

# REPUBLIC OF KENYA

## COUNTY ASSEMBLY OF SIAYA

### THE HANSARD

#### VETTING OF COUNTY EXECUTIVE COMMITTEE MEMBER NOMINEES, DAY I

**Thursday, 28<sup>th</sup> September, 2017**

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

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

#### PRAYER

**The Chairperson** (Hon. Okode): Thank you, members of the public. This is the Committee on Appointments that is ready to do vetting of various nominees for CECM portfolios who were appointed by the Governor and you will get to know their names as they will be introducing themselves to you.

I also recognize the presence of Hon. Otare who is the MCA for this area, Siaya Township and Hon. Margaret Olale who is also a member of Siaya County Assembly Service Board.

This session is open to the public and they are encouraged to come. We will proceed to invite the first nominee, Nicholas Kut Ochogo.

*(The nominee was ushered into the room)*

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

DR. NICHOLAS KUT OCHOGO

**The Chairperson** (Hon. Okode): Nicholas Kut Ochogo, feel most welcome. This is the Committee on Appointments established by Standing Orders of the County Assembly whose mandate will be to vet your suitability for the position which you have been nominated for. Allow me to let you know who is in the house.

Behind you we have members of the Fourth Estate, members of the public, member of the CASB and Hon. Otare who is also the MCA for this area and a secretariat. I will ask the members to introduce themselves to you.

1. Hon. George Okode	-	Chairperson
2. Hon. Peter Odero Oor	-	Member
3. Hon. Joannes Andiego	-	Member
4. Hon. Sylvester Madialo	-	Member
5. Hon. Samuel Olasi	-	Member
6. Hon. Lorna Adida	-	Member
7. Hon. Joseph Peter Oduor	-	Member
8. Hon. David Onyango Audi	-	Member
9. Hon. Abigael Perpetua Awino	-	Member

### IN ATTENDANCE

#### THE APPOINTMENTS COMMITTEE SECRETARIAT

**Dr. Kut:** My name is Nicholas Kut Ochogo; I have been nominated for CECM Agriculture.

**The Chairperson** (Hon. Okode): Nicholas Kut Ochogo, feel most welcome. I hope you are comfortable with the composition of this Committee. Is there anybody you think will disadvantage you in any way?

**Dr. Kut:** I have confidence in the Committee.

**The Chairperson** (Hon. Okode): This Committee has the trust for vetting you and the issues for consideration are the procedures used to arrive at you.

Secondly, will be the constitutional or statutory requirements relating to the office in question.

Thirdly, will be suitability of the nominee for the appointment proposed in regards to his ability, experience and qualities; if they meet the needs or the qualities for the body which nomination is being made.

I therefore invite Members to engage you. I start with Hon. Andiego.

**Hon. Andiego:** Thank you, Hon. Chairman. Good morning.

**Dr. Kut:** Good morning.

**Hon. Andiego:** When you were asked to return the forms, there are some documents that you were told to come with. I am requesting that we see the originals one by one. ID or passport, CV, HELB clearance certificate, KRA compliance certificate, EACC clearance certificate, Certificate of Good Conduct, clearance from respective professional bodies and CRB clearance.

*(Dr. Kut submitted the documents)*

**The Chairperson** (Hon. Okode): The documents you have submitted, are they all in the envelope you submitted?

**Dr. Kut:** No. In the previous form, there was no EACC clearance certificate and the good conduct certificate from the police, but it has now been submitted.

**The Chairperson** (Hon. Okode): Our secretariat, you will take all he is giving us and make copies so that whatever is missing in the original file we can insert and as you do that, you also look at the validity so that by the time we are done with him you have that information. Yes, Hon. Madialo.

**Hon. Madialo:** You have in front of you the Siaya County Public Appointments and Approval Act, The County Governments Act. Let's start with Section 35 (1) of the County Government Act. Are you there?

**Dr. Kut:** Yes, Chairman.

**Hon. Madialo:** Now, we can go to Article 3 that is on page 787. There is Article 35 (I), (2) and (3). Are you there?

**Dr. Kut:** Yes, Chairman.

**Hon. Madialo:** Under letter (d), we have seen that you've submitted evidence of you holding a Degree. We would like you to demonstrate that you have knowledge, experience and that you have had a distinguished career of not less than five years in Agriculture, Food and fisheries.

**Dr. Kut:** Thank you. Are you through? Can I respond?

**Hon. Madialo:** If you want to respond to all of them, then let me take you to the Siaya County Government Appointments Act.

**Dr. Kut:** No, I can answer that.

**Hon. Madialo:** No, I want you to answer all of them at once. Go to Section 7 (c). The Chair had read and stated that we are concerned with your suitability for the appointment further in regard to whether your abilities, experience and qualities will meet the needs of the body to which nomination is being made.

Now, based on your abilities and experience, if you read that together with Section 35 would you inform us the reason and demonstrate that you have the knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio to which you have been nominated which is Agriculture, Food and Fisheries.

**Dr. Kut:** Thank you Chairman. First of all, I want to thank the Committee for inviting me for this vetting. I want to say that since I finished my first degree, I have worked for not less than 16 years as an administrator, supervisor, and also as a public officer that is delivering services to the people of Kenya. Not necessarily to the people of Siaya but to even where I came from before I came here.

Mr. Chairman, I want to say that if you look at my first degree, it was in Education, Arts. In Education, we do general courses as well as specific courses. Now, specific include the teaching subjects which did not include Agriculture, Food and Fisheries.

However, the Education courses included Environment, Agriculture and many others. After that, I was a teacher at Koru Girls for eight years after which I moved to the University of Nairobi as an Administrator in 1997.

You are aware that the work of CECM is to administer, supervise and also deliver services. Mr. Chairman...

**Hon. Madialo:** Sorry for the interruption. You know, *Daktari*, we are not concerned with your competence as a CECM. What we are concerned about is; the law tells us that as an Assembly, when you come before us, you demonstrate that your knowledge and career are relevant to the portfolio to which you have been nominated for.

Here, we are not interviewing you to do your job. We are just vetting. You have been nominated to the Department of Agriculture, Food and Fisheries. All we want to know is, with reference to Section 35 again, if your knowledge after the Degree, your experience and career have been in a field relevant to Agriculture, Food and Fisheries for not less than five years and that the experience is distinguished. That is all we require, the rest we shall deduce from your CV.

**Dr. Kut:** To be candid, Mr. Chairman, I have never been in the field of Agriculture. But I was only talking about my experience and skills in as far as the position is concerned. If you talk about the docket; then you would only talk about experience and skills. I want to be candid that I have never been in that docket of Agriculture.

**Hon. Adida:** Thank you, Mr. Chairman. My name is Lorna Adida. Just to pick it from where you've just left, it is true that you've said you've never had the experience in the field of agriculture. Given the status of County of Siaya in terms of Agriculture, it is very important to note that if given this position, what will you do to transform the situation as it is at this moment and time?

**Dr. Kut:** Thank you, Mr. Chairman. That is a very good question; I want us to refer to Chapter 5 Article 60 of the Constitution of Kenya on land use. I want to say that if approved by this highly esteemed Committee to be in that docket, the first thing is to look at the nature of soil that we have.

As you are all aware Mr. Chairman, Siaya is a County with unique characteristics stemming from its geographical as well as the land use. Mr. Chairman, you'll find that the land we have if properly used and if we can test it; then we can use our researchers in the docket to advise us and recommend the right crops that would be used to promote the growth of agricultural industry.

Two; Mr. Chairman, as we all are aware; Siaya is a County among other counties that has got enough water around it. However, you'll find that the land is not properly irrigated. However, irrigation is not in my docket. I will work closely with the docket relevant for irrigation to ensure that we produce much cash crop and food crop that will mitigate some of the problems that we have as a County.

Mr. Chairman, this docket is for Agriculture, Food and Fisheries. If you ask me whether we have enough fish from our lakes in Siaya, I will say yes, but what has happened is because most of our people are being misused, we have middle people who are actually misusing the Agribusiness section, to exploit the people of our area, and therefore...

**Hon. Madialo:** *Daktari*, earlier on I told you we are not interviewing you, we are vetting you. What we are saying, we believe that, that information should be given to your interviewer. Sorry for interrupting; one question that we omitted to ask you is, our concern is in the suitability, the mandate and the path that you followed to arrive here. Could you enlighten us on the fact that you qualified as an individual?

For example, that information you are giving us, you need to convince an interviewing panel, certain information like were you interviewed, were you invited, were you just appointed...? How did you arrive here?

**Dr. Kut:** Thank you, Mr. Chairman. First of all, I was invited for an interview then recommended to appear before you.

**Hon. Madialo:** Who interviewed you?

**Dr. Kut:** It's a firm that has been appointed by the County Government and we were interviewed in Kisumu.

**Hon. Madialo:** Did you apply for this job? How did you get to be interviewed?

**Dr. Kut:** I was informed that I had been recommended for the interview.

**Hon. Madialo:** Who informed you?

**Dr. Kut:** It was through a text message from County Secretary's Office.

**Hon. Madialo:** Did the C.S direct you on whom to go to for the interview?

**Dr. Kut:** Yes, I was told to avail myself in Kisumu, I think in Sovereign Hotel to appear before the interview Committee, and I believe that Committee is known as LOG Associate.

**Hon. Oor:** It was not your interest? You were just informed. Do you have interest?

**Dr. Kut:** I have interest, Mr. Chairman. It is the prerogative and incumbency of the Governor to choose the person that he wants to be a CECM. So when he told me, I was very much excited. I am happy, that even as I am appearing here, I am just asking you kindly to approve me to be the minister, and I will do the job.

**Hon. Adida:** Mr. Ochogo, what you are trying to tell this committee is like it is the Governor who chose you for this kind of position. It is really coming out clearly. It would have not been of your own interest as a person, but simply because you were chosen by the Governor. That one brings up the question; would there be conflict of interest? It is good for this Committee to understand, so that if the Committee is approving you, then they really know where the center of interest is.

**Dr. Kut:** I want to say that we have said here very clearly that we have positions that are appointive. We have positions that people are nominated to. In this case, I was nominated by the office of the CS to appear before a Committee for an interview. When we reached there, Mr. Chairman, it was asked very clearly which docket each one of us would have wanted to work in.

I want to say very clearly that the least Docket I said I want to work in is Finance, but I left open all the other dockets. As an administrator, I can work in all the dockets. Thank you.

**The Chairperson (Hon.Okode):** why don't you want Finance?

**Dr. Kut:** I don't like Finance because I know myself, and I know Finance is a very risky business. If you put me there and somebody plays around with some accounts and I have not done accounts or economics, it will be very bad for me. So I did not want that.

**The Chairperson (Hon.Okode):** So you are saying someone in Finance should have done accounts?

**Dr. Kut:** I didn't say that, Mr. Chairman. I was saying that I am the one who did not want because I did not do it.

**The Chairperson (Hon.Okode):** So what you did not do you do not want? So you do not serve in what you did not do?

**Dr. Kut:** It is not only Finance; there are many other courses that you do to qualify as a Finance officer. Thank you.

**Hon Olasi: Daktari,** I can see you rose through the ranks. You were a teacher, administrator, lecturer before you came to work at Public Service Board. If I say it is in order for

you to be a CECM in Education sector, can that one suit you more than this? I think that was the right area for you rather than Agriculture, Food and Fisheries.

**Dr. Kut:** That is catch 22. I have not been nominated for that position. That would be prejudice.

**The Chairman** (Hon.Okode): He is asking if you were to run, because you left everything open.

**Dr. Kut:** That is a good contribution, but I want to say this; I was not nominated for Education but for Agriculture. However, the law says, you get nominated, to an area in which you are knowledgeable and you have had a career in.

**Hon. Madialo:** What mheshimiwa is asking you is this; it is demonstrated in your CV that you have had a career in education, and it's absent in your CV anything to do with Agriculture. Not even at the level of form 4 or form 6. You did Bachelor of Education, CRE and History. No Science. Now Mheshimiwa is saying, don't you think your career rests with Education, and Education should have been the best portfolio to which you should have been nominated?

**Dr. Kut:** Yes, if we go by Academic qualification, but if we go by professional qualification, if you look at the areas through which I have gone, I am qualified to work anywhere except as I have said; Finance.

**The Chairman** (Hon Okode): Thank you. Well answered.

**Hon. Adida:** Mr. Chairman, before he goes, it is important for this Committee to know your net worth in terms of Finance, so that maybe if all goes well and the Committee approves you, nobody should at some point someone wonder how this person has acquired wealth. So can you state your net worth financially?

**Dr. Kut:** I am about Kshs. 4.2Million and that is out of the work I have done since I started working.

**The Chairperson** (Hon. Okode): *Daktari* well answered. Just to bring you to the Notice, you remember there was a petition from the members of the public. In the Notice to the nominees and the Members of the public, there was a section which says that Members of the public are invited to submit any information, memorandum, petition that may have a bearing on the selection of the candidate in person or using the address below or by email. Did you see it?

**Dr. Kut:** Yes, Mr. Chairman.

**The Chairperson** (Hon. Okode): I want to bring to your attention that some members of the public have brought some write -up and also memorandum and will confine my statement to areas that touch on you.

Memorandum by the Stakeholders from the appointment of Siaya County Government and County Executive Members as per the appointment act and the Constitution and it says: We, the listed leaders affiliated to Bunge la Wananchi community based organizations, elders, youths, women, disability organizations, community and key stake holders, leaders within Siaya; exercising our rights under Article 37 of the Constitution which guarantees the right to, among

other things to present petitions to public authorities, cognizant of the fact that we represent the views, concerns and aspirations of the residents and parliament of the Siaya County and beyond.

We have relied on the Constitution of Kenya of 2010; Leadership and Integrity Act, Prevention of Organized Crimes Act, Ethics and Anti-Corruption Act, Leadership and Integrity Regulations and Standing Orders of the Assembly and state as follows on the candidature of Nicholas Kut:

- Might be drawing double salary since he is also on the salary of the Public Service Board.
- He is mainly an educationist and his experience might not be relevant to the position for which he is proposed.
- Should be further subjected to investigations and therefore the panel need to make an effort and get in touch with KRA for the purposes of taxation direct and he needs to produce letter of resignation from The University of Nairobi since he is also working for Siaya County Public Service Board.

#### Remarks

- He does not meet the provision of County government Act section 35(3)(d). He is not suitable for the provision of CECM for Agriculture, Livestock and fisheries.
- Needs further investigations as per article 73 of the constitution.
- Has been rewarded for the campaign of the Governor and is not neutral and therefore cannot serve the County objectively.

Another petitioner by the name Wickliffe Onyango has also written a memorandum. This is more of a letter and is not under oath but just for information, we got to know what some members of the public think that you have been rewarded for campaigning for the Governor therefore; you are not neutral and will not serve the County objectively. That is not the position, of the Committee but a view and opinion of the public member.

Another memorandum talks about we wish to object the nominations of your candidature because your nomination is contrary to section 35 of the County government Act which provides that someone needs to have knowledge and experience and distinguish career of not less than 5 years to the in the field relevant to the portfolio of the department to which the person is being appointed to. After background investigations on your academic career records we have come to realize that you do not meet the condition set under 35(e) which is the experience one.

Thirdly, there are some people who are also concerned by the names Caroline Otieno, Jacob Oloo, Mark Owino, Margret Ofil and George Oyugi. These are also letters but we get to know what the public thinks that the other issue touching on your nomination is that the Human Resource Farm which was contracted which is Log Associates was single sourced by the County Secretary and we have noted that the farm is associated with one Larry Gumbe who is related to the County Secretary. This brings to the fore conflict of interest.

Applicants were not advertised in the proper way and Dave Anyona, the County Secretary through his cousin Larry Gumbe, director of Log Associates influenced the process. I have just shared this with you because they came to us and I am not aware if they are here

though you are not bound to respond but for the one of memorandum by the people associated to Bunge la Mwanainchi, it is signed under oath. I just want you to make a comment and therefore the memorandum you will respond to but I am telling you that the position of the Committee will not necessarily be dictated by this, we will use the law and logic and, however, because your name is mentioned, we give you the liberty to respond.

**Dr. Kut:** Thank you, Mr. Chairman, it is important to know what people are thinking about you because when you are out there they laugh with you thinking that they are happy with you. Having said that I want to respond on the first letter, when the first advertisement was made that we apply for the position of Member for Siaya County Public Service Board, I did apply.

There was a lot of confusion: confusions because the County Secretary who was there had to leave his job barely three months after we had been employed, then another CECM put in charge. There were issues of how you leave the former safely as you get into the next job! Personally I kept on asking the County Government on the best way forward.

Unfortunately I do not have it here but there was an article which came from the Public Service Commission which said that those who had been appointed in those independent institutions could hold onto their job until they are degazetted, given that we had just been devolved as there were many structures not already defined.

Mr. Chairman, I am even so surprised how this County Assembly worked so hard that you can even have such a big building! Things were not good as you may think! Now, going back to what you were saying, you find that there was a letter which came from Siaya County Human Resource which was talking about variations in appointment as Member CPSB dated 21<sup>st</sup> July, 2015.

When it came to us, and because I already understood this though there was a provision that we would not resign because the structures were still being made, I still went ahead and wrote a letter and I can Table it with you to the Siaya County Government telling them that I was ready to vary my terms of appointment in reference to the letter that came to us on 21<sup>st</sup> July, 2015 which I responded to.

I gave them certain conditions that they were also to meet in order for me to safely leave, and as I am talking to you, no response has been made to me. Even if I was working as part time and the stature and nature of the work was so demanding that you could find that we meet several times in a week and therefore what I was earning was even much less than what I ought to get. But I believed that this is our community and I needed to sacrifice and work, hence when somebody is saying that I did not resign: he/she is very right!

I want to convince this Committee that in the event you consider me for this position, I will move very fast to terminate my employment from the other side. Remember that even when we came in, the terms and conditions of employment were not done in a verifiable manner. So, if you just leave your post without any justifiable reason and resign, I think it was not the right thing to do and that is why it happened that way.

I don't want to say that the person is wrong but it is because the persons do not understand the circumstances under which I operated in and is still operating in, thank you.



**The Chairman** (Hon. Okode): Thank you, in case you feel there is any information you want to provide us with to address your case then you are at liberty, otherwise so good we have had a very good interaction and therefore the Committee will deliberate and communicate with the Appointing authority unless you have something to share with us.

**Dr. Kut:** Mr. Chairman, first of all, I am very thankful for the time you have accorded me to appear before you and also to say that it would be wrong or full hardy for me not to say my prayers. Being a lawyer and I know in this Committee we have many lawyers and people from other distinguished disciplines therefore, I must say my prayer. I want to pray that in the name of Jesus Christ, you consider me very favorably because the experience and skills I have will be adequate to work in an area the Committee approves.

**The Chairman** (Hon. Okode): Except Finance!

**Dr. Kut:** Except Finance! Don't take me there. I wouldn't want to be arrested and taken to jail. This one I will because we at home are farmers as well as fishermen and I am sure when you were young, some of us plaid in the ponds. Some of these areas need to grow so that we can have areas that can produce fish, enough livestock and enough agriculture such that our Ndere ginnery can also improve.

**The Chairman** (Hon. Okode): Thank you and have a good day.

*(Dr. Kut was escorted out of the room)*

**The Chairperson** (Hon. Okode): May we invite the next nominee.

*(Mr. Joseph Onyango Ogutu was ushered into the interviewing room)*

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

MR. JOSEPH ONYANGO OGUTU

*(The nominee was ushered into the room)*

**The Chairperson** (Hon. Okode): This is the Committee on Appointments established by our Standing Orders No.195. And allow me to make you comfortable by first of all introducing the membership in this House; behind you are the members of the public: just be sure that you are safe and also Members of the Fourth Estate.

I am sure there are many familiar faces there; there is Hon. Adala Bernard, Hon. Otare who is the MCA for this area Siaya Township, Margaret Olale who is also a member of Siaya County Assembly Service Board and one and only one Leonard Okanda, very familiar to you.

And introducing the members of public there is also a distinguished Chris Owala there and several other members of Bunge la Wananchi.

*(Members of the Appointments Committee introduced themselves)*

### IN ATTENDANCE

THE APPOINTMENTS COMMITTEE SECRETARIAT

**The Chairperson** (Hon. Okode): Mr. Ogutu, I want to welcome you and indeed urge you to feel most welcome and free.

**Mr. Ogutu:** Thank you, chair!

**The Chairperson** (Hon. Okode): This Committee will be looking at a number of things but looking at your suitability for the position of appointment and the law restricts us to look at, that is section 7 and I read; the issues for consideration will be, and I read;

The issues for consideration by the relevant House in relation to any nomination shall be;

- a. The procedures used to arrive at the nominee.
- b. Any constitutional or statutory requirements relating to the office in question.
- c. The suitability of the nominee for the appointment proposed in regards to his ability, experience and qualities meet the needs or the qualities for the body to which nomination is being made. That is the Public Appointments or Parliamentary Approval Act and we equally have the County Assembly Public Appointments Approval Act 2017 which is also Section 7. It's merely a copy paste and it was customized in that manner.

Firstly, I want to find out if you are comfortable with the composition of this Committee. Is there anybody you think will disadvantage you in any way?

**Mr. Ogutu:** I am comfortable, chair.

**The Chairperson** (Hon. Okode): Thank you, so having ascertained that you are Mr. Joseph Onyango Ogutu. I therefore invite Members to engage you. I start with Hon. Andiego.

**Hon. Andiego:** Thank you, Hon. Chairman. Mr. Ogutu, there was a gazette notice, if you went through it there are some documents that you were told to come with. I am requesting that we see the originals, one by one. ID or passport, CV, HELB clearance certificate, KRA compliance certificate, EACC clearance certificate, certificate of good conduct, clearance from respective professional body, CRB clearance and lastly, if you may have had your degree from outside Kenya, accreditation for university completion of foreign degree.

*(Mr. Ogutu submitted the documents)*

**Mr. Ogutu:** My degrees are local.

**The Chairperson** (Hon. Okode): The documents you have submitted will be looked at by Members as we proceed. Hon. Madialo!

**Hon. Madialo:** You have in front of you two pieces of legislations which is the County Government Act chapter 17 of 2012, go to section 35. 3(d). Are you there? Just read 3.

**Mr. Ogutu:** The whole of it!

**Hon. Madialo:** Yes!

**Mr. Ogutu:** A person maybe appointed as a Members of the County Executive Committee if that person-

- a. Is a Kenya citizen.
- b. Is a holder of at least a first degree from a university recognized in in Kenya.
- c. Satisfied the requirement of Chapter Six of the Constitution ; and
- d. Has knowledge, experience and a distinguished career of not less than 5 years in the field relevant to the portfolio of the department to which the person is being appointed.

**Hon. Madialo:** Good. Now, they are going to give you another piece of legislation, Section 7, the law that guides appointments in the Siaya County, issues for consideration.

**Mr. Ogutu:** Do I read it?

**Hon. Madialo:** Yes.

*(Mr. Ogutu proceeded to read the section)*

**Mr. Ogutu:** The issues for consideration by the County Assembly in relation to any nomination shall be:-

- a) The procedure used to arrive at the nominee
- b) Any Constitutional or Statutory requirements relating to the office in question and
- c) The suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

**Hon. Madialo:** Now, let me start with 7(a). This Committee intends that you enlighten them as to any procedures that you followed or that was followed by the appointing authority or any other authority or body in arriving at your name as a nominee to the CECs position. That is (a)

**Mr. Ogutu:** I did express interest to become a Member of the County Executive Committee with the appointing authority and I guess there are many people who did express interest. And upon evaluation, I was nominated for the position of CECM Finance and Economic Planning.

**Hon. Madialo:** How was the nomination done?

**Mr. Ogutu:** There were interviews which were done by a consultant.

**Hon. Madialo:** And you interacted with the consultant?

**Mr. Ogutu:** Yes.

**Hon. Madialo:** Who was the consultant?

**Mr. Ogutu:** I may not have details of the firm because it was a one catch interaction.

**Hon. Madialo:** You say you do not have the details of the firm, but it was a firm?

**Mr. Ogutu:** I guess it was

**Hon. Madialo:** Was it a panel?

**Mr. Ogutu:** A panel, yes.

**Hon. Madialo:** Now (c) together with 35(3d), the Committee would wish that you demonstrate, 1), if you look at 35(d), we have agreed you have a degree, there is no problem there. Can you demonstrate that you do have knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which you have been appointed either from communication to the Assembly, that department is Finance and Economic Planning? In relation to your abilities, experience and qualities relevant to that department.

**Mr. Ogutu:** Thank you, Chairman. I would like to respond as follows; it is true I have a degree and it is a first degree, Bachelor of Science in Mathematics and Computer Science. Allow me to talk about this degree so that we get to understand what it entails just for the benefit of those who are not familiar with it. In this degree, it has many components

**The Chairperson (Hon. Speaker):** Sorry, Mr. Ogutu, I am being informed that you are not audible enough.

**Mr. Ogutu:** In this degree, there are several components of mathematics and statistics, management and also business related courses. Besides the first degree in Mathematics and Computer Science, I have also done Masters in Project Planning in Management. A programme that is also rich in management and financial programme. Also, as I sit here today I am a PHD candidate pursuing PHD in project planning and management, a programme that is course based with research.

Again I got exposed to a lot of management and finance units. I am sorry what I forwarded earlier may not have the transcripts of the units that I am talking about but I am glad

to share a few copies of transcripts which may give you a little more details of what I have studied.

I want to confirm to you, the Committee through the Chairman, that in my training at those 3 levels, I have done a lot of courses in the area of economics as you will see when you peruse the transcripts. I have done a lot of courses in the area of accounts and finance as you will see when you peruse the transcripts, I have done a lot of courses in business and entrepreneurship management at it can be attested to again in the transcripts.

I have also done at detailed level courses in operation research which is basically financial related programme. I am convinced that the skills that I have gathered through training at those levels in the business field alongside my computing skills and mathematics skills and I want to justify here that mathematics and finance or accounts are very closely related programmes that one compliments the other.

I have a very strong foundation in mathematics. I began my career as a teacher in this County and where I was teaching the only subject I taught in High School was mathematics. This is what I have progressed with for further studies and this is what has informed what I am doing today.

I digressed to project management where I pursued my Masters training but still when you look at the Masters programme you will see that it is rich in finance, management and skills. Having said that I also want to confirm to the Committee that I have a long career of over 20 years. As I said earlier, I started from teaching in High School, later on moving to teaching a Tertiary College, the defunct Kenya Teachers Science College and later on I was absorbed to teach Information Systems at the University of Nairobi way back in the year 2007.

I have been a head of department from the year 2005 in which case I have been discharging duties some which are management and financial management at various levels up to 2014 when I got opportunity to serve in the County Government of Siaya in the capacity of Chief Officer in the Department of Tourism, ICT and Wildlife Conservation, a job which I took up with a lot of enthusiasm and performed for one and half years before I was transferred to the Department of Public Service and Governance where I am serving up to date in the same capacity.

I want to confirm that for this period stretching to over 10 years, I have been involved in a lot of work and activities that are relevant to this office that I have been proposed to occupy. I have also attended several workshops and seminars in Finance matters at Kenya School of Government and other international forums where I got skills that are rich in management and also financial skills.

I want to point out only two relevant ones.

**Hon. Madialo:** The seminars and any other forum you attended, that itself is evident in the certificates we have seen. We don't interview you to do your job; we only vet you to ensure that in our role of oversight, the Appointing Authority does not overlook what the County Government Act has told us to adhere to.

We are a bit confined. Demonstration of knowledge and career is also defined for us. It is defined as knowledge, experience and distinguished career for not less than 5 years. The rest we believe whoever did the interview had looked into.

Just address us briefly on why you believe that your career has been distinguished in the field of Finance and Planning for a period of not less than 5 years.

**Mr. Ogutu:** I was developing a story but maybe there is no time because I was demonstrating the knowledge, it must not necessarily come from the papers. I have just talked about my academic qualifications then I was transiting to the work experience which is what I was trying to narrow down to the part relevant to Finance. I also attended several trainings for example in Budget ...

**Hon. Madialo:** Are you able to point out for us here in this document that you have had a career as a manager of Finance and Planning or experience in such and such an institution for these number of years in that public or private body.

**Mr. Ogutu:** My qualifications and experience may not have necessarily exposed me to a Finance Managerial job but by virtue of the fact that I have been a Head of Department in the university for a long time and I came to the County Government where I have served for about 4 years again as Chief Officer, I am 50% sure that the work I do as CO is related to financial management. If you put together with 5 or so years with my former employer, I am sure I meet the criteria of 5 years.

The job description may not be Finance Manager or Chief Finance Officer but I am saying that for you to become a manager or a head of department, you necessarily practise financial management and skills in your daily life operations.

**Hon. Madialo:** Are you still answerable to the public other than Siaya County as an individual?

I am not answerable to any other public body. Before I came here I was working for the University of Nairobi and when I was coming here the University was kind enough to give me leave to serve the County Government for the period of contract that I was given for 5 years. I am away on leave without pay.

**Hon. Madialo:** When is the leave period expiring?

**Mr. Ogutu:** July, 2019

**Hon. Madialo:** You have been nominated to manage Finance, what does the Public Finance Management Act say about professionalism in terms of qualifications.

**Mr. Ogutu:** I may not be conversant with the qualifications but I am conversant with the functions of the CECM Finance which I am convinced I am up to in terms of ability and experience constitutionally and that is the last question, are you aware of who is supposed to do the appointments?

**Mr. Ogutu:** Yes, the Governor with approval from the County Assembly.

**Hon. Madialo:** You are aware of the act of arriving at a nominee is exclusively the role of the Governor.

**Mr. Ogutu:** I think so.

**Hon. Madialo:** Who then invited you to interact with the panel that interviewed you?

**Mr. Ogutu:** The Governor's office.

**Hon. Madialo:** In writing?

**Mr. Ogutu:** No they called.

**Hon. Madialo:** I asked because your resume says you are the CO Governance so when you talk about the Governor's office in terms of rank you are the Governor's office.

**Mr. Ogutu:** Yes, but not fully. There is still the CS and also CECM in that department, all those are my bosses.

**Hon. Madialo:** The one that invited you, we want to relate it with a person.

**Hon. Andiego:** If you allow me, I just want to draw Mr. Ogutu back, he said that he expressed his interest towards being a CECM. So I just want to know how expressed it. Did you talk about it or through a letter or a phone call?

**Mr. Ogutu:** Since I am already an employee of the County Government I wouldn't want to propose changes from outside. My take would be that if you get a chance to work in that capacity; you sit with the people who have been there and other stakeholders and map out together what need to be done in the interest of improving service delivery.

Through the Chair, I think it would be very biased and subjective to sit where I am sitting and at the moment as Chief Officer for Public Service and then say that when I go to this place I will bring this and that. This must be done through a consultative process; whereby you sit down and look at the weaknesses and any opportunities and threats that you can deal with as a team.

It is also important to work as a team in order to make the changes. Remember, I said I am very strong at project management skills and if you don't manage the changes appropriately you can shoot yourself in the face.

One way of doing that is to work around the changes with the people and also involve the relevant organs of the system—the County Government. And I guess some of the changes may require working closely with the County Assembly for us to see the light of the day. Thank you.

**Hon. Olasi:** Mr. Ogutu, you did mention that apart from this particular ministry, you were convinced that you can work in other two departments. Because, you were saying you had interest in three departments. But, you were lucky to be a nominee of this particular position. Kindly let the Committee know the other two departments that you think you can perform on to take Siaya to another level.

**Mr. Ogutu:** Thank you, Chair; through the Chair, as I said earlier; I am also an Educationist by training and I have a lot of experience in teaching right from high school to tertiary college and to University where I am still undertaking my studies as a PhD student.

But that essentially means that I can comfortably be at home in the docket of Education. Mr. Chairman, I have been working for the last one and a half years in the department of Public Service and Governance which is basically administration and that is one department where I still believe my skill set can enable me to work in. But, allow me to point out that I would be glad to serve in the capacity of Finance, and of course it is one of the dockets and of course it is a coveted one. Thank you

**Hon. Madialo:** What do you mean by coveted?

**Mr. Ogutu:** You know it is a central department, it is linked between the Executive and all other departments and the Assembly. Because, of the functions which I don't want to outline and have been mentioned several times.

**The Chairperson** (Hon. Okode): Did you have a question? Has it been addressed?

**Hon. Adida:** Yeah! It has been addressed

**Hon. Audi:** Okay. Kindly Mr. Ogutu, how would you advice especially the County Government whereby we have challenges of the recurrent expenditure being higher than the money for Development. How would you advice?

**Mr. Ogutu:** Already, the advice has been given and recently my department carried out a human resource audit to first of all determine the exact number of employees and therefore determine the total requirement of personal emolument that is the wages. So that we are sure that what we are spending on the wages is the optimum that we should spend there.

Then, departments must also be made to reengineer to work around the program; especially operational ones so that we are able to save money from operations and wages so that part of the money can be released to support development fund.

**The Chairperson** (Hon. Okode): Okay, so far so good.

So, Mr. Ogutu, you are aware that in our notice to the nominees and members of the public we had indicated that the timeline of it the members of the public are invited to submit any information, memorandum, petition that may have a bearing on the selection of the candidate in person or using the address below or by email and memorandum should be under oath.

Members of the public arising to that call sent some comments and one is a memorandum signed under oath. I want to bring this to your attention and you will at liberty to respond. And, I want to confine myself to issues that concern you because some of them are general.

There is a group called Residents of Siaya; Carolyn Atieno, Jacob Oloo, Mark Owino, Margaret Opiyo, George Oyugi. They are contesting a nomination on account of procedure where they are saying that the human resource firm which contracted, they call it Law Associates was single sourced by the County Secretary Mr. Dave Anyona; where they have noted that the firm was associated with one Larry Gumbe who is related to the County Secretary which brings to the core conflict of interest.

In the communication, they are saying that the firm was paid huge sums of money and I don't want to mention the sums or the figure because this is not confirmed. But, that the issue that they are doubting the process and they are therefore advising that the Committee invites the EACC to investigate the manner through which the firm was contracted and whether or not there was conflict of interest.

That is not necessarily for you to address; but you need to know the thinking of the members of the public but the Committee will also address itself to which only on merit. There is also Wycliffe Onyango; he is also sent on your matter.

Wycliffe Onyango is saying that Mr. Ogutu was instrumental in campaigning for Mr. Rasanga; the Governor using County resources and was serving in the County Government and



therefore this is a reward. I said these are ---opinions and just take them as so; the Committee will also treat them with the merit they deserve or otherwise.

Importantly, is a memorandum by the stakeholders on the appointment of Siaya County Government; County Executive Committee Member as per the County Government Act and the Constitution. And it says;

“We the listed leaders affiliated to Bunge la Mwananchi which is a Community Based Organization elders, youths and women; Disability Organizations; Community and key stakeholders within Siaya County; exercising our rights under Article 37 of the Constitution which guarantees the right to among other rights—present petition to public authorities.

Cognizant of the fact that we represent the views concerns and aspirations of the residents and parents of Siaya County and beyond; we have relied on Constitution of Kenya 2010; The Leadership and Integrity Act; Prevention of Organized Crime Act; Ethics and Anti-corruption Act; Leadership and Integrity in Regulation of the Standing Orders of the County Assembly of Siaya; and state that Mr. Joseph Ogutu has no known knowledge in Finance and no distinguished career in finances. As the head of Treasury, at the County level and as such should be in a position to have financial background.”

They are saying that a head of County Treasury; at the County level; should be in a position to have financial background. And that your performance as Chief Officer both at tourism and Governance was below par.

“He cannot be associated with any meaningful results.”

And they are remarking that you do not meet the provisions of County Government Act Section 35 and 3 (d) and that you are not suitable for the position of CECM Finance, Planning and Vision 2030 and that you can serve in other relevant departments.

You are at liberty to ignore, comment or do as you please in regard to this. The assurance that I am giving you is that the Committee will treat these petitions and memorandum in its wisdom and it will not matter so much what petitioners think or say as long as they fall within the armpit of the law the Committee shall decide. Yes, Mr. Ogutu---

**Mr. Ogutu:** Thank you, Chair; I think the first and the second issues may not necessarily for me to address because I am not mentioned directly there. That is to say that I am not in a position to comment on the way who and how the consultant did the work.

Because I was the subject in this process; I may not be fully involved in some of those details. Never the less; as a way of collective responsibility, I want to state that the process should be done according to the laid down regulations of procurement and that will apply.

Mr. Chairman, in the last issue; I want to say that those are mere allegations that are not factual. Somebody cannot sit somewhere and claim that so and so are not qualified for this job. They may not know what I hold in terms of qualifications.

I think that is something that I would be comfortable if I hear that report; having presented my papers and presenting my case in terms of background experience to a Committee like this. So that, you say that by judging what I have presented; I am not qualified to run for that docket. It cannot be the other way round where you somebody writes out there and says that you

don't have this and that. They don't know, unless they came to me and I furbish them what I have. On that account, I want to refuse those allegations Mr. Chairman.

Well on that account, about my performance as the Chief Officer in the two dockets; well I should not judge myself but I don't agree with the judgment. It is unfair, it is uncalled for, it is demeaning, and it is informed by some forces.

I want to tell the Chair that since I was nominated for this position; I have also heard very many things. I am happy that you've read a few of what I have heard too. It has also made me to realize that the position requires very rigorous vetting and I am positive about it. I am also positive about the criticism because it is a way of making you see your back.

That is what I can say for now, Chairman; I also want to add that I am a successful business man. I am a Director in a successful company based in Nairobi and all those are things that have contributed to my financial skills. Businesses that started way back even before the new Constitution came into place. That is before 2010. Thank you.

**The Chairperson** (Hon. Okode): Finally, Mr. Ogutu, do you have anything to tell us as your parting shot?

**Mr. Ogutu:** Thank you, Chairman. I want to thank the Chair and this able Committee for giving me chance to appear before you and to try to articulate my case in terms of qualifications, experience and any other interest that if I did not get this chance; I am sure all the Hon. Members of this Committee whom I know all of them were not going to really appreciate.

We know each other but maybe they didn't know this other side of Ogutu which is what I have tried to put forward in this Committee. So, I don't take it for granted. Thank you very much and I look forward to a favorable decision for the post that I have been nominated for.

Otherwise, as I said earlier; I am still keen to serve County Government of Siaya and I would be ready to serve in the capacity that the Executive and the County Assembly finds me fit to serving. Thank you.

**The Chairperson** (Hon. Okode): Thank you Mr. Ogutu. You have a good day. Any communication you will get through the---

**Mr. Ogutu:** *Ahsanteni sana!*

*(Mr. Ogutu was escorted out of the vetting room)*

*(Consultations)*

### 3. VETTING OF CECM NOMINEE; ENTERPRISE, ENERGY AND INDUSTRY

DR. ELIZABETH ACHIENG' ODHIAMBO

**The Chairperson** (Hon. Okode): *Daktari*, how are you?

**Dr. Achieng:** I am fine.

**The Chairperson** (Hon. Okode): Good. So are you Elizabeth Achieng Odhiambo?

**Dr. Achieng:** Yes I am.

**The Chairperson** (Hon. Okode): Thank you. This is the Committee on Appointments, you will agree with me that you were scheduled to appear at 12.00 noon and now it is 11.25 a.m.? Are you comfortable with the time?

**Dr. Achieng:** I am comfortable.

**The Chairperson** (Hon. Okode): Are you ready for the vetting?

**Dr. Achieng:** Very ready.

**The Chairperson** (Hon. Okode): Very good. This is the Committee on Appointments which wants to interact with you. And for your calmness, I want you to be aware who is in the House. Behind you are members of the public, we have civil society groups and their representatives, we have Members of the County Assembly whom at one point I will ask to introduce themselves, members of the fourth estate and our secretariat. May I urge Members of the County Assembly to just introduce themselves!

*(Hon. Kinyanyi, Hon. Margaret Olale – Member of the County Assembly Service Board, Hon. Truphosa Asewe and Hon. Willis Ochieng introduced themselves)*

**The Chairperson** (Hon. Okode): Thank you. We have the secretariat whom we will not introduce. Let me just ask Members of this Committee to introduce themselves very quickly.

*(Members of the Appointments Committee introduced themselves)*

#### IN ATTENDANCE

THE APPOINTMENTS COMMITTEE SECRETARIAT

**The Chairperson** (Hon. Okode): I want to believe as we had mentioned that you are Elizabeth Achieng Odhiambo?

**Dr. Achieng:** Yes I am.

**The Chairperson** (Hon. Okode): Feel most welcome. May I establish from you if you are comfortable with the composition of this Committee or you feel somebody will jeopardize your chances of success here?

**Dr. Achieng:** I am comfortable.

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**The Chairperson** (Hon. Okode): Good. This Committee is a creation of the County Assembly Standing Orders and the law provides that in vetting you we consider the procedure used to arrive at your nomination

b) Any Constitutional or Statutory requirements relating to the office in question and

c) The suitability, your suitability for the appointment proposed having regard to whether you have the abilities, experience and qualities needed of you in your nomination. Having said that, I want to invite my colleagues to engage you. Yes Hon. Andiego!

**Hon. Andiego:** Thank you, Chair. Good morning once again?

**Dr. Achieng:** Good morning.

**Hon. Andiego:** In our Notice to you to attend this vetting, there were some documents that you were told to attach when returning your forms. I just want to know if you have the originals. I will be reading then you pass them one by one to the Members. I will start by knowing if you are a Kenyan, that is your; ID/passport, CV, Compliance Certificate from KRA, clearance Certificate from HELB, clearance Certificate EACC, Certificate of Good Conduct, clearance from respective Professional Bodies.

**Dr. Achieng:** I will not call it a clearance but rather a confirmation that I have been a member of a certain body.

**Hon. Andiego:** Clearance Certificate CRB, accreditation from Commission of Universities for foreign degrees.

**Dr. Achieng:** No, I studied in Kenya.

**The Chairperson** (Hon. Okode): You can study in Kenya by correspondence!

*(Laughter)*

**The Chairperson** (Hon. Okode): It is okay. Yes, Hon. Madialo!

**Hon. Madialo:** Elizabeth, you are shy? Smile!

**Dr. Achieng:** No, am not shy at all.

**Hon. Madialo:** That is better now. You have, in front of you the County Government Act, go to Section 35 and there is another one, go to Section 7. I am going to ask you questions that directly relate to those provisions I have mentioned. Can you read Section 7?

**Dr. Achieng:** The issues for consideration by the County Assembly in relation to any nomination shall be:-

d) The procedure used to arrive at the nominee

e) Any Constitutional or Statutory requirements relating to the office in question and

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

**Hon. Madialo:** Good, in your knowledge, who has the Constitutional mandate to nominate a CEC?

**Dr. Achieng:** The Governor.

**Hon. Madialo:** The Governor. Under Section 7, we are looking at the procedure followed to arrive at a Nominee. Can you enlighten us on the path you followed or procedure or any process that was undertaken to arrive at your name so that you arrive here?

**Dr. Achieng:** There was the advert for the position and I sent in my application and CV. I was invited for an interview, which went through. I suppose because it is only after that that I saw my name as one of those who have been nominated for this particular position.

**Hon. Madialo:** Who interviewed you?

**Dr. Achieng:** I believe it was an independent body, it must have been a group of advocates. I think some association was contracted to do the interview for those who are interested in taking up this current position.

**Hon. Madialo:** Where did you interact for purposes of the interview?

**Dr. Achieng:** At Sovereign Hotel in Kisumu.

**Hon. Madialo:** How did you get the invite to attend that interview?

**Dr. Achieng:** I learnt from a friend.

**Hon. Madialo:** You learnt from a friend?

**Dr. Achieng:** Yes, who was also interested in sending an application.

**Hon. Madialo:** How did you get invited to attend the interview?

**Dr. Achieng:** I was invited by Mr. Ezekiel Aranga, I don't know what position he holds at the County but I believe he holds a position in the County.

**Hon. Madialo:** Mr. Ezekiel?

**Dr. Achieng:** Mr. Ezekiel Oranga.

**Hon. Madialo:** Now, go to 35 (3d). Read 35 (3), all of it, from a to d.

**Dr. Achieng:** A person may be appointed as a Member of the County Executive Committee if that person:-

- a) Is a Kenyan citizen
- b) Is a holder of at least a first degree from a university recognized in Kenya
- c) Satisfies the requirements of Chapter Six of the Constitution and
- d) Has knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.

**Hon. Madialo:** We have established that you a Kenyan citizen. Our oversight role requires that we establish that so that the Governor does not appoint a Ugandan. Holder of a first degree, we have seen you have more than one degree. Certifying the requirements of Chapter Six, the Committee will decide on that, we have not deliberated. But now (d), you have said knowledge, experience and distinguished career of not less than five years.

Kindly demonstrate to us that you have knowledge, experience and a career that is distinguished and of not less than five years in the department of Energy, Industry and Enterprise! Demonstrate your knowledge, experience and distinguished career of not less than five years.

**Dr. Achieng:** To begin with, as a teacher I interact with knowledge. What is required in this particular docket is decision making, policy implementation, there will be coordination and in my career I have held offices that require that I make decisions. I have served as a Deputy Principal at Mbaga Mixed, I have served as a Head of Department for several years at Usenge High School, I have served as a lecturer at Jaramongi Odinga University and quite often we find ourselves in situations whereby we have to make decisions, we have to make judgment, we have to ---

**Hon. Madialo:** Elizabeth, sorry for interrupting you. Those are the reasons you were seen fit to be nominated to the position of a CECM. That is not our problem! We have been directed by the Act to oversight, to ensure that you have knowledge, experience and a career relevant to the portfolio of the department which you have been nominated. You have been nominated to Energy, Industry and Enterprise.

What we are concerned with is not the fact that you can be a manager. The Act envisaged that we be satisfied that in going to do the management, you are a person who has knowledge, experience and of not less than five years and that you have had a career relevant to Energy, Industry and Enterprise. That is all!

**Dr. Achieng:** Maybe what I coming to is that all these things I am suitable. I may not be trained as somebody in charge of Energy or whatever but when you look at the structures as they are, let me borrow from our National Cabinet. Dr. Matiangi was an educationist, today he is acting as CS Interior, so I am saying that it is possible to transfer from one office to the other particularly if there is the interest and the will to develop.

**Hon. Madialo:** Can I make it simpler?

**Dr. Achieng:** Yes

**Hon. Madialo:** But I start by explaining to you something which we tend sometimes to forget? At the National Government, Parliament is not directed to look at the experience, there is no law telling them to look at it. At the County level we have been told we must look at it. That is why it is expressively provided that we shall look at experience, knowledge and be satisfied that there is a career.

Now, can you point out for us a span of five years of interaction with energy, I am now separating them, forget about Industry, forget about Enterprise, now, career of not less than five years in the department or the sector of Energy, even as a teacher but related with Energy. If you cannot relate it with Energy, relate it with Industry, if you cannot relate it with Industry, relate it with Enterprise.

**Dr. Achieng:** Where I see myself having a hand on approach is in terms of awareness creation and that is in regard to empowerment of women as pertaining to industrial ability, maybe urging them to start microfinance, we call them the 'chamas'. These small microfinance organizations undertaking activities that helps to empower their ability economically as women. So, from that front I have interacted with them. When you come to issues of Energy---

**Hon. Madialo:** Elizabeth you are a lecturer! don't go around the question. When we say you have had a distinguished career, you know what a career is. You have had a distinguished career in teaching, am I lying?

**Dr. Achieng:** You are not lying.

**Hon. Madialo:** If you know that you have a distinguished career in Education then you know exactly what I am talking about. Can you also tell us what is similar to what you have had in Education in Energy?

**Dr. Achieng:** Basically what I am saying that with my background in Education it is possible to transfer this knowledge but I have never been employed in any Energy Ministry, I would not get that experience unless I am granted the chance to do it.

**Hon. Madialo:** All I wanted you to confirm is that you have not had career, experience in the department of Energy or in Energy.

**Dr. Achieng:** No

**Hon. Madialo:** And Enterprise? I don't mean Enterprise as in sometimes I also go and buy mangoes and then when I get the chairman I give him a mango then he says 'nimekula mango yako' you go and take a soda, I don't mean that.

**Dr. Achieng:** That is what I was trying to bring in in terms of empowering others towards that but not as employed in a Sector dealing with that.

**Hon. Madialo:** My last question.

**Dr. Achieng:** Yes.

**Hon. Madialo:** In the departments that were advertised, there was Education, there was Gender, there was Youth and there was Social Services. We are in agreement that you have a distinguished career in Education, distinguished that is my own opinion from what I have seen from your papers. But there is also Gender in that department. I am just wondering, if you are saying that you have been in Education and you have experience there, then you are saying the other thing you have done is to empower women. And in that department of Education, Gender is there. Why would you go to Energy? Why did you apply for Energy, because the things you do, education and gender empowerment are combined in one department.

**Dr. Achieng:** Maybe let me explain the nature of the courses I underwent. You have rightly said that it was to assess my suitability to hold in that particular office. I expressed my adverse interest and also expressed the fact that with the interest to learn I will try my hand to any other docket. I have been in education; I have the experience in it.

I have participated in issues pertaining gender, culture, tourism and all that but I also say that if granted a chance I will still try my hand at something. There is always something interesting about facing new challenges. You diversify your experience, you learn on the job and also you develop.

**Hon. Madialo:** So that if we kindly allow you this opportunity you intend to learn on the job?

**Dr. Achieng:** To bring in my experience from teaching and also learn from others.

**Hon. Madialo:** Thank you.

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

**Hon. Andiego:** *Daktari*, I just want to take you back.

**Dr. Achieng:** Yes.

**Hon. Andiego:** You learnt of this position through an advert?

**Dr. Achieng:** Yeah!

**Hon. Andiego:** Can you tell us it was in which paper? Or it was through the radio?

**Dr. Achieng:** I said that a friend told me that there were adverts, I didn't see the specific advert. And because of that I went ahead and presented my CV.

**Hon. Andiego:** As a teacher, if I may know from you, what should show you that this child has finished class eight or form 4 or his/her studies in the university?

**Dr. Achieng:** The certificate.

**Hon. Andiego:** So it would have been better for you to show us a certificate of your experiences according to the law?

**Dr. Achieng:** As a teacher, I do have a certificate.

**Hon. Andiego:** I am saying experience of what you have been nominated. We would have seen your certificate so that we know you have experience in Energy and Industry department. We are all bounded with Chapter 6 of the Constitution. If we do the wrong thing then it is you who will chase us away because we have done the wrong thing. We have to follow the law.

**Dr. Achieng:** That is true, I understand, Hon. But there are times when we begin with one interest and then we branch of into other areas. I have said that my experience with Enterprise, Industry etc. have been made through empowerment and this is through involvement in communities that require capacity building of others. That is what I have said.

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

**Hon. Olasi:** *Daktari*, I find it very funny. Here you are in a very powerful department. Just to put your words, "I want to try my hands, learning on the job in Siaya County to go to another level", does it look funny? It looks funny to me. Then, there is the bit of experience, I would wish, if I were you, I would not have come here but be taken to Education that is where I have the background. Thank you.

**Dr. Achieng:** I appreciate your comment.

**The Chairperson (Hon. Okode):** You appreciate you would have loved to go to education given the chance?

**Dr. Achieng:** No, I am not really saying that. I said that at the point of examination, I said I have a wealth of knowledge in education. I have been engaged in gender, activities pertaining to gender and particularly with regard to my training. I have interacted with issues of gender, culture etc.

**The Chairperson (Hon. Okode):** *Daktari*, I just want to make it easy for you. To say that you would have preferred to be in the docket of education is not criminal because the Committee will take note maybe if they were to be asked where did Elizabeth prefer, then they would say in terms of ranking, Elizabeth would have preferred education.



If you dispute that then you are negating the same spirit which really goes towards where your experience lies. So if I may ask, in terms of prioritization, these dockets you have been given, which one would you prefer to go in first?

**Dr. Achieng:** Definitely education will come first because I have been trained as a teacher.

**Hon. Madialo:** Did you apply for education?

**Dr. Achieng:** That was my interest.

**Hon. Madialo:** Did you apply for education?

**Dr. Achieng:** I said it was open.

**The Chairperson (Hon. Okode):** Thank you.

**Hon. Oor:** You said that you can be trained while you are on the job? It's like you can take a 'manamba' to drive a trailer to go to Rwanda.

*(Laughter)*

**Dr. Achieng:** Let me reconstruct that sentence.

**The Chairperson (Hon. Okode):** Even the 'manamba' has a driver's license, you can just drive!

*(Laughter)*

**Dr. Achieng:** I didn't say to train on the job, I said, acquire experience, diversify experience. When you are given a job you should have an idea on what you are going to do which I believe I do have except that I trained as teacher. And I have only interacted with these other fields through creation of awareness.

**The Chairperson (Hon. Okode):** Thank you.

**Hon. Abigael:** Dr. Elizabeth, I would like to take you back. You know we are bound by law, we are looking at experience but it seems you only have experience in education docket and not in Enterprise, Energy and Industry. But you also learn which is a plus but as for Siaya County where we need to move from this level to the next level, what do you think about that so that you can be more productive on a scale of 1 to 10?

**Dr. Achieng:** I believe that even within this docket or any other docket there are opportunities for research for improvement. And from the findings you can improve the specific sector, so I don't see it as a blanket condemnation that you are there as a busy body, I don't believe it.

**The Chairperson (Hon. Okode):** Thank you.

**Hon. Oor:** Have you started any business?

**Dr. Achieng:** Yes, I am interested in Agribusiness.

**Hon. Oor:** Maybe you have interest because you have seen in the advert but do you have any business that you can guide a person like me? Can I come for consultation where I am going

wrong and you guide me on it? Because if one has experience and my business is not doing well I will come for consultation, how would you advise me?

**Dr. Achieng:** I have said I am interested in Agribusiness, I am actually practicing it, it is not just a matter of interest. That is why I have been able to empower women at that particular level.

**Hon. Oor:** Are you ready to change to education where you have trained?

**Dr. Achieng:** I have no problem.

**Hon. Oor:** You have no problem?

**The Chairperson** (Hon. Okode): Thank you, so much. So far so good Dr. Elizabeth but for the record allow the Chair to help all of us in two issues.

1) On the issue of advertisement, for the record, is it true there was an advertisement that you saw?

**Dr. Achieng:** I said I didn't see it.

**The Chairperson** (Hon. Okode): I didn't want the Committee to leave considering you to be a liar because you and I know there was no advertisement. I don't want them to leave here when they retreat they start saying that madam is a liar. Because honestly even if there was, at your level you cannot just blankly apply, you don't know the submission date, the deadline for submission, the position you are going for, the place even the addressee, it cannot be. But I know you could have been told by someone that you place your application for a certain position in the County Government, that just honesty alone will take you places for future.

2) Is the issue of, you brought a very good example of a Cabinet Secretary who is serving in a different portfolio from where he is trained. But as he rightly put it, for the benefit of the members of the public, the Constitution does not demand of Parliament to look at the academic qualification or background of the nominees for Cabinet Secretary. This is the law, you can go through it, but the County Government Act indeed directs the County Governments and the Assembly in looking at the qualification, it sets the qualifications for nominees. But your observation is a good one only that I didn't want people to go thinking that how come we are not using the National experience.

Otherwise I just want to bring to your attention that members of the public also had an observation about your nomination. Really they have none; they are saying little is known about you

*(Laughter)*

which is good, you don't have to be known by many people! So anything you want to tell us, what is your parting shot!

**Dr. Achieng:** I am very grateful for the opportunity to appear before this panel. It is an experience and of course it's an eye opener, I think you have given me a lot to think about so thank you, very much.

**The Chairperson** (Hon. Okode): Thank you, may you have a good day. You will have your documents from our secretariat.

*(Dr. Achieng' was escorted out of the vetting room)*

#### 4. VETTING OF CECM NOMINEE; PHYSICAL PLANNING, LAND, HOUSING AND URBAN PLANNING

MR. ADRIAN OUMA

**The Chairperson** (Hon. Okode): Welcome, Adrian.

**Mr. Ouma:** Thank you.

**The Chairperson** (Hon. Okode): Mr. Adrian Ouma, feel free, feel most welcomed. Allow me to take you round the room. Behind you are members of the public. You can have a look at them so that you confirm there is no danger behind.

We have members of the Fourth Estate; members of the Civil Society and Madam Margaret Olale who is a member of the Siaya County Assembly Service Board. We also have Members of the County Assembly who I will ask to introduce themselves very quickly.

*(Hon. Kinyanyi, Hon. Odawa Vincent, Hon. Otare and Hon. Odinga Truphosa, introduced themselves)*

**The Chairperson** (Hon. Okode): 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 and as we had rightfully said before, you are Adrian Ouma. For purposes of your comfort and ruling out possibilities of conflict of interest, I would like to establish whether you are not comfortable with the composition of this Committee. Are you comfortable with all Members or you would want a Member to excuse him/herself?

**Mr. Ouma:** I am comfortable.

**The Chairperson** (Hon. Okode): This is the Committee on Appointments established under our Standing Orders to vet nominees nominated by the Governor. We are guided by the law. Section 7 of the Siaya County Public Appointments and Approval Act instructs us on issues to consider.

The issues are; the procedure used to arrive at your nomination; any constitutional or statutory requirements relating to the office in question; your suitability for the appointment proposed having regards to whether you have the ability, experience and qualities that meet the needs of the body to which your nomination is being made. We will restrict ourselves to the law.

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At that point, I want to ask Hon. Andiego to engage with you.

**Hon. Andiego:** Thank you, Hon. Chairman. Mr. Adrian Ouma, in the notice inviting you to appear before this Committee, there are some documents you were asked to come with while returning the form; we want to confirm if those documents are with you here. I will read them out one-by-one. Kindly present them as I read.

Your ID or passport; your Curriculum Vitae and credentials; clearance certificate from the Higher Education Loans Board; KRA compliance certificate, clearance certificate from the Ethics and Anti-Corruption Commission; certificate of good conduct, clearance from respective professional bodies, CRB clearance and lastly, accreditation from university education.

*(Mr. Ouma submitted the documents)*

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

**Hon. Madialo:** Adrian, good afternoon?

**Mr. Adrian:** Good afternoon to you.

**Hon Madialo:** I wish to start by putting you at ease that we are not conducting a fresh interview. We are not concerned with merits, but with what is written, and one of our clerks will assist you with the County Government act.

Now Adrian, under our Constitution, National Government does not have any legislation that attaches certain qualifications to the post of Cabinet Secretary. Under our legislations, the National Government and our National Parliament is not obligated to look at your academic background or professional career when you are being appointed as a Cabinet Secretary.

When you focus on the County Government, they have enacted laws that tell us exactly what to do. So I am going to ask you questions that will confine us to that policy, but so that we appreciate it together, you read Section 7 of the Appointment Approval Act. Issues considered. For the sake of the public, you and I are reading it together, read it aloud.

*(Mr. Ouma proceeded to read the section, thus ;)*

**Mr. Ouma:** The procedure used to arrive at the nominees, the context, any constitutional requirement relating to the office, the suitability of the nominee for appointment for posts, having regard as to whether the nominees have ability, experience and qualities to which the nominees are being met.

**Hon. Madialo:** Then Section 35 (3d) County Government Act. That you can read the entire (3) from A-D

**Mr. Ouma:** (a) Whether the nominee is a Kenyan citizen,  
 (b) Whether the nominee is a holder of at least first degree from a recognized university in Kenya,  
 (c) Whether the nominee satisfied the requirement of Chapter six of the Constitution

(d) Whether the nominee has knowledge, experience and a distinguished career of not less than 5 years, in the field relevant to the Department which the person is being nominated

**Hon. Madialo:** Thank you. Now I will start with 7<sup>th</sup>. The procedure followed. You can enlighten us on the path you followed or the procedure that was followed by the appointing authority or any other agency that culminated to your name being forwarded to the Assembly for consideration for appointment.

**Mr. Ouma:** Well, for the appointment in the CECM position,

**Hon. Madialo:** Yes right now you are a nominee, so we require the process. Were there any procedures?

**Mr. Ouma:** allow me to take you back, sir. I did apply, to be a CECM in 2013, and my CV was with the County then. Sometime back, a month ago, I was invited by LOG Associate, contracted by the County Government to carry out interviews. I did ask them what interviews were, and they informed me it was for CECM, and I did appear before them. I was then told that my name was taken to the Assembly for appointment.

**Hon. Madialo:** You are aware of who hold the mandate to appoint and to nominate?

**Mr. Ouma:** I am aware.

**Hon. Madialo:** Did LOG Associates reveal that they were doing it on behalf of that appointing authority?

**Mr. Ouma:** They did.

**Hon. Madialo:** Now, and you are quite candid and sincere. I would request that you be sincere, because I am going to move to the next one. As demonstrated by you and I have said you are a quite candidate. Thank you for that because you have not hidden anything. You have revealed here that you are a person who has gone to the police cells and even your finger prints the way they were taken you have attached them and I can see you paid for a bond. What was the offence?

**Mr. Ouma:** Well, when you apply for the certificate of good conduct, they have to take your finger prints which are sent to Nairobi to do a research after which if you have no previous criminal records, they issue a certificate.

**Hon. Madialo:** So your finger prints were taken for the purpose of good conduct?

**Mr. Ouma:** Thank you.

**Hon. Madialo:** That is good.

**Hon. Madialo:** The last one. When you read 35(d) and have seen you have been nominated to the department of Physical planning, Land, Housing and Urban planning. Can you demonstrate to this Committee that you have knowledge, experience and that you have had a distinguished career of not less than 5 years in the department or in matters touching on Lands, Physical planning, Housing and urban planning? Could you demonstrate? Unfortunately from your CV there is no much to deduce.

**Mr. Ouma:** Well, I joined my active service and profession in 2002. I was employed by Morphine Engineering and my designation was a senior Resident Engineer. The projects we

carried out across East Africa are related to Airport development in DRC, planning of the current Juba city as it is and Housing Development by Dorr in Somalia, the Housing Scheme headed by Care Kenya that was within a span of 2002 to 2007 when I joined the public service.

When I joined the public service, I was appointed to report to Suba County Council then in 2007 November as a County Engineer and within my stay in Suba spanning 8 months, basically the office of the Engineer and Planner were one. So we did carry out planning exercise PDP for Sindu town as currently constituted, we did special planning for Magunga, the then District headquarter for Suba County. I was part of the team that was appointed by the then Dc in Suba to help in the planning of Magunga as currently constituted. In 2008, after the post-election violence, in order to restore services in Kisumu after burning of the city, I was asked and tasked to do;

- Fast track approvals for would be developers because many had fled the town.
- Bring back economic lifeline of the people.
- Urban regeneration and renewal.

So in urban regeneration and renewal, we were tasked to apply for findings because there were limited resources in the then local authorities. We did apply to the French to give us a planning firm under Kisumu urban project which is currently being under taken.

Therefore in Kisumu urban planning, I participated in the proposal writing, implementation in the part of ISO that is Kisumu Strategic Urban Development plan which has been adopted by the Assembly.

In my duty as city Engineer, I was involved in plan approval and given that the relationship between direct rate of Physical planning in the city and engineering department, we worked closely together to make sure that we implemented the plans as they are and developed part development plans for the town of Awasi. In 2012 I was nominated to help the then Physical planning department for the National Government to do a PDP.

**Hon. Madialo:** Lands?

**Mr. Ouma:** In land matters, the closest I have come to issues relating to land is where approvals are sought and my department had to do land searches to make sure the people whose lands were being approved for developments were the real owners of the lands. I came to have knowledge of process of land acquisition in that department so I came to learn on job on issues related to land.

**Hon. Madialo:** Of course! We are not looking for suitability in the County of Nairobi, we are looking for suitability for Siaya County. Land in Siaya County is generally rural and our concern will be in looking for your suitability. It would be to do with majorly how much you understand about lands.

That will be our motherland because you are a resident of Siaya and in fact from rural like me and most of us here. Your understanding on matters of land...

**Mr. Ouma:** We have...

**Hon. Madialo:** Just a minute, we have tenure, title and all that for the majority of those you were supposed to serve under Department of Lands. I asked you that because looking at your resume and your explanation, you are approving mostly in the urban set up and more so approvals of the structural plans. But, that would go with Engineering, of course.

**Mr. Ouma:** Thank you, the city of Kisumu has both urban and peri-urban. It starts from Maseno up to Rabuor, so it is not purely urban. Two, the direction of growth in Kisumu is equivalent to direction of growth in Siaya. Urban centers are moving to customary and traditional lands. And, there is a very delicate balancing act that we did in Kisumu and currently we've placed burial sites.

It is very difficult to tell somebody in Siaya that we have a cemetery if you want to bury vis-à-vis that it is now urban and we need to have a centralized place to dispose of our dead. So, I have interacted with certain aspects of customary lands, private lands and lands that are being held in trust by the municipal and now the city on behalf of the people.

I have dealt with land issues and I know ownership systems in Kenya and I know the sensitivity of issues to do with land and resolution of land. Because, at times before you do approvals you have to move to the rate systems to check whether somebody's name is in the rate system; you find a different name from the name in the land title; you have to refer it and follow it up with the district lands board.

I have even attended the District land board's proceedings; provided evidence where someone wanted to defraud another of land. So, I know how sensitive land issues are and the direction of growth and several land uses because I am both urban and peri-urban and I stay in this County and I also know land ownership style and use that currently exists in this County.

**The Chairperson (Hon. Okode):** That is all from me. Yes, any other person?

**Hon. Oor:** Mine is a minor question; when you went to Sudan, you were planning for the town. Were you the one appointed to do so or you were doing it on behalf of someone else?

**Mr. Ouma:** I was behind somebody

**Hon. Odero:** So, that means that you don't have the qualification?

**Mr. Ouma:** I was part of the team. In technical profession, we respect team leaders. That is why I did say that I was part of the team that went to Juba and did the planning. And, if you look at the current plan as of Juba; my name appears as part of the team because I was there to plan for the roads specifically.

**Hon. Oor:** Your name appeared as the activist of the planning or there is somebody who went for you?

*(Laughter)*

**Mr. Ouma:** Somebody who went to school and knew how...

**Hon. Oor:** Concerned and related to what you were talking about? Since you already accepted that you were behind somebody, it means that you don't have all the documents concerned with that Physical planning and land?



**Mr. Ouma:** Well, to answer you; in our technical field, there is always a team. A planner cannot know the general wings of a road. I know classification of roads. The planner may have an idea but specific...

**Hon. Madialo:** Mr. Ouma, what *mheshimiwa* is asking you is; having gone there; demonstrate the same; you know what he is saying is that there is nothing physical that we can look at and say that Mr. Ouma appeared before us and said the truth.

That is what is very difficult.

**Mr. Ouma:** I understand

**Hon. Madialo:** He is not casting aspersions on your qualifications or ability. Now give an answer, why haven't you demonstrated?

**Mr. Ouma:** I have tried to explain that I am appearing before you and you've asked me about my suitability and previous experience and not everything can be put to paper. If we were to write what we've done since we started our careers, it can fill volumes and volumes of paper. And the reason for me to appear here is for you to ask me questions that are not in the vetting form that I attached. So, I have said that I was part of the team that was in Juba to do the planning of the current Juba City.

**Hon. Oor:** I have not completed. Which means that if I went to Sudan or any town in Sudan; I cannot pick anybody to help me if I was the concerned person who was appointed to go and do that job?

**Mr. Ouma:** Remember I was in Sudan in 2004; I was two years into my career. Such a task cannot be basically two years. You have to work under somebody. I did work under somebody in this particular mission and we delivered.

**Hon. Oor:** Finally, it is that you don't have the certificate concerned with physical planning and land issues. Is that true?

**Mr. Ouma:** I don't have certification but I do have the experience and skills.

**Hon. Oor:** No; okay

**The Chairperson** (Hon. Okode): Bwana Adrian, I want to draw your attention to the Leadership and Integrity Act; Look at page 10, the Financial Integrity Act No. 12.

I want you to read it yourself.

*(Mr. Ouma proceeded to read the Act, thus ;)*

**Mr. Ouma:** "A state officer shall not use the office to unlawfully or wrongfully enrich himself or herself or any other person" ---

**The Chairperson** (Hon. Okode): I am asking this because this is where there is a lot of corruption when it comes to the matter of lands, houses and any other thing. So what is your take on it?

**Mr. Ouma:** I will abide by the Financial Integrity Act as prescribed in the Constitution.

**Hon. Oor:** There is Gazette Notice of September, 2013 are you aware of it? At that time I think you were working with Kisumu Municipality as the Town Engineer.

**Mr. Ouma:** Gazette Notice No.? Is it a newspaper cutting, newspaper report or a Gazette Notice?

**Hon. Oor:** Sorry it is a newspaper report, are you aware of it? There was a sale of 500 municipality houses and estates?

**Mr. Ouma:** I am aware of it. I read the allegations.

**Hon. Oor:** Now that you read the allegations, what can you tell us about it?

**Mr. Ouma:** That was not true and I have with me a Kenya Gazette Notice No. 97 which I want to table before you.

*(Mr. Ouma submitted the Report)*

That is the National Land Commission comprehensive Report on their findings from 2011-2017 on all the lands across the country that were sold illegally and recovered. My name does not appear in it. You can go through their website and also go through the Gazette Notice page by page to see whether my name appears there.

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

**Hon. Andiego:** Thank you, Chair. I want to draw Mr. Ouma's attention to the County Government Act, Section 35(2) which reads "County Assembly shall not approve nomination to the appointment to the Executive Committee that do not take into account. Part d) has knowledge, experience and distinguished career of not less than 5 years in the field relevant to the portfolio."

Hon. Madialo took you through it and here we are mandated that you demonstrate. You may have them in you and in your brain but we want to see them on the paper. That is what we are asking because it reads "shall not", so when you can't tell us that you have experience without demonstrating with papers. When we asked you if you have a degree you showed us a certificate to prove it and to show you are a Kenyan you gave us an ID. When we want the knowledge that goes with the portfolio you have been appointed to you need something to show.

**Mr. Ouma:** You cannot have a degree in planning or in lands matters that is quantity surveying unless you went into adventure. You cannot have all these degrees at a go I have demonstrated through my work experience that I am able to perform the duties that I have been nominated for.

I have demonstrated to you that I did B.Sc. Engineering and in the course of my duties I have handled several issues.

**Hon. Andiego:** What I mean is not that you don't have a degree but once you have worked, if there is something showing that you have worked in this Ministry for this period of time.

**Mr. Ouma:** There is a letter attached to the vetting form where I was appointed to be the Head of Service Delivery in Kisumu County. Service delivery cuts across all departments within

the County, so I handled issues of land, physical planning and housing and I reported to the County Secretary and the Governor in those matters that you are asking.

**The Chairperson** (Hon. Okode): Thank you, any other concerns? So far, so good.

**Hon. Olasi:** There is something confusing me. Engineer, you passed through Malele Primary School, between which years?

**Mr. Ouma:** Between 83 -91

**Hon. Olasi:** Then St. Mary's Yala, between which years?

**Mr. Ouma:** 92-95

**Hon. Olasi:** Then JKUAT

**Mr. Ouma:** 97-2001

**Hon. Olasi:** In all this there is a lot of confusion, please do something about it.

**Mr. Ouma:** I think the reason my degree is complicated is, I did graduate in March 2002. When they say duration of your study that is why it is that way.

**Hon. Madialo:** You were still too young, that is if you were born by then.

**Mr. Ouma:** Sorry for the typographical error.

**The Chairperson** (Hon. Okode): So far so good, Adrian! I hope we are doing well, Mr. Ouma. You were supposed to appear before this Committee at around 2.00 p.m. but we have engaged with you now, are you comfortable with the timing?

**Mr. Ouma:** I am comfortable with the timing.

**The Chairperson** (Okode): Finally, in our notice to nominees and members of the public, there was a call to members of the public that they are invited to submit any memorandum or petition that may have a bearing on selection of the candidate in person producing the address below.

I know you have handled this matter but because some of the petitioners are here, it would just be prudent that I mention it though you don't have to respond because already I heard you handle it. But if it went without being read out then they would think that we are sweeping it under the carpet.

There is memorandum by stakeholders on the appointment of the Siaya County Government County Executive Committee Members and the preamble is; we the listed leaders affiliated to Bunge la Wananchi community based organizations, elders, youths, women, disability organizations, community and key stake holders, leaders within Siaya exercising our rights under Article 37 of the Constitution which guarantees the right to among other things to present petitions to public authorities cognizant of the fact that we represent the views, concerns and aspirations of the residents and parliament of the Siaya County and beyond.

We have relied on the Constitution of Kenya of 2010, Leadership and Integrity Act, Prevention of Organized Crimes Act, Ethics and Anti-Corruption Act, Leadership and Integrity Regulations and Standing Orders of the Assembly and this is the allegation;

- That Adrian Ouma was initially suspended by the County Government of Kisumu.
- That Kshs.1.2 billion adversely mentioned in the TA's Report.
- Reported to have also been implicated in the Maendeleo market.
- Potential area of conflict of interest given he is also a contractor with Siaya County Government.

They have referred to that newspaper cutting and I want to assure you that we do not take newspaper cuttings lightly as a Committee but it cannot go un mentioned and we will place it

where it deserves, of course respecting your rights as an individual looking at the facts and making sure that you do not suffer accusations that are not based on facts. You do not have to respond but I just wanted to bring it to the attention of the Committee.

**Mr. Ouma:** I would wish to respond!

**The Chairperson** (Okode): Proceed.

**Mr. Ouma:** Public servants work under a very difficult environment and you know the hierarchy of civil service, you are not supposed to talk to the media. So even when allegations are made, you cannot call the media and clear the air and therefore when allegations are made, civil servants suffer in silence; you go through the procedures of sanitization through relevant Committees and when the relevant Committees feel you are fit to serve, they call you back quietly not with the same vigor the media mentioned you during the suspension.

Even you as civil servants you have been called names not because there is credence to the allegations. Some have been before print media and other social media but you live on because the end justifies the means. When you are finally sanitized and you are found clean without appearing before any court of law because you followed all the right channels. The letter calling for suspension for Maendeleo market that you are talking about, Maendeleo market under the EU those who were in local authorities then. The EU project started in June, 2007 long before I even joined the civil service.

I went all the way to Suba, found an EU project, finished it, came to Kisumu in 2008, found a building that was being done by my then deputy and the only crime I did at the local authority ministry was to say that the project was okay. Because they were saying that I was shielding my deputy, the current CO in Kakamega, Joseph Sweta. So, if Joseph Sweta had committed a crime, he wouldn't have been appointed as a CO then. So I believe allegations are there but situations have improved and there is less witch hunt in the current devolved unit unlike the previous era.

There is a lot of professionalism; today you have the Speaker who is a lawyer while before you had a mayor who had no experience in law and could frame an allegation against you and you go home. On the issue of 500 houses for those who know Kisumu, the Government houses cited in the newspaper report are in Milimani. The current institutional houses in Milimani owned by the City of Kisumu are only 42, error number one.

Two, there is a procedure for alienating land belonging to the Government. As a City engineer not directly dealing with land and not sue able on behalf of the then legal entity. How could an engineer alienate houses or sell land without knowledge of;

1. The Government.
2. Town Clerk.
3. Mayor.

So these are allegations meant to injure reputation of people and I suspect these allegations came from the time of Transition. Those who came in were jostling for power because I applied to be a nominee of a CECM then in Kisumu County and these things came up just before the appointment of the CECM.

So I lost out and I lost my career progression because of that and I am very sad that such a thing came out from a person who has gone to school and knows all the procedures of the land, thank you.

**The Chairperson** (Okode): Good! Finally any parting shorts?

**Mr. Ouma:** I have no advance comments. I thank you for inviting me and I wish to make Siaya County great through skills and experience acquired throughout my career.

I will wish to work closely with the Assembly; given that now public participation is core to anything that we do I would wish to really work with you, thank you.

**The Chairperson** (Okode): Thank you, have a good afternoon and be blessed.

*(Mr. Ouma was escorted out of the vetting room)*

*(The Appointment committee adjourned for lunch break at 1.20 p.m.)*

## 5. VETTING OF CECM NOMINEE; WATER, IRRIGATION, ENVIRONMENT AND NATURAL RESOURCES

MR. GEORGE MISORE RUBIIK

**The Chairperson** (Hon. Okode): We welcome you back to the afternoon session. We will be having an interaction with one nominee, I had mentioned to you by the name George Rubiik Misore and we are ready to go.

*(Mr. George Rubiik Misore was ushered into the vetting room)*

**The Chairperson** (Hon. Okode): Welcome, George. George Misore Rubiik?

**Mr. Rubiik:** Yes, sir.

**The Chairperson** (Hon. Okode): We want you to feel comfortable, feel at home and let me walk you round the House. Behind you, just check so that you confirm, those are members of the public, we have Members of the County Assembly, we have the media, we have the civil society groups and our one and only Bunge la Mwananchi is also there. I would urge Members of the County Assembly who are behind just to introduce themselves very quickly.

*(Hon. Kinyanyi, Hon. Vincent Odawa, Hon. Leonard Oriaro, Hon. Margaret Olale - Member of the County Assembly Service Board, Hon. James Otare introduced themselves)*

**The Chairperson** (Hon. Okode): We have Leonard Okanda, he is not a Member of the County Assembly but he is the legal adviser to the Governor. We have our secretariat and I have the pleasure to let you know the Membership of the Committee.

*(Members of the Appointments Committee introduced themselves)*

### IN ATTENDANCE

THE APPOINTMENTS COMMITTEE SECRETARIAT

**The Chairperson** (Hon. Okode): George, I told you before that I want you to feel very comfortable. So before we start, I want to be certain that you have faith in the Membership of this Committee then we can proceed, absence of which we will address your concerns. Do you have faith in the Membership of this Committee?

**Mr. Rubiik:** Yes I do.

**The Chairperson** (Hon. Okode): George, I am aware you vied for the position of the Speaker and you may be comfortable but I am not sure if the appointing authority will be comfortable or any member of the public that the Chair of this Committee will not be biased. And for that matter I appreciate that you are comfortable with me, I am equally comfortable with

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you but my conscience tells me that I need to clear any doubts in the minds of any other person who is not here. I therefore give you the good will to partake this exercise and I will withdraw myself for purposes of giving you an environment that is very conducive and that has no bias. I therefore nominate Hon. Sylvester Madialo to Chair this particular Committee, otherwise thank you for having faith in me.

**Mr. Rubiik:** I wasn't uncomfortable with you.

**The Chairperson** (Hon. Okode): That is fine.

**Mr. Rubiik:** We are in the next phase but it is okay.

**The Chairperson** (Hon. Okode): Thank you, it is my conscience which has guided me to address the concerns of any other person who is not here and we are getting yourself and myself out of this equation.

**Mr. Rubiik:** Thank you.

**The Chairperson** (Hon. Okode): And that is why I thanked you for having faith in me.

*(The Chairperson (Hon. Okode) leaves the Chair)*  
*(The Temporary Chairperson (Hon. Madialo) in the Chair)*

**The Temporary Chairperson** (Hon. Madialo): Thank you, George. Welcome once again. You are appearing before the Committee on Appointments established under our Standing Orders and you are appearing for purposes of vetting pursuant to those Standing Orders, you being a person who has been nominated by the Governor to occupy a portfolio as a CECM in his government.

The purpose for which you are here, that we require under the law to establish the procedure used to arrive at your name as a nominee, whether your nomination walks hand in hand with the Constitutional or Statutory requirements relating to the office in which you have been nominated and your suitability as an appointee to transit from being a nominee to an appointee into that office. And towards those ends I am going to request the Members to engage you. Hon. Joannes Andiego!

**Hon. Andiego:** Thank you, Chair. Good afternoon, Rubiik.

**Mr. Rubiik:** Good afternoon, Hon. Andiego.

**Hon. Andiego:** You were given a notice by the County Assembly of Siaya and you were informed of some documents that were to accompany that report when submitting. I will read them one by one and I will ask you to pass them on as I read to the Committee Members for confirmation. We need them in their original form.

We want to know if you are really a Kenyan, so we need your ID or passport, Curriculum Vitae and personal credentials, Compliance certificate from KRA, Clearance certificate from HELB, Clearance certificate from Ethics and Anticorruption, Certificate of Good Conduct.

*(Consultations)*

Okay. Clearance from respective professional bodies?

**Mr. Rubiik:** I don't belong to any.

**Hon. Andiego:** Okay. Clearance certificate from the credit bureau?

**Mr. Rubiik:** I have that

**Hon. Andiego:** Accreditation from the Commission of the University Education for foreign degree?

**Mr. Rubiik:** No, I don't have that, I don't need it.

**The Temporary Chairperson** (Hon. Madialo): Why do you think you don't need it?

**Mr. Rubiik:** Because I have certified copies for all my degrees.

**The Temporary Chairperson** (Hon. Madialo): Mr. George, your degree is not a degree that was granted in Kenya. It is a rule of engagement here and indeed in parliament also that the body responsible for Higher Education accredits and *Mheshimiwa* is referring you to the Newspaper article No. 9. What were required?

**Hon. Andiego:** Accreditation---

Kindly, you can give an explanation why you don't have it. If you've ever had got a degree outside Kenya.

**Mr. Rubiik:** My thought was that I had also taught at the University of Nairobi, I have also worked as a District Officer in Kenya which required my documents and I was recruited on the basis of my degree certificate. So, unless my thoughts were unwise

**The Temporary Chairperson** (Hon. Madialo): George, there are standards for everybody and the yardstick used for measurement for a) applies for everybody across the board in b), c) and d). We are blind to the fact that you are a DO, we are blind to the fact that you taught in the University in Kenya; the requirement under that article was everybody to bring the accreditation. Unless; your degree was obtained in a Kenyan university

**Mr. Rubiik:** Maybe, you can guide me

*(Consultations)*

**Hon. Oor:** What I know, Bwana George; I also paid my fees. When I was asked to produce all those documents, I paid one thousand shillings to get it. Maybe, it was just negligence that made you ignore that certificate. It is mandatory and the Chairperson can tell you what can be done.

*(Consultations)*

**The Temporary Chairperson** (Hon. Madialo): You said you assumed that we would recognize the fact that you've worked courtesy of this degree in Kenya and so for the time being, we will excuse you on that except that it will be discussed at the Committee level. And, the report will capture that aspect. Note that it is going to put you at a disadvantage because of that. *Mheshimiwa* Perpetua!



**Hon. Abigael:** Mr. Rubiik, thank you for coming. I want to draw your attention to the Siaya County Public Appointments and Approval Act, 2014. Kindly read to us part 7, Issues for Consideration.

*(Mr. Rubiik proceeded to read the section, thus ;)*

**Mr. Rubiik:** “Issues for consideration by the County Assembly relation to any nomination shall be;

- a) The procedure used to arrive at the nominee
- b) Any constitutional or statutory requirements relating to the office in question
- c) The suitability of the nominee for the appointment proposed having regard to whether the nominee’s ability, experience, qualities meet the needs of the body to which the nomination is being made.”

**Hon. Abigael:** Based on that, if I was to ask you something on part 7 (a); how did you arrive to be a nominee?

**Mr. Rubiik:** Well, I was called sometime back by the Governor, and he asked me if I would be interested in taking up a position in his government in the docket of Water and Irrigation based on the fact that he knew that I had been working in a major water project in Siaya. My response to him was yes.

**Hon. Abigael:** I would also like to take you to the County Government Act, 2012. Section 35 part 3 (d); kindly I would like you to read it out aloud and maybe demonstrate that statement.

*(Mr. Rubiik read the section, thus ;)*

**Mr. Rubiik:** “Has knowledge, experience and extinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed to.” First, you could see in my CV one of the first things that I did when I got into the NGO sector was to be involved in the rehabilitation of the old Uyoma Water Project which was started by the government in 1975.

At the time when I was coming in to intervene, it was in 1999; and I was involved in fund raising and the rehabilitation of that water project as well as in training of the local communities to build their capacities to be able to manage that project.

I worked in that project which was initially meant to supply water to 40, 000 people and had come to a standstill by 1979. By the time I was doing the rehabilitation; it was now meant to supply water to over 90, 000 people.

Through my NGO which I started at the time with my colleagues; we raised funds to rehabilitate that project and water was supplied to the entire Uyoma and parts of Asembo between 1999 and the year 2002 and then we handed over the project to the community.

The second thing that I did was; I was involved in advocacy of water rights. I was the representative of Africa Water Network. It is a continental body based in Accra, Ghana. I was

the Kenyan representative in Africa Water Network and we were articulating issues of water access and affordability across the continent.

**Hon. Abigael:** Just to take you back on the issue of your arrival as a nominee, did you have an interest to work in this docket?

**Mr. Rubiik:** Interest as in?

**Hon. Abigael:** Before you apply for a position usually you must have an interest.

**Mr. Rubiik:** Not really, I had not thought about it but all I know is that I have had a lot of interest in matters water.

**Hon. Oor:** Which means you were convinced to apply?

**Mr. Rubiik:** Yes! In fact when he told me to apply, I felt like may be this is an opportunity for me to use the experience that I have had in the water sector to address this bigger water issue in Siaya. And I thought with the networks that I also have with the international bodies I could add value in terms of fund raising and advocacy in the solution of water problem in Siaya.

**Hon. Andiego:** Thank you, Temporary chair. In the same article, County Government Act article 35 (3) reads;

(3) A person may be appointed as a member of the county executive committee if that person;

(d) has knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.

I hope you understand what all the above means and given that you were not there when we were doing this so you can show us something to confirm that you have all the above.

**Mr. Rubiik:** You know that basically requires me to have a write up of my own indicating that this is what I did during this time, these are credible organizations that I work with, the trainings that I underwent during that period and I think that is captured in my CV. But I can also refer you to a website on Transnational Institute (TnI). On that website they project me as somebody who had developed probably one of the useful experiences on community management of water projects in Africa.

There is also a community called NCDP in Rarieda in Uyoma, which was a community based organization that we were assisting in the rehabilitation of water projects. So they are live organizations that are there and funding sources are also there.

I think in terms of experience of what I did and didn't do, those can answer to some of those questions that you are asking because at the time I am the one who was in charge and nobody else could write on my behalf and say that so and so on this organization. I am the one who started it and worked on it, and I believe I have my MCA here, Hon. Olasi who can attest to that...

**The Temporary Chair** (Hon. Madialo) : No! No! Withdraw.

**Mr. Rubiik:** I withdraw!

So through documentation I think I will have to write it myself.

*(Loud consultations)*

**The Temporary Chairperson** (Hon. Madialo) : Hon. Olasi is a Member of the Committee on Appointment, he is not here as MCA for West Uyoma but on behalf of the entire County Assembly, proceed.

**Hon. Olasi:** Through the chair, I never wanted it to be seen as a of conflict of interest and that is why some of my questions will be reserved, Mr. Rubik let me put it to you this way; that I am here on behalf of the entire County Assembly of Siaya. We are 42 Members and when we are that number not all of us can be Members of the Committee on Appointment and therefore we are the few who have been chosen by the County Assembly to be part and parcel of this Committee.

So allow me to ask; in the questionnaire, you were given, you stated that one of the activities that you have participated in in the recent past is that you were the ODM coordinating board chair of Siaya County.

Secondly, you have indicated that you were the campaign coordinator and secretariat chair. Is it wise or in order to state that may be the position you are slotted for might be something in the name of a gift for the work you did for the County or vice vasa?

**Mr. Rubiik:** One, I think I would have declined when the Governor called me to consider this position if I felt that I didn't have the basic qualifications, the experience and necessary knowledge to handle this docket. So my conscience would have done that for me, so the fact that I accept it was primarily because I felt that I have the basic qualifications, the experience, necessary knowledge and network that can help us address the issue of water in Siaya.

**The Temporary Chairperson** (Hon. Madialo) : Yes! Hon. Audi.

**Hon. Audi:** Yes! Mr. Temporary Chairperson, kindly Mr. Rubik, you are going round and you have not really answered what the Hon. Member has asked you. Is it a reward or it is something that you just found yourself in?

**The Temporary Chairperson** (Hon. Madialo) : Hon. Audi the public is saying that they cannot hear you!

*(Hon. Audi increased his audibility)*

**Mr. Rubiik:** Okay! I think I answered it but may be the way I answered was not direct. Basically what I am saying is this; the Governor in his wisdom to nominate me thought that I had a background in the water sector and that was the reason he thought that I was an appropriate nominee for the position. And I was telling Hon. Olasi that if indeed the Governor called me with considerations of having served him during nominations and primarily during the campaign as the main reason I should take that docket I would have declined if I didn't have the expertise. I believe I am clear!

**The Temporary Chairperson** (Hon. Madialo) : Hon. Audi, is your question answered to your satisfaction and do you have any other question?

**Hon. Audi:** May be partly answered.

Mr. Rubik, you were chairman of ODM nominations for Siaya County, as a matter of integrity it may be outside or within this issue. Can you kindly explain to us what transpired in the nominations? We had a lot of problems in the nominations. I hope I am not stepping on anybody's feet. This is under integrity.

**Mr. Rubiik:** Can I briefly say that after those nominations I had a call from ODM National Elections Board Secretary, Bob Arunga himself. He called me and informed me that of all the nominations that were conducted in Kenya, the Siaya nominations were the best despite the challenges compared to other areas in Kenya. Later on, I talked to Judy Pareno who told me the same.

One of the reasons they said that was that it was only in Siaya where those who were declared winners had their names taken to Nairobi largely compared to other places. Even in the nomination period when I was having meetings with aspirants, I told them that I was going to do the best to my ability to ensure that the nomination was free and fair.

Those who had issues even after that, I helped quite a number of them with signed affidavits to take to Nairobi to go and petition. If you ask Bob Arunga, he called me and asked whether those were the names of those who won, and I agreed and told him if there were people who were being smuggled there, I would not take responsibility.

**Hon. Audi:** There is only one thing please, I am resting my case but if I could have recorded conversations between me and you during that time it would be a different thing. For now let's rest it.

*(Loud Consultations)*

**Hon. Oor:** Mr. George Rubiik, I want you to withdraw the statement that you have made. Don't mention somebody's name because of the interest of the job. Don't mention people in Nairobi. Withdraw that statement because those people are not here. Just look for a way to put your statement clear which can make the public have interest in what you are saying but withdraw that statement and don't repeat it.

**Mr. Rubiik:** I have not mentioned anyone's name, I only mentioned Bob Arunga and I wish to withdraw his name but I wish to tell the public that I worked to the best of my ability and of what was possible at the time.

**Hon. Madialo:** That will not be used for consideration for determining whether you are up to this job or not. Don't belabor on it too much, we were only asked to test your integrity. I think the answer could have been, you didn't intentionally bungle the nomination.

**Hon. Olasi:** We appreciate, Mr. Rubiik that you were called by the Governor and asked whether you could take this position. Up to where we have reached, can you tell the committee whether you went through another process of interview somewhere and how you made it to this stage of vetting.

**Mr. Rubiik:** After I agreed to that I was called by LOG Associates in Kisumu and I went there to be interviewed and I do believe that if you have my name here means that I went through the process successfully.

**Hon. Abigael:** Mr. Rubiik, with your background, will you be comfortable with any other docket apart from water.

**Mr. Rubiik:** I also have experience in education sector, I have been in boards of management of schools for quite some time so I understand some of the issues relating to education policy and also during the period when we had the County Governments formed.

**Hon. Abigael:** We are not here to interview you, our work is just to oversight. I would also want to put it to you that in Siaya County there is a problem of water and sanitation. Just tell us briefly what you would want to do for Siaya people.

**Mr. Rubiik:** If given this opportunity, I have a document that we prepared with a colleague of mine on disaster risk reduction policy framework for Siaya County which covers almost all the sectors of Siaya County.

*(Mr. Rubiik submitted the document)*

If I get this docket, I know that one of the major challenges we face in Siaya is access to clean piped water. I know that according to the CIDP for Siaya, there was hope that the docket of water would supply clean water to its population. As we talk we are just under 50.

If you look at Siaya, we have 2 areas; there is Northern and Southern. Southern part which consists of Rarieda, Bondo, part of Gem and part of Alego have major and serious challenges with regards to access to water. There are fewer people with access to piped water in those areas than Northern parts like Ugenya, Gem and Ugunja.

Secondly, is catchment areas. Siaya has the least amount of forest cover among the Counties in Kenya. We need to ensure that afforestation is done.

Thirdly, there is the issue of rehabilitation of existing water projects. I know SIBO is currently the company that is supposed to supply water. There are issues that are supposed to be addressed there in terms of capacity management. In my view, most of issues to do with water projects are on management.

Fourthly, the sources of water; we have the natural sources like lakes and rivers but we also have boreholes and wells which are mostly possible largely in the Northern parts because in the Southern parts drilling boreholes can be expensive going as low as 150 meters deep but when you come to the northern parts, you can easily drill boreholes and wells in these areas.

If I got this docket, one of the things I will ensure is more people will access water in Siaya. Then there are the earth pans for domestic animals like cows, goats and sheep. This is a mainstay of the economy of Siaya. I would try to ensure that we have more such pans where livestock can also get access to water but also I would be concerned about looking for external support to strengthen our water provision capacity because I think that is not adequately exploited.

I think the pace at which we are going to supply water to Siaya can be speeded up within a much shorter time than would otherwise be done. So, those are some of the issues that I will be concerned about, but for the small community water projects, I know there are some in Yimbo, Asembo, Uyoma and Ugenya, I would ensure that there is capacity building for those who are

managing these water projects. By the way, community managed water projects are the most successful in Kenya compared to the ones belonging to companies and government. Thank you.

**Hon. Andiego:** Mr. Rubiik, supposing you are the head teacher of a school and you have sent your deputy to look for a Biology teacher and then he comes up with an Agriculture teacher, what will you do?

**Mr. Rubiik:** Well, there is a reason why the principal asked for the Biology teacher.

**Hon. Andiego:** Knowing very well that there are so many Biology teachers outside there.

**Mr. Rubiik:** Well, I know when the principal is asking for the Biology teacher, he wants him/her for a purpose. You can engage the chemistry teacher at your own Peril.

**Hon. Oor:** What I want to know is why SIBO is failing. Do you have the reason?

**Mr. Rubiik:** That is one area I don't want to go into details because I know SIBO has issues and I think there are certain legal issues that are still ongoing. But my general take which is based on my experience with water projects is that it is a management issue. I do believe that if I was given this docket I will find a solution to the crisis we are facing with SIBO.

I know they get external funding to be able to supply water to the people of Bondo and Siaya and I know that they have technical and financial challenges. What I know is that in most of these water projects, the main problem is to do with management.

**The Temporary Chairperson** (Hon. Madialo): George, you are shooting yourself. You are lying. You wouldn't know about the financial status of an institution you've not worked for. SIBO falls under the Water Department in Siaya County.

**Mr. Rubiik:** I know!

**The Temporary Chairperson** (Hon. Madialo): You are not yet the CECM incharge of water. You are saying they have financial challenges---

**Mr. Rubiik:** No! I didn't specifically say that. I am just saying that water projects normally have various challenges which include financial. What I was saying is that, to me, I think the SIBO issue is largely a management issue. This is a cursory look. I don't want to pre-empt any other thought.

**Hon. Oor:** In closing, you have said you've been managing different water institutions, have you taken your time to advise even officers at SIBO on how to properly manage water?

**Mr. Rubiik:** No! I didn't have the mandate to do that so I have not done that.

**The Temporary Chairperson** (Hon. Madialo): Alright! George, there is just one clarification. Mheshimiwa Abigael asked you a question and there is an aspect that may not have come out very clearly. Your ability and competence is not our business. That is the business of the appointing authority and the people who identified you as being able.

Our business is your suitability; and we don't just go fishing, we are told how you become suitable under the Act. You are suitable under that Act you read if you have knowledge, experience and distinguished career. Once you satisfy us about those three, the rest belong to somebody else to look at. So, all that you have presented to us, evaluate that so that it becomes a distinguished career of not less than five years cumulatively.

**Mr. Rubiik:** One; I have said I have had experience in the water sector for more than five years; if you look at my Uyoma water project-Africa Water Network.

Secondly, I would also want to say that mine was a distinguished career because when I was in charge of the Uyoma water project, water moved from Ndunya in South Uyoma to 45 kilometres away to Anyuongi in Sakwa. I was also able to do a fundraiser that enabled us to do rehabilitation for the entire project as it were.

So, I think I have the knowledge also in terms of my ability to research because I am also a researcher. I have just given you some documents there which show that we do research across various sectors like water, environment and disaster risk reduction. I have knowledge that can enable me to conduct inquiries.

**The Temporary Chairperson** (Hon. Madialo): Let us put it this way; you have said you did something in Uyoma and you have been chairman of Africa Water Network.

**Mr. Rubiik:** Yes!

**The Temporary Chairperson** (Hon. Madialo): Thank you! In advertising your coming here, the public notified because they have a right to challenge your nomination by way of petition/memorandum. There is one that was brought by way of written memorandum by stakeholders on the appointments of the Siaya County Government, County Executive Members as per the County Government Act, Articles 3,75,37,73, Constitution of Kenya and the Bible.

It says; We, the listed leaders affiliated to Bunge la Mwananchi, Community Based Organizations, Elders, Youth and Women, Disability Organizations, Community and key stakeholder leaders within Siaya County; exercising our right under Article 37 of the Constitution which guarantees the right to, among other things, to present petitions to public authorities; cognizant of the fact that we represent the views, concerns and aspirations of the residents and parents of Siaya County and beyond; we have relied on the Constitution of Kenya, 2010, the Leadership and Integrity Act, Prevention of Organized Crime Act, Ethics and Anti-Corruption Commission Act, Leadership and Integrity Regulations and Standing Orders of the Siaya County Assembly.

Now, this is under oath and they have spoken about everybody but I will read to you only what concerns you.

George Rubik: Bungled party nominations and portrays him as a person that cannot bring honour to the Public Service as per Article 73 of the Kenyan Constitution.

He does not meet the provision of the County Governments Act Section 35(d).

He is also not able to bring honour and dignity to the office given his past record with Adok Timo Micro Finance and the bungled ODM elections (Article 73 of the Constitution). He does not fit the bill of public office. We give him a red card!

Now, these others are not under oath but they have a right that these be read in public so that we do not ignore what has sent as their sentiments. There is a Memorandum for Rejection from a Mr. Wickliffe Onyango. I will only read to what is relevant to you.

It is my opinion that George Rubiik who is nominated as the CECM in charge of Water, Irrigation and Natural Resources is not of a good character to hold public office. He bungled the ODM nominations to favour his preferred candidates.

Then there is another one by Residents of Siaya County namely, Caroline Otieno, Jacob Oloo, Mark Owino, Margaret Opiyo and George Oyugi. They say this about every nominee. They have a right and so I will read it.

We wish to notify the Committee that, appointments of the County Executive Committee which will be before you for vetting were not done in accordance with the law. The human resource firm which was contracted i.e. LOG Associates was single sourced by the County Secretary, Mr. Dave Anyona. We have noted that the firm is associated with one Larry Gumbe who is related to the County Secretary. This brings to the fore the conflict of interest. The same company was paid---I will not talk about money because there is no evidence of payment and the company is not here to defend itself.

Another issue is that the applications were not advertised in the proper way and Dave and his cousin Larry influenced the process. We therefore ask your Committee to invite the EACC to investigate and prosecute the culprits. We ask you to reject the nominees on the above mentioned facts.

Lastly, and this is specific to you. This is a letter to the Speaker from Aggrey F. Onyango. It goes; I write to draw your attention to the integrity issue of Mr. George Rubiik who has been nominated as a CEC Member. Mr. Rubiik was the returning and coordinating officer for Siaya County. It is in public domain that the elections were shambolic. We believe he played a big role in this.

The winners became losers under his watch. We therefore question his integrity that the post he has been nominated to hold requires a man of clean record. Our prayer is to ban him from holding the office based on legal requirements of Chapter Six of the Constitution.

Now, the letters are not under oath. You may wish to answer them, though it is not a must. The one under oath is specific to bungled party nominations. You have already addressed the nominations at length, I doubt if need to go back to the party nominations.

**Mr. Rubiik:** Can I just say something, Chair to clear the air. I have also seen a lot in the social media and now I hear it here that I was a returning officer in Siaya. I was not a returning officer in Siaya; I was the chairman of the ODM Elections Board and those who are responsible for bungling elections, the people who normally take responsibility are presiding officers and returning officers. I was none of those.

The second thing I want to say is with regard to Adok Timo. I am not and I have never been an official of Adok Timo Micro-Finance. I want it to go on record. I have never been and I am not an official of Adok Timo Micro-Finance. That is a very malicious kind of statement. I think I have answered Aggrey Onyango plus all the others who have talked about bungled elections.

**The Temporary Chairperson (Hon. Madialo):** Now, George, all these notwithstanding, you can be sure that the decision of the Committee will be limited to its oversight role. You have



observed that the chairman himself had to stand aside so that perception alone is sanitized. You might wish to have a parting shot?

**Mr. Rubiik:** My parting shot is just to urge you as panelists to look at my competence in the area that I have come for, my knowledge, my integrity which has also been certified by some of the documents that are with you and some of the rebuttals that I have made.

Given a chance in this water docket, I want to assure you as panelists and as Members of the County Assembly and the public who are here that you will see a remarkable change in access to water in Siaya and also in the preservation of the natural resources and the environment because I know you didn't ask me those questions.

I am cognizant of the challenges we face like climate change and I know that it is imperative that we come up with policies and legislations that can help us move Siaya County ahead of all the other Counties in Kenya.

**The Temporary Chairperson** (Hon. Madialo): Thank you. We shall now hold on so that the substantive chair of this Committee comes in to make the final remarks for today's session and perhaps make further orders as to the vetting exercise because as it is, we still have five more nominees to vet and the chair will communicate the time at which we shall be commencing.

*[The Chairperson (Hon. Okode) resumed his seat]*

**The Chairperson** (Hon. Okode): Thank you, Mr. Rubiik, how was the experience?

**Mr. Rubiik:** It was splendid, fantastic and I enjoyed it.

**The Chairperson** (Hon. Okode): Thank you! Your last word, did you give them your last words?

**Mr. Rubiik:** Yes, I gave them my last shot in your absence. But maybe for your ears, I just want to say that it was splendid being before you. I was making a statement to the panelists and the County Assembly in general that if accorded this opportunity, I can assure you that you will see one of the biggest changes in the water sector in Siaya in the next five years given my knowledge, experience and enthusiasm for this job.

**The Chairperson** (Hon. Okode): Thank you so much. Have a good afternoon and we wish you all the best.

**Mr. Rubiik:** Thank you so much.

*(Mr. Rubiik was escorted out of the vetting room)*

**The Chairperson** (Hon. Okode): Thank you, everyone. At this juncture I would wish to sincerely thank everybody for coming for this very important interaction. I am convinced that the Siaya people have owned this process unlike before where we used to have a handful of persons taking part.

I also thank Members of the Assembly who got time to attend, representation from the Executive, members of the Fourth Estate, the staff who are here and civil society groups. I want to ask you to kindly create time tomorrow and be with us once more.

Today, we were able to vet Dr. Nicholas Ochogo Kut, Joseph Ogutu, Dr. Elizabeth Achieng', Adrian Ouma and George Misore Rubiik.

Tomorrow from 9:00 a.m. we will be vetting Dorothy Akinyi Owino, Mary Apiyo Omondi Olute, Dismas Odhiambo Wakla, George Amenyia and Jaoko Oburu Odinga. Ideally, it should start at 9:00 a.m. and end at 3:30 p.m. but we will communicate to the nominees so that we are able to finish in the morning.

If members of the press have any questions for us, we will do after we adjourn. This Committee adjourns until tomorrow at 9.00 a.m. in the same Board Room.

The Appointments Committee rose at 2.45 p.m.