think I should also disclose here. In

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2010 I wrote to my PS seeking to retire under the age of 50, I had not reached 50 so I triggered the process.

I think there is a bit of a mix up. Sorry, Mr. Chairman, I think I will leave that aside and continue with other supporting competency areas. This is where I say that I was also in the task force that formulated the IFMIS, and this was my letter of appointment to Accountant General by Mr. Gatimu. This was my posting to the ministry of local government signed by Senior Principal Accountant, Mr. Chisuka, removing me from the office of the president to ministry of Local government.

This is from my chief accountant, and I think I will not talk much about that. There was a time I was posted to the ministry of Natural Resources which my PS declined, and therefore he communicated with the treasury and I was retained. So this is my early retirement from government service, and this is my letter seeking to be released early, to Professor Mukai Kareka.

In my CV you will realize that I attended some very senior courses in Finance Management; that is Public Finance Management in Arusha at the East and Central Africa Institute. I have also attached the schedule of duties of my former Ministry and what my duties were as the Principal Accountant. Likewise, in my current position as Director of Finance, I have also listed the duties that I perform.

**Hon. Abigael:** Okay, have you dully filled the vetting questioner?

**Mr. Warega:** Yes.

**Hon. Abigael:** Then kindly forward it.

**Mr. Warega:** I think it is somewhere here.

**Hon. Madialo:** That's why I asked you if it is part of the bundle, and have you seen it?

**Mr. Warega:** It is, and I have seen it.

**Hon. Madialo:** Then pass it over.

**Abigael:** Mr. Warega, on issuing of the documents on the part of clearance certificate from CRB. Is this what you were given?

**Mr. Warega:** Yes.

**The Chairperson (Hon. Okode):** Do you doubt it? Let me see it.

*(The certificate is passed over to the Chairperson.)*

It suffices, normally what happens when you go, you can get a certificate like this and when you print it yourself you can also get a different print out. At the end of the day when there are no adverse listing, Paying; is where you have financial liability which you are faithful to, Paid; is where you have cleared if you had a loan and in this one no adverse listing; is where you haven't been listed as a defaulter.

Is there anything else? Like have you asked for the vetting form?

**Abigael:** No. I am done.

**The Chairperson (Hon. Okode):** Yes.

**Hon. Olasi:** Thank you, chair. Brother Warega, well I do appreciate the wealth of experience you have in this particular moment, and again I do recognize that in 2014 you did

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apply for the position of CECM but ended up where you are. Kindly, can you briefly tell us how you were nominated for this position, did you apply or were you just called?

**Mr. Warega:** Mr. Chairman, I think the weight here is based on the prerogative of the Governor, and under section 35 of the County Governments Act. I think in his own wisdom he thought that he could nominate me.

So I may not be privy to what was going on in his mind to reach me, but when that happened he invited me to his office and told me that he was contemplating or rather had decided to nominate me. I think I should say that this is after the other team appeared before you, and I think he just wanted to know whether I would be okay with it or not.

I accepted and I told him that that would be the wisest decisions he is making in his time.

*(Laughter)*

**The Chairperson (Hon. Okode):** Because it was you or because he needed the services?

*(Loud consultations)*

**Mr. Warega:** It is a wise decision because I am aware of myself.

**Hon. Madialo:** Wiser than even a wedding!

*(Laughter)*

**Hon. Andiego:** Now I want to take you through a very important area in which all of us may have been affected. It is good that you have worked in Siaya and there are a lot of issues, more particularly in the docket you have stated. You have just cited that you really performed so well and you have heard how contractors are complaining outside here as well as how projects are dwindling, and many other issues.

That aside, for the time that you have worked, have you ever been charged in a court of law or have you ever been adversely mentioned by any commission?

**Mr. Warega:** No.

**Hon. Andiego:** Being in the position you are in, and being that we know as well as you do, that revenue collection is poor in Siaya where you are a Director. What can you tell us to convince us that you are the right person for the job, and why has it been so problematic in your current position?

**Mr. Warega:** The issue of revenue collection, and how it has not measured to the standards that we want it to reach, concerns all of us including me as a Director. Before I indicate what I would wish to do, I must first state why maybe I didn't do it in my position as Director.

In the service where we work have limitations, and the ones which I meet are such that if you are not the last person, sometimes it becomes difficult to implement what you believe is right, and again some of the roles and positions which we have held are technical but also advisory and if it is not done or executed as per my advice, I don't take arms to fight

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my senior. But now if I get this position, I think I will not have the opportunity again to talk the way I have talked because the buck will stop with me. I will have the opportunity to do what is right and report to this Committee where I have situations when I find it difficult to execute things the way I want.

So, have I done in so far as revenue collection is concerned? I want the Committee to also understand and remember that we are moving to a situation where the national government is contemplating issuing counties with funds on a pro-rata basis. This is what you had put in your budget, you are not able to raise it and therefore you cannot get funds the way you had put it. I think that will be in order because as you may be aware, even in NGOs, when they issue funds to projects where they are donors, they ask the stakeholders to also meet part of their bargain.

If you allow, Mr. Chairman, I can produce a document or maybe let me just explain it first. Last year, we sat down as a technical team and came up with a Revenue Enhancement Strategy Paper. It is still waiting approval at the cabinet level before we roll it out. We have looked at the inadequacies and the challenges that hinder the optimum collection of revenue in Siaya County. Some are political.

At times we believe we should go in a particular way and politics comes in and hinders our work. But if you leave the political aspect, we have not exhausted the streams that we need to exhaust to collect revenue. It is also not just a matter of collecting revenue; we should be able to ask ourselves if we have put in enough infrastructures to trigger loyalty from our clients.

We need to improve our bus parks, mark our parking lanes, build toilets in markets, put water in those markets and enhance sanitation in beaches so that when you go to collect that revenue that you have put in the budget, there will be full willingness from the business people. Those are some of the things in the document.

If adopted by the cabinet, it will also be prudent that we come and share it with the relevant Assembly Committee so that as we roll it out, it is user friendly and has the blessings of Members of the County Assembly. That is all I can say for now as far as revenue is concerned.

**Hon. Madialo:** Joseph, the story you have given us is your career, what do you want?

**Mr. Warega:** I want a job!

*(Laughter)*

**Hon. Oduor:** Mr. Joseph, good afternoon? As much as your qualifications are concerned, I am happy you have a wealth of experience and the qualifications needed. I only have one question. You have been in that docket for quite some time and maybe the buck does not stop with you, but we have seen the Siaya County wage bill rise so much, if you are given this opportunity, how do you plan to deal with it?

**Mr. Warega:** Mr. Chairman, the area of wag bill is also a big concern just as revenue. As much as the law does not propose the percentage of Personnel Emoluments and allowances should constitute your budget, the benchmark which we have should be a benchmark that leaves one with adequate money to put in development. We are aware that at the moment we are running a very bad ratio. It is not very good for us. We are at over 40% and the unwritten minimum which we should obey is about 35%. This is a headache that we must confront.

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Who are these in the first place? What do they do? From a technical point of view, wage bill should not be a problem if everybody being paid is productive. It shouldn't be a problem because revenue will also go up. So, we must be having a mismatch between the numbers we have and productivity. So, if I am given the position of CECM Finance, then the first thing I will do is to advise my Governor and the cabinet to sit down and look at who these people are and what they do.

It is very simple; just ask people to give you a list of what they do when they come to the office at 8 and when they leave at 5. Then from there you will be able to see that there are people who may not be doing anything. Because there may be people who are not doing much and they are earning, the wage bill goes to where it is.

What do you do with such people who are paid by the County Government and they only appear once in a month to ask whether the payroll is ready? They exist! So, once you find those people, you look at their qualifications and deploy them accordingly. Why should somebody increase the wage bill and not increase the productivity of the County! We must get benefit for employing people.

The law may be harsh on us on how you treat somebody that you have employed but you do not need them, but I also know that the law may not force you to have somebody that you do not want. Those are the bare truths that we must face as a County so that the Kshs.270 Million which we have today as revenue may go up. It may shock you to hear that maybe the County is being run by about 10-15% in terms of seriousness of duty and commitment to duty.

So that is the plain fact which must be turned around. Then we can see a lot of improvement in our supervision in the field of the roads, wells, water points and all that we do to make our county be a better place and we will have value for money in the HR that we are deploying.

**Hon. Andiego:** You have stated before that the buck stops with the heads and perhaps that is a very good idea. What if these unproductive employees are also part of the head which is not you. When we asked you about the revenue collection you said it was so because you were not the head but now that you are the head things are going to change.

We are talking about the Wage Bill of which we have unproductive employees which you may wish to dispose of or redeploy and the buck here does not stop with you what will happen?

**Mr. Warega:** Some of the things that one does in order to change things that are not right to be right are not through antagonism. That is why at some point you heard me say that even the relevant committees at the Assembly we will have to work closer with them.

In my view I think that that is another area that has not been very good. We don't intend to send away those who are not productive because first we will have to ask ourselves, if we have deployed them properly. Are we supervising them? Are we able to say that we are being supervised; we have been assigned duty but we are not doing it.

Coming to your question; my seniors, whatever changes we will want to make will have to be consultative, collective and agreeable. At the end of the day, our dream is to drive Siaya to the point where when we leave this place, we may not feel shy when somebody points at you in Bondo that you were part of the team.

It will therefore be possible to sell the ideas that we have to make changes to the top and to any other level that is above me if I am appointed CECM. The agenda that we are going to drive is not my agenda as a CECM; the agenda that I should be driving is the Governor's agenda in terms of his manifesto.

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I believe that his manifesto and I have seen it, is for transformative activities and events that should change Siaya. So I should not expect that there should be a problem making changes to achieve the results that we desire but through consultation.

**Hon. Audi:** If at all you are given this position and there has been a tendency especially from the CECMs whenever the committee needs information or clarity they become so defensive to the extent that they say that their hands are tied. How would you deal with this?

**Mr. Warega:** If there is a word I will never use if I am appointed the CECM is that word and you can take that to the bank. I will not come to any committee of this Hon. House, the County Assembly of Siaya and complain that my hands are tied! By who? If I cannot discharge the functions for which I am employed as the CECM Finance or any other CECM, maybe that is where some of us are different. I am one person who would very easily leave work if what we want to achieve is not being achieved.

As I have told you, it will be very wrong for some of us who come from this County to later on in our years in retirement walk in Bondo or Siaya town in a manner that we are hiding. We would wish to walk in future in Bondo with our heads held high so that when you are pointed at that that was the CECM or Director in Siaya then you are proud because they would say that you brought change.

That is why I started by telling you the changes I brought. I must add that the first five years in any County Government was not easy. Many counties did worse than what we did. I think I am very fair in that comment. We are not going to rest on our laurels and say it was the first difficult five years and therefore we must move on.

That way we need some very drastic changes because in my mind and that of members of this committee and of the legislators of this county, I believe that we want to make a change in Siaya in the next five years.

I have talked to his Excellency, as the appointing committee when we were discussing my nomination that he wants to leave a legacy. I don't think the legacy can be achieved if we do not change the way we work. He is agreeable to it and therefore my hands will not be tied. I don't see anybody else who would tie my hands.

**The Chairperson (Hon. Okode):** As you have said you will not use that word but don't shy away from untying our hands.

*(Laughter)*

Mr. Warega, you will agree with me that integrity in this country has taken two shapes; the perceived and the real integrity process. It is not my desire to engage you in newspaper reporting and if I were you seated there, I would look for every little opportunity to state facts right where need be. The persons are questioning your integrity.

Last week I was reading a newspaper, I saw a reporting that Mr. Warega is implicated in the cemetery saga and I didn't take that seriously and then I saw a comment that Mr. Warega could not be reached for comment.

Maybe that was deliberate because you have a right to answer or not to answer but as a committee we wouldn't want to engage so much because we have not received any memoranda to that effect.

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I want to give you an opportunity because this committee has the protection that you deserve to say what you want so that those who care to listen can listen to you make a statement in relation to the cemetery saga. I give it to you that you have a choice on whether to comment or not.

If you do it be as brief but focus on, was your name adversely mentioned? Were you charged in any court of law? And if yes, what was the verdict? Have you ever been dismissed on account of contraventions of the provisions of Chapter 6 of the Constitution of Kenya?

**Mr. Warega:** If you allow me I will pull out the document. Mr. Chairman I am a bit prepared for this because I saw that Newspaper report, but even before the newspaper, if we had enough time I would have scrolled through my phone to enlighten the Committee of what happened prior to this Newspaper report.

On some weekend, and I think I will do this very fast, so that the Committee properly sees the matter as it is. On a Sunday, I got a phone call from somebody who told me that he has got some very adverse information about me, and would want to get my response. I wish I could talk about it. My point is I did not know who was calling and so I did not want to engage in that kind of thing.

So he sent me a message that he had adverse information and he wanted to take it to the press. I responded, that 'if you are someone who carries out his work in a professional manner the way I do, I would be very pleased if you call on me, in my office to give you the documentation that relates to this matter. I cannot respond to you on phone, come to me for documented facts.'

He didn't come to me, the next thing I saw is the newspapers reports, but I have not taken an offence. I think that there are some things you deal with as they come. I don't really know the gentleman who did that report, but that is expected. What I did was to prepare a report on the same, because I would have expected that even if you did not ask me, I'd expected that at the tail end of this vetting session, I would come to that matter on my own volition.

Mr. Chairman, very briefly, I want to take you through what happened. I was in the Ministry, office of the deputy Prime minister and Ministry of Local Government. My permanent Secretary was Mr. Sammy Kirui, my minister was Hon. Musalia Mudavadi whom we worked with very well, he knows me and he likes my work, my P.S likes my work.

As we were working on our vote, our budget as Ministry of Local Government, there was a budgetary provision for the purchase of the cemetery by the City Council of Nairobi. There was a provision in the Ministry of Local Government Budget as the parent ministry for procuring of cemetery by the City Council of Nairobi.

What that means is that the City Council of Nairobi was the procuring entity, and the Ministry of Local Government would therefore only superintend on the part of the payment. Of course having due diligence to what it has to pay. The background to this is big and huge that we cannot discuss here. Langata Cemetery was full and there were environmental concerns by the Government. So there are letters which I have attached here, where the Committee will really see that the background to this matter was really there.

Permanent Secretaries had exchanged letters in order to provide funds for the purchase of the cemetery. When we come to the actual thing, so it is the City Council of Nairobi that was procuring. So they did their procurement there. I remember that time so well

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and the Mayor for the City Council of Nairobi was Mheshimiwa Majiwa, the Town Clerk was Mr. John Gakuo and other senior officers.

At the time of payment, they requested the Ministry to effect payment. As the Chief Accountant in charge of the office of the Deputy Prime Minister and ministry of local government, I had no mandate to write directly to the City Council of Nairobi because I was reporting directly to Permanent Secretary, Mr. Kirui who was the accounting officer then.

So when I was requested to pay, naturally as an accountant, and somebody who understands the PFM Act, that is Public Finance Management Act and the attendant regulations, I notified my P.S that I had not received the documents that I require in order to make payments. I wish therefore at this juncture to present this so that the Committee can look at it in details at its own fair time.

*(Documents presented)*

When I requested for the papers, they were not presented to me forthwith, and so I waited. You will see my Memo to the P.S. I want to say how I came to have these documents, I think that is important. I didn't have these documents after I saw the matter in the newspaper. I have these documents because, after the payment was done, there was an investigation by KACA, the current EACC. It came in to investigate the matter. It was my PS, Chief Finance Officer, my procurement head and I who made available the documents to KACA.

So I did a Memo on volume one, on page 1 of this document to my P.S as the accounting officer. I listed the documents that I needed to see or to have, to support the payment voucher. When you are buying land, there are some documents that you must see. You must have evaluation report for that matter. It is mandatory to confirm to you that there is fair value. There is fair price that is being charged to that property.

There must be sale agreement. So in my Memo to the P.S dated 15<sup>th</sup> July, 2008, I addressed him on the things that we had to have. On page two again, I wrote another Memo again ( You know what happened Mr. Chairman, why I was doing a 2<sup>nd</sup> Memo, is that this matter came up at the tail end of the Financial Year; so we were in June and there were two possibilities. The money is in the budget and the treasury is also concerned that the land should be bought, because treasury had provided funds. So if June ended before payment was done, the money would lapse to debt checker, to the PMD account, and therefore the transaction would come to a dead end.

So what we did was very simple, and technically that used to happen all the time. We did a Cheque at the end of the Financial Year, in order that the funds do not return to the debt check account. I said okay, we need the document to support the payment before we can release the payment)

That is why I did Memo two to the P.S where I told him of the mitigating scenarios that we would have. One was that the Cheque to be cancelled and credited back in the cash book, two, the procurement of the cemetery be speeded up, the third and the fourth. This matter developed, and if you read through you will realize that the P.S also did a Memo to

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John Gakuo, on the 25<sup>th</sup> of June following my Memo to him and addressed Mr. Gakuo as the town clerk, on the same issue I addressed to him.

Copy of the title deed is required; sale agreement is duly signed by the council and the seller, minutes of the council tender committee meetings exactly the way I had put them in my memo. And I also insisted and I think it was my advice that we would better not pay to the vendor and instead we should pay through the advocates of the vendor.

I also indicated that we needed a legal opinion by the office of the Attorney General on this transaction, a legal opinion by the state council. All these documents came; Mr. Chairman and folio 4, Mr. Chavera, the Chief Finance Officer is writing to the Permanent Secretary telling him that following your communication to city council of Nairobi, the sale agreement in respect to the above property has now been signed, could you please authorize with the Principal Accountant to release the Cheque.

You can see on that memo the long comments by Accounting Officer confirming to us that everything is in order, I can release the Cheque. He didn't even address me; he addressed the Chief Finance Officer who in turn did a comment to me that you may release the Cheque as per the Permanent Secretary's instructions at once.

I have gone further to attach the other correspondences as I have clarified between my permanent secretary and the city Council of Nairobi. The tender minutes are here, the sale agreement is here, land valuation letter by ministry of lands for the property that was being procured. As I sit here and ever since this matter came to be; I am so happy that I did my work as an Accountant whose duty is to safeguard public funds relying on the law.

I was relying on the law that relates to procurement, to public finance expenditure. After we made the payments then after a month or so the anticorruption officers came and he was so shocked and he learned that if I would have learnt that there were some fishy business going on I think I would have been dead today because my memos would have taken another dimension and would have been suggestive that I knew things were not right but went on to pay.

If you read the memos; there are some that are advisory; that are raising normal financial issues. I believe that those who were behind; whatever now transpired later were aware that I am not privy to anything.

After payments were done as I have said the anticorruption officers came and I want to be very honest about this. When the anti-corruption officers came I provided the documentation and it is at that point that I also kept the memos. I thank God that it happened because maybe today I would be talking theory and some people would not believe.

When the anti-corruption officers came; the first thing which they picked was the payment voucher, where it is on record that the payment voucher was collected by anti-corruption and the nature of the investigation was anchored on one simple thing at the tail end that the land that was procured with all the documentation was not suitable to be used as a cemetery. Suitability was questioned because in Mavoko area and I was made to understand later as investigations were going on that it is a rocky land and therefore its suitability for use as a cemetery would be in question.

Ever here in Siaya since I came here I have had the unfortunate opportunity of paying for a road that is not well done. I think that has happened as much as we regret it, because accountants are rarely expected to move out of our offices to go and check a road in Mageta

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before you can pay because there are other authorized people who should do the checking. We work on the basis and on the strength of documentation that is presented to us as long as that documentation is served to you before you effect payments.

Actually after all these documents were given to me, I took them to the Permanent secretary's office and joked with him that; sir you know I have no capacity to really understand some of these things like the minutes, maybe using the capacity of your office you can confirm to me whether we can now pay and that is why he did this. Investigations went on, not even a statement was written from me because when they saw the work I did, the way the voucher was supported and the communication that was between me and my accounting officer, I think they didn't see any need to talk to me.

I never did a statement but I must indicate to this committee that my former Permanent Secretary, Mr. Kirubi, my Chief Finance Officer, Mr. Chavera and the Procurement Director, Mr. Misera were arrested. In addition, several officers at the city council of Nairobi were arrested including the former mayor, Mr. Majiwa but I think he was released later. They were charged in 2008, surely up to this date nobody has ever associated me with this other than the newspaper report which I saw.

**The Chairperson (Hon. Okode):** Finally, what can you tell us in less than five words as a parting shot?

**Mr. Warega:** My parting shot is that I wish we had a longer time but it may not be necessary because a parting shot is brief. I beg this committee to dig into what I have said and the documentation I have shared. I have said and I am saying on record again that I was not even questioned or charged and here I am more than 10years later. Should it be found ---

**The Chairperson (Hon. Okode):** Generally, not about this.

**Mr. Warega:** My general comment is that I beg this committee to consider me for this position; I want to serve Siaya County. I feel that as Director of Finance, I still see so many gaps that I was not able to fill but some people that I worked with kept asking me that they know and they knew I could fix things. Maybe the same way that I said earlier that where I was it was not very possible for us to do everything that we thought should be done.

We need to look at key areas, one member of this committee talked about what contractors are going through. These are things that pain us where we sit, that payments cannot be done in time; these are things that we are not happy about, we are not happy about the level of revenue.

I ask for this opportunity and I also wish that I get this chance so that we can develop a closer relationship with the committees of this Assembly. It will be incumbent for us to work closely and to tighten the areas which we feel we have the potential , we are not complaining but we are saying that we have not done as well as we should.

**The Chairperson (Hon. Okode):** Thank you very much, we wish you all the best. You can just walk out and those documents will follow you. Have you enjoyed your interaction with us?

**Mr. Warega:** Yes, I have, Mr. Chairman and maybe I can carry the water with me.

**The Chairperson (Hon. Okode):** We can add you another one.

*(Laughter)*

*(The Nominee left the vetting room)*

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**3. VETTING OF CECM NOMINEE; PUBLIC WORKS, ROADS,  
TRANSPORT AND ENERGY**

BERNARD MICHAEL ODARK MBOHA

**The Chairperson** (Hon. Okode): Mr. Bernard Michael..

**Mr. Mboha:** yes, Chairman.

**The Chairperson** (Hon. Okode): You realize we were supposed to meet you at around 11.00a.m. but now it's almost 2.00 p.m.

**Mr. Mboha:** Yes.

**The Chairperson** (Hon. Okode): We want to be brief and therefore we apologize, you may not have the privilege of knowing us. We will just get straight into discussion; this is the Committee on Appointments and our role is to vet the suitability of your appointment.

Not as an interview but by looking at the fulfillment of the requirements of the law. I want to urge you to feel really relaxed because it's not an interview and behind you are members of the public. On our side, are you comfortable with the composition?

**Mr. Mboha:** Yes.

**The Chairperson** (Hon. Okode): At this point I want to ask our clerk to administer oath to you, over what you are going to say and the documentation you will give us.

*(Oath Administered)*

**Hon. Oor:** Mr. Bernard, Can you tell us about yourself briefly.

**Mr. Mboha:** I am 62years old, was born in Alego, and had my primary education in Usingo, South East Alego Ward then Sawagongo secondary school. From Sawagongo I went to Kisii high school then in 1976 went to University of Nairobi. I graduated on 19<sup>th</sup> December, 1980.

I started my work with the government as a planning officer in 1981, I did economics 311. I was recruited in second year under the government programme to train economists and statisticians for the government; so I was employed by ministry of planning but assigned to the ministry of agriculture.

In 1982, I got a government scholarship through Harvard University; I went for master's degree in America, Colorado State University which was recommended to me by Harvard University. I finished my master's in 1984 but actually graduated in May in 1985. I came back and worked for the government then in 1987 I decided to look for greener pastures.

I was recruited to East African Development bank under young professional programme in 1987 March. I worked with East African Development bank as a project officer, rising to higher management levels. I retired in March, 2014 after serving the bank for 27years in various capacities.

**Hon. Abigaël:** Mr. Bernard, there are original documents you are supposed to bring along, can we have your I.D card or passport then C.V, personal credentials and academic certificates.

**Mr. Mboha:** Sorry, I left my I.D. at the gate.

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**The Chairperson** (Hon. Okode): Serjeant- at- Arms, organize for someone to get it. Just share what you have.

**Mr. Mboha:** The only thing I must admit is that I don't have the original certificate for University of Nairobi because I lost them in 1989.

**Hon. Abigael:** Do you have the clearance from EACC?

**Mr. Mboha:** yes, it is there.

**Hon. Abigael:** Certificate of good conduct? Clearance from CRB, clearance of any respectable body, if any---

**Mr. Mboha:** It was not applicable in my case.

**Hon. Abigael:** Accreditation from any other from commission of university education for foreign degrees?

**Mr. Mboha:** Well, because my bachelor's was at University of Nairobi, I thought that probably I don't need it.

**Hon. Abigael:** We need documentary evidence of knowledge, experience and a distinguished career not less than 5years in the field relevant to the portfolio.

**Mr. Mboha:** In there, I have got a letter---

**The Chairperson** (Hon. Okode): Can you take that file back to him to take us through the evidential documents attesting to his knowledge, experience and career. Then we will get it back.

**Mr. Mboha:** I have been literally a projects man.

**Hon. Madialo:** No, confine yourself with the document that demonstrates you have some experience in what you have been nominated to do.

**Mr. Mboha:** I have got a recommendation from my previous employer, maybe I can read it verbatim for the sake of the committee.

**The Chairperson** (Hon. Okode): If it is brief, yes!

**Mr. Mboha:** It is brief, it's just two paragraphs. Mr. Bernard Mboha worked diligently and with integrity for the East African Development bank for 27years. In his long career with this institution; variously as officer, senior manager and consultant, he handled a highly diversified portfolio of Development Project in a number of sectors including infrastructure, real estate, construction and energy.

His participation involved at various stages, project appraisal, implementation, supervision and overall management of those projects. He retired from the bank honorably on 31<sup>st</sup> March, 2014 in the position of Consultant/Country Manager Kenya. We are confident that Mr. Mboha has the competence; experience and exposure to enable him manage development projects in the region. Yours faithfully, East African Development Bank, Vivian Yeda, Director General.

**The Chairperson** (Hon. Okode): That's one document, you have another one?

**Mr. Mboha:** Yes, I have got another one which says that; further to our letter of 16<sup>th</sup> January, attached please find here with a sample of projects in various sectors that Mr. Mboha handled; Uganda civil aviation authority sector infrastructure, concept upgrade of Entebbe international airport . Total project cost USD100, 000,000. Kenya Tea Development Agency, sector; energy, concept-development of small scale hydropower projects at various locations in Kenya to bring down the cost of energy. The electricity generated through the small scale hydro plants will be for captive use in tea factories and excess power supply to

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the National grid under the feed in tariffs policy scheme with Kenya Power Company. The project will also lead to emission reductions by replacing electricity that would have been otherwise supplied to fossil fuel---

**Hon. Madialo:** Excuse me.

**Mr. Mboha:** Yes.

**Hon. Madialo:** Excuse me, the document you are reading is it an attachment to a letter coming from East African Development Bank?

**Mr. Mboha:** Yes.

**Hon. Madialo:** So it is an attachment which is part of the letter? Then do you really need to go through it? We will look at it later.

**Mr. Mboha:** Okay.

**Hon. Madialo:** Is there another one?

**Mr. Mboha:** No. But a ....

**Abigael:** Okay, have you dully filled the vetting questionnaire?

**The Chairperson** (Hon. Okode): That's it. Fine, I think we are done with the check list. Hon. Olasi, can you proceed and Mr. Bernard can you pass over your ID please.

**Hon. Olasi:** Can you briefly tell us how you were nominated for this position.

**Mr. Mboha:** I believe the nominating authority here is the Governor who knows me very well, professionally.

**Hon. Olasi:** Which means you didn't register your interest anywhere?

**The Chairperson** (Hon. Okode): Yes, Hon. Andiego on integrity.

**Hon. Andiego:** Mine is very brief, Mr. Mboha. I want to know if you have ever been charged in a court of law or if in any case you have been adversely mentioned by any commission.

**Mr. Mboha:** No.

**The Chairperson** (Hon. Okode): Yes, Hon. Madialo.

**Hon. Madialo:** Assist me with another file, Hon. Member.

*(File passed to Hon. Madialo.)*

Mr. Mboha, we are directed by the law to look at your professional training, experience and career. I want you to develop in simple language a narrative for this Committee on how your work with the bank translates into experience or a career in Infrastructure, Roads and Public Works.

**Mr. Mboha:** Thank you very much. When one hears that you are a banker one might confuse you with a commercial banker. Commercial banking and development banking are very different. So development banking in which I have got almost over 30 years experience, I think what you do is to finance development projects, and this starts from identification, appraisal, implementation, supervision and then overall management. This is something I have done and in various sectors, right from project design, going through the cycle until you reach the real end of the project.

**Hon. Madialo:** The department which you have been nominated reads exactly this way; Public Works, Roads, Transport and Energy. Now place your experience on roads.

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**Mr. Mboha:** Okay, I did quite a lot of work in Uganda when I was Product Development Manager. I created or initiated a financial product called Asset Leasing, specifically tailored to help local contractors, facilitate them so that they could maintain the roads; actually rural roads, so through that scheme I had to place them as well as monitor them. And I am happy to say that for the duration I was there we managed to upgrade about 1,500 of rural roads which I did very successfully.

**Hon. Madialo:** One last question, energy?

**Mr. Mboha:** For energy as you see in one of the documents there, I was actually involved in Kenya Tea Development Agency to develop micro power project used by the tea factory and the excess sold to the National grid.

**Hon. Madialo:** For how long were you at the KTDA?

**Mr. Mboha:** No. No. These are projects that I was monitoring when I was at the bank. These are some of the bank funded projects. Then another one that I did before I left was the Lake Turkana wind power project in which I was part of the team of implementation.

It was supposed to get power from the wind and sell it to the National grid which was actually one of the major projects at a cost of 400 million dollars though I left the bank when it was in its final stages.

**Hon. Madialo:** That's all.

**The Chairperson** (Hon. Okode): Thank you, Mr. Bernard; it has just been brought to my attention of some conflicts on dates. Cover letter has been written To Whom It May Concern referring to an earlier letter date.

The letter is addressed on the 15<sup>th</sup>, January but is replying to a letter which has been dated as having been written on 16<sup>th</sup>. There is that conflict in dates. I don't know whether we will engage you further to see if it can be corrected or you want us to treat it as typo?

**Mr. Mboha:** I don't know, because I have not seen it yet whether it is a typo or not.

**The Chairperson** (Hon. Okode): Share it with me so that somebody doesn't consider it forgery. Do you see it?

**Mr. Mboha:** Yes, I see it and I think it could be a typo.

**The Chairperson** (Hon. Okode): I want to take your word for it. Is it typo or forgery?

**Mr. Mboha:** It is a typo, and I can even call the author to confirm that.

**The Chairperson** (Hon. Okode): You can call or give us their contacts which are also there, thank you.

**Hon. Madialo:** Sorry chair, which date should it have been?

**Mr. Mboha:** In fact it should have been today because I was supposed to get this letter earlier, but the officer was not in the office so he did it today.

**The Chairperson** (Hon. Okode): Thank you, is that all?

There is a document which he has not gone through, I think because of time. In his letter there is something on Energy, Real estate, Transport, Agriculture, Housing and Health, Yes.

**Mr. Mboha:** I think what I can agree is that we did a real estate project which was very successful called English Marina in Mombasa which was a beautiful gated concept. Apart from that I also mentioned a Mission Hospital in which I was also involved as a appraisal manager in Kampala Uganda, and these are things that can be verified.

**The Chairperson** (Hon. Okode): We apologize that we have given you a very short time, but what is your parting short that perhaps if we would have given you more time you

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would have explained better and in more details. But all the same we have covered all the fundamental things, so what is your parting short or your last words with us?

**Mr. Mboha:** I will say that I feel humbled to have served my Country and that your Committee has called me to tell you what I am. My parting short is that if I am given the opportunity I am going to work very closely with the elected leaders of Siaya County to make sure that we uplift the economic and social status of our County. So I will expect to work with the MPs, MCAs and probably all the elected leaders including the staff you work with, thank you very much.

**The Chairperson** (Hon. Okode): Thank you, have a good day and all the best. I hope you have furnished us with all the documents.

**Mr. Mboha:** I think the only things that I put separately are my academic credentials.

**The Chairperson** (Hon. Okode): You will leave them behind, just go with one of our officers and get copies.

*(Mr. Mboha submitted the documents and left the vetting room)*

**4. VETTING OF CECM NOMINEE; TOURISM, CULTURE, ARTS AND SPORTS**

DR. ELIZABETH ACHIENG ODHIAMBO

**Hon. Speaker:** Dr. Achieng, how are you?**Dr. Achieng:** I am fine.**Hon. Speaker:** Yes. You must be familiar with this room, these people, and these faces; aren't you?**Dr. Achieng:** That's true.**Hon. Speaker:** Very good. Firstly, we apologize; we needed to have had an interaction with you by 12.00 noon. Maybe we have caused you some inconveniences elsewhere, so we apologize for that. We will be quick with you because you have been here before; most of the things we are asking you had already provided, so our focus now will largely be on the new portfolio of appointment.

We are now reading a lot of literature in the newspapers; we want people to be accountable for their words and their documents. Therefore, unlike last time, we will ask our Clerk to administer to you an oath to confirm that whatever information you are giving us and the documents you are sharing with us are a reflection of the truth and nothing but the truth. Are you in agreement?

**Dr. Achieng:** It is alright.**Hon. Speaker:** Thank you. Yes, Erick!*(Oath administered)***Hon. Speaker:** Thank you. Yes, Hon. Madialo!**Hon. Madialo:** Dr. Achieng, you are aware you had been vetted before?**Dr. Achieng:** Yes.**Hon. Madialo:** You are also aware that the portfolio for which you were vetted is not the portfolio that brings you here today?**Dr. Achieng:** Yes.**Hon. Madialo:** Today you are being vetted for Tourism, Culture, Arts and Sports?**Dr. Achieng:** Yes.**Hon. Madialo:** Enlighten this Committee providing any evidence that you have: written, any recommendations, any publications, enlighten us on the knowledge you possess, the experience that you have had, your career so far. How do they marry with Tourism, Culture, Arts and Sports.**Dr. Achieng:** First of all, let me create the connection between literature and this particular docket. I can say that literature, culture and art are intrinsically intertwined to a point that literature can be viewed as an artistic expression of culture. When we talk about culture, we are looking at a people's way of life.

We are looking at their norms, traditions, cultural practices, their social processes, their religious orientation, the institutions within the specific societies like marriage, leadership,

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economic, social; all that entails culture. Literature does not exist in a vacuum; the literally artist draws their materials from the society. So literature is a reflection of the society.

**Hon. Madialo:** So that we walk together, are you saying that you are an expert in literature?

**Dr. Achieng:** That is true. I am trained to teach literature.

**Hon. Madialo:** Proceed.

**Dr. Achieng:** I handle literature. In my teaching I look at literally journals, drama, the novel, even oral literature and poetry. When I teach my students to evaluate words of literature, they look at the artist craft, the artist style. The students should be able to bring out their authors' vision for the society. This being an artistic work of creation, in the process we also mould artists. We have areas where students actually participate in these works of literature, for example from this knowledge of literature, students go into drama, they form part of the university drama team, and they are able to recite narratives.

The oral literature component of literature actually deals with culture. Oral literature draws from the oral tradition and when we look at the oral tradition, we are looking at the people's philosophical world view, we look at the social institutions within the specific communities, we look at their cultural practices and everything so that in looking at culture we are looking at both the tangible and intangible cultural heritage.

When I talk about the intangible cultural heritage, I am referring to the needs of the society; the proverbs, the riddles, etc. These form part of the oral tradition. As a literary scholar at the university, I teach orature; that is just oral literature. This course is practical in orientation; it requires that I take the students out in the field among communities to interrogate certain aspects of this community.

So what happens is that I craft a proposal based on what I intend to do for that particular year and prior to this, of course I will have introduced my students to the various theories of oral literature and I will have orientated them on how to conduct an oral literature research. When we go out there, they should be able to move among the informers; interact with the community, collect narratives, myths etc. and then with this data we now sit down and do an analysis and from this analysis we are able to summarize this community.

What is their socialization process for instance, what is their relationship like with maybe the supernatural? From the myths you would get to know about the community's belief system, etc. Of course this is always doctored in a particular line to achieve a certain specific objective.

**Hon. Madialo:** Daktari!

**Dr. Achieng:** Yes.

**Hon. Madialo:** I am almost getting a degree in that one. Now the myths, the legends, marry them with tourism.

**Dr. Achieng:** Most of our oral literature research is carried out in cultural sites which ideally are also tourist sites. We have visited places like the Maasai manyatta and we look at the kind of housing, peoples' beliefs, the practices etc. At a personal level, I have collected myths on Got Ramogi which is within the count, there is an article I published on cultural heritage and socialization process and I was looking at the myths surrounding Got Ramogi Hill.

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My interest was in Ramogi identity because there is so much obsession with it. Ramogi is the core generator of the Luo community and the Luos identify themselves as descendants of Ramogi. You find that media stations have also come up with Ramogi FM and then you find out that it is a specific community that tunes in to this station because they identify with it. So, this is what I was curious about.

**Hon. Madialo:** Last question.

**Dr. Achieng:** Yes.

**Hon. Madialo:** You have demonstrated culture, arts and you have said those cultural sites would walk hand in hand with tourism? Now, can you tell us how your knowledge/experience relates with sports?

**Dr. Achieng:** Now, when you are a teacher, you just don't look at the intellectual development of a student. You also look at the physical development. As a teacher I also involve in sporting activities with the students. As a person, I am a hockey player, it is something I played in High School, I coached the same at Usenge High School and in fact I have a certificate to prove it.

At this time I was a hockey coach at Usenge High School, so for me sporting is an interest and also a culture. Communities had various sporting activities like wrestling, there was *ajua*, and all these were sporting activities. So, sports fits as well in culture.

**Hon. Speaker:** Thank you. You had some documents? You have mentioned to us your investigations around Got Ramogi through this book, about sports, you have given us a certificate. You have some documents, explain each in a nutshell as they come.

**Dr. Achieng:** In this one, I was looking at History, Orature and Culture in relation to Shimoni Slave Caves in Kwale County. My argument is that, that a people's orature actually reflects their history. There is a way in which a people's Orature brings out their history. So the people around Shimoni are people who are subjected to slave trade. When we went out on this field work, I wanted to find out how History of slave trade is reconstructed in the communities' oral literature. That is what is in this particular publication.

In the next document, it is a concept paper I wrote to provide the rationale for carrying out the Got Ramogi cultural festival and reunion of 2016. I come from Got Ramogi and I am a member of the board of trustees of Got Ramogi. By virtue of that position, I have interacted a lot with the Tourism department of this County.

In 2016, I was part of the events committee that was tasked with the responsibility of organizing for this particular event. They did not have the funding at hand and I had to seek this from other institutions and to do this we had to write a Concept Paper which provided the rationale for this which perhaps would grow into a full blown proposal to seek for the funds for this particular event. So that was my participation as regards tourism in relation to Got Ramogi community.

**Hon. Speaker:** Is this your authorship?

**Dr. Achieng:** That is my authorship.

**Hon. Speaker:** Any recommendation you have?

**Dr. Achieng:** Yes, I do have recommendation from my Dean, the Dean School of Humanity, Jaramogi Oginga Odinga University. He said his perception of me, my relationship with the people within the faculty, the responsibilities I have undertaken but he

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has also made a statement there on the relationship between literature, art and culture which I actually teach.

**Hon. Speaker:** Thank you. Madam Elizabeth, thank you, so much for your time. You can give us your parting shot. Anything you want us to know, consider in generality.

**Dr. Achieng:** I want to thank you all for listening to me, giving me a chance to appear here a second time, I know it is a rare privilege. I want to appeal to this committee to consider me for that position; I have twenty two years' experience in handling this docket in literature which actually relates to art and culture. Should you give me the job, I will not disappoint you. Thank you.

**Hon. Speaker:** Thank you. I want a very honest answer from you.

**Dr. Achieng:** Yes.

**Hon. Speaker:** And this I want a very honest answer from you. Last time you were appointed for the Department of Energy and Industry. Between your suitability in that docket and this particular one, where do you suit most?

**Dr. Achieng:** This is where my training lies, this is what I have done all my life. As for the other, it would be a new challenge that I would be struggling to take.

**Hon. Speaker:** Thank you very much. Have a good day, we wish you all the best.

*(The nominee left the vetting room)*

The Committee rose at 2.34 p.m.