

REPUBLIC OF KENYA**COUNTY ASSEMBLY OF SIAYA****THE HANSARD****VETTING OF COUNTY EXECUTIVE COMMITTEE MEMBER NOMINEES, DAY II****Friday, 29th September, 2017****CONTINUATION OF THE VETTING EXERCISE ADJOURNED ON THURSDAY, 28TH****SEPTEMBER, 2017**

The Appointments Committee met at Board Room 3, at 10.00 a.m.

*[The Chairperson (Hon. Okode) in the Chair]***PRAYER****6. VETTING OF CECM NOMINEE; HEALTH AND SANITATION**

MS. DOROTHY AKINYI OWINO

The Chairperson (Hon. Okode): Thank you everybody. We apologize for beginning our session late. We hope that we will be as fast as possible without leaving out material segments of this exercise. I welcome you all.

Yesterday, we were able to vet five nominees for positions of Agriculture, Food and Fisheries; Finance and Economic Planning; Enterprise, Energy and Industry; Physical Planning, Land, Housing and Urban Development; and Water, Irrigation, Environment and Natural Resources.

Today, we have five nominees to be vetted, namely;

1. Dorothy Akinyi Owino - Health and Sanitation
2. Mary Apiyo Omondi Olute – Education, Gender, Youth and Social Services
3. Dismas Omondi Odhiambo Wakla – Public Service and Governance
4. George Amenya Oyeho – Public Works, Roads, Transport and Energy. I am being informed that there will be some readjustments in terms of the energy docket.
5. Jaoko Oburu Odinga – Tourism, Culture, Arts and Sports

We made a communication to the nominees that they all come in the morning so that we don't have many commercial breaks. If all goes well, by 1.00 p.m. or 2.00 p.m. we should be done.

The other communication I needed to make to you is that in the course of yesterday's interactions, there a lot of mentions of a firm as having been allegedly irregularly procured and it was important for this Committee to dig into it and therefore a letter was written to the County Secretary to find time to appear before this Committee today at 1:00 p.m. The communication went to him very late and I have not received feedback from him.

I hope he will be free to appear and the issues that he will be shedding light on are whether or not the firm was contracted, the manner in which it was procured and any related information that will be good for us to know. In the interest of time, we will just proceed. So, could we have the first nominee come in?

(Ms. Dorothy Akinyi Owino was ushered into the vetting room)

The Chairperson (Hon. Okode): Welcome. Are you Dorothy Akinyi Owino?

Ms. Owino: Yes, Sir!

The Chairperson (Hon. Okode): Pleasure. Feel welcomed. May I start by walking you through this room. Behind you are members of the public; representatives from the Executive, you can see a very familiar face to you in the name of Leonard Okanda; we have members of the press; civil society representatives, I am sure you know Chris Owalla among others.

Then we have Members of the Assembly and a member of the Board. I can spot three Members i.e. Hon. Oriaro, Member for Central Alego Ward, Hon. James Otare, Member for Siaya Township Ward and Hon. Onditi who is a nominated Member. We also have Margaret Olale, a member representing the public in the Siaya County Assembly Service Board. And then we have our secretariat. So, from the back you are safe. You don't have to be worried.

In front of you are members of the Committee who I want you to know.

(Members of the Appointments Committee introduced themselves)

IN ATTENDANCE

MEMBERS OF THE APPOINTMENTS COMMITTEE SECRETARIAT

The Chairperson (Hon. Okode): Thank you. I am George Okode, the Chairperson of this Committee. Allow me to let you know that this is the Committee on Appointments which is a creation of the Standing Orders of our Assembly. Our task would be limited to vetting you by considering the following; 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 abilities, experience and qualities needed to be met for you to fill in that position.

Therefore, I want to ask my colleagues to start engaging you. Yes, Hon. Andiego.

Hon. Andiego: Thank you, Hon. Chairman. Good morning, Madam Dorothy?

Ms. Owino: Good morning.

Hon. Andiego: Madam Dorothy, in the notice inviting you for this vetting process, there are some documents you were asked to come with while returning the form; I want to read them one by one and you'll pass them to us. They should be in their original form.

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---

(Ms. Owino submitted the documents)

Hon. Andiego: Clearance from respective professional bodies.

Ms. Owino: Hon. Chair, I don't identify with any.

Hon. Andiego: Clearance certificate from the Credit Bureau Reference.

(Ms. Owino submitted the document)

Hon. Andiego: Accreditation from Commission of University Education for Foreign Degrees if any.

Ms. Owino: Hon. Chair, I did my degree locally.

Hon. Madialo: Dorothy, good morning?

Ms. Owino: Good morning.

Hon. Madialo: In front of you is the County Government Act. Go to Section 35 (3). Accompanying it is Section 7 of The Siaya County Public Appointments and Approval Act, 2014. For the sake of the public behind you, would you loudly read the issues that are supposed to be considered under Section 7 of The Siaya County Public Appointments and Approval Act, 2014?

(Ms. Owino read the section, thus ;)

Ms. Owino: Section 7. 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 the nomination is being made.

Hon. Madialo: Now go to 35 (3) of the County Government Act, 2012.

Ms. Owino: 35 (3) 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 recognised 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: Now, through your ID we have confirmed you are a Kenyan. We have also confirmed that you are a holder of a first degree. The Committee will also look at whether you satisfy Chapter Six of the Constitution. Let us now look at part (d) which is followed by Section 7 (c) that you read earlier. On behalf of this Committee, I invite you to relate that which is in your CV with Section 35 (3) (d) with a view to demonstrate that you have knowledge, experience and you have had a distinguished career of not less than five years in the field of health.

As you answer it, from experience let me give an example of myself by saying that; before I went to anywhere else, I used to go and teach in a primary school but that will not qualify me as a teacher. Section 35 (3) (d) talks of knowledge, experience and a distinguished career of not less than five years in the portfolio field of health and sanitation.

Ms. Owino: Thank you, Hon. Chair. I think I can demonstrate that I have gone through the school system up to Masters level and I majored in population studies which is largely concerned with the determinants of population growth. They are fertility, mortality and migration.

In the course of the work that I have done to this country under the department of social services, we have managed community nutrition support program that has been a program for the department for a long time and we were running Family Life Training Centers. In Siaya we had Lwak center where nutrition was going on and also in Busia, Odiado, Butula where I was running them.

Before I joined the Siaya County Public Service, I worked in an integrated project which had primary health care as a key issue and received 29% for Kshs. 1.9 billion project on agriculture, community development, rural finance, water and irrigation. So I have had the exposure at management level to manage programs that are diverse, so I am fairly versatile when it comes to the issues of the department I have been working.

I joined this County as CO education after 1 year stint in Education; I was moved to the Department of Health Services. I have in my own understanding tried to stabilize that department and also to understand it in detail. The health sector is managed through a County Management Team. Any issues that are before the health department are largely...

Hon. Madialo: Our role is not to interview you to determine whether you are qualified as a manager, our role is to vet you we are over sighting the Appointing Authority. Let me take you back to where I started, we have been given the parameters within which we oversight. When looking at you we should be convinced that you have knowledge, experience and you have had a distinguished career of not less than 5 years in that portfolio. That is all!

Ms. Owino: I joined the Health Department of County Government of Siaya in October, 2015.

Hon. Madialo: Apart from participation in seminars or workshops, for example Hon. Andiego and I participated in one where they were dealing with midwives. That does not qualify

us to be medics but we know how to midwife people who have delivered. Just divorce those workshops from what you tell us. Tell us your experience and knowledge and show us that you have had it as a career.

Ms. Owino: The County Government was started in 2013, we came on board in 2014. I was in the Department of Education and towards the end of 2015 I was transferred to health.

Hon. Madialo: What informed you initially being taken to the Department of Education?

Ms. Owino: That was my line of training and experience.

Hon. Madialo: Do we agree today that you have had a distinguished career in education?

Ms. Owino: Yes.

Hon. Madialo: We look at the path you followed to come here, we say the procedure used to arrive at the nominee. We want to know the path you followed to come here. Can you highlight the process through which your name was selected and isolated so that you get here in the portfolio of health.

Ms. Owino: I have worked in the Department of Health with the former CECM Dr. Onudi who left for Kisumu effectively leaving a vacancy in that Department. With the experience I have had in the 1 year 8 months, it was my proposition that I could actually work in that Department because I have understood it very well.

I did express interest variously and at some point I was called by the CS that the Governor had considered me for nomination and I needed to present myself for an interview in Kisumu so I was advised to prepare my papers. After that interview I saw my name in the papers as having been successful.

Hon. Madialo: As you got interviewed, from your understanding, were you being interviewed by a public or private entity?

Ms. Owino: The details of the agency were not discussed with me.

Hon. Madialo: I know you as a very bright lady, be candid with us.

Ms. Owino: It was not a public agency. It was probably a consultancy firm.

Hon. Madialo: How many panelists were there?

Ms. Owino: I saw 4.

Hon. Madialo: Did you disclose to them that in the Department of Health, your experience is 1 year 8 months.

Ms. Owino: That question was not put to me. What was put to me is whether I understand the roles and functions of a CECM and with specific reference to health.

Hon. Andiego: I will take you back on a document you presented. I have your KRA Compliance Certificate. My observation is that it expired on 30th June, 2015.

Ms. Owino: I think it is a mix up of documents. I have an updated one.

Hon. Andiego: There is also HELB clearance which is also dated 25th February, 2014.

Ms. Owino: I am not aware that you repeatedly go for HELB Clearance.

The Chairperson (Hon. Okode): Do people get HELB when they are pursuing Masters?

Ms. Owino: I was given a scholarship at that time.

The Chairperson (Hon. Okode): I am asking if it possible to get the loan after your degree because it is possible that even after your first degree or masters you could still get a loan. And even so somebody could still have defaulted and benefited.

Ms. Owino: I didn't.

Hon. Andiego: I also want to take you back. There is an Article, the one Hon. Madialo was taking you through and I will read it "The County Assembly shall not approve nomination for appointment to the Executive Committee that do not take into account and then read part d.) . Kindly can you tell us as a Committee about that.

Ms. Owino: When I came to the Assembly, my take was that I have had vast experience in the public sector and, this experience has been diverse, both in terms of managing a project that was integrated and had primary health care, that is a key component. So, my ability in terms of experience in my view was relevant to this portfolio; that is why I stake my interest out to vie for this.

I have also under studied the former CECM and that is why I have the capacity to manage the department.

Hon. Madialo: There are two clarifications; the Chair was asking you about Masters' because this certificate is specific to undergraduate. I was just pointing that out because you might have wondered where the question on Masters' was coming from.

There is difficulty here; in your understanding, when you say somebody has had a career, do you look at yourself as somebody who has had a career in Education? If your career is Education; do you look at yourself as somebody who has a distinguished career in Education?

Can I say that because I have under studied for one and a half years a person who has a career in structural buildings that I have a career in engineering?

Ms. Owino: No, Sir.

Hon. Oor: May I just ask on something related to the population that she has just talked about; how many lives of the children lawfully in your time have been lost---

Ms. Owino: *Mheshimiwa*, I still have to go to the data because I did not bring that.

Hon. Oor: Yeah, it is something that you should know; the lives of the children one day to five years that you had lost during your time because you have talked about population.

Ms. Owino: Yes, *Mheshimiwa* that we can establish but I don't want to quote figures that are not substantiated. As I walked here, I had not checked that data.

Hon. Oor: Two, you were convinced to vie for the portfolio of Health and Sanitation but you did not have interest?

Ms. Owino: I have a lot of interest in this portfolio

Hon. Oor: I am asking that question because of the way you made your statement.

Ms. Owino: I have actually taken my time since I was posted to that docket, to under study and find out the issues which are affecting that sector. And, I understand that Health is a complex system which deals with six building blocks. There is leadership and governance; health financing; service delivery; health commodities and technologies; matters of infrastructure and

so the position of the CECM from what I see is propagation of policy and planning for the department.

The technical person on a day to day who takes responsibility for the health of Siaya people is the Director of Medical Services. I even saw Dr. Onudi would consult every time with the Director on matters of the day to day health of the Siaya people so, I see that there is space for a County Executive Committee Member.

Hon. Oor: The last question is; how many dispensaries do we have in the County?

Ms. Owino: We have 94 public dispensaries.

Hon. Oor: It is okay; the others may come ---

Hon. Madialo: Kindly, Mr. Speaker; Ms. Dorothy

Ms. Owino: Yes, Sir!

Hon. Madialo: You understudied the challenges on Health when you were an officer there. So far, there has been the challenge of the strike of the nurses. What have you really done? What are the efforts you've made as per the strike of the nurses?

Ms. Owino: Thank you, *Mheshimiwa!*

Through my effort, we have had a meeting as an Executive basically the Public Service Board; Health and the Office of the Governor; and Human Resources to try and understand the issues of contention in the nurses' strike and what is possible within the framework of government in that strike.

After that meeting, we agreed that we now need to involve the local branch Executive because that was the expectation of the Sarah Serem Commission that in this strike there are certain issues which the Council of Governor did not take into account as they were negotiating on the CBA.

The specific issues which the Council of Governors had issues with were the allowances which the nurses required and which Sara Serem Commission advised that we agree within certain parameters. I called a meeting and we met with the Secretary of the Union at Karemo Hall, the CEO of the Public Service Board; this was before the elections.

The Branch Secretary indicated that I was not the right person to call the meeting because I am not the employer. So, we did agree that the Board convenes a meeting which is consultative for us to discuss the issues of nurses' strike in Siaya Context.

The Chairperson (Hon. Okode): Yes, Hon. Peter

Hon. Oduor: Thank you Chair. Madam Dorothy; from what you are telling us it shows that you have vast experience in public sanitation and with the health workers. You said that we have 94 dispensaries in the County. I would like to know if they are all operational.

Ms. Owino: Yes. The 94 that I have talked about are actually operational. These are the old dispensaries we found and there are 21 dispensaries that we have constructed. Out of the ones we have constructed which are complete are 30; 9 are not operational.

Hon. Oduor: Yeah. That is the question I had in mind. I wanted to know also that out of the nine that are not operational; what are your plans? I know that we have the ongoing nurses'

strike. Are you planning to employ more nurses and when are you planning to make them operational?

Ms. Owino: The matter of unrest in the Health sector is a big issue for us not just as a County but also nationally. Because we are just from the doctors' strike; we are into the nurses' strike; we are into the pharmaceuticals technologists' and the clinical officers' strike.

My take is that this calls for new thinking in human resource management so that we have a very competitive service but also accountable to the public. We need to open new frontiers to manage the health service.

In terms of the facilities which are not operational; we did put our request in May last FY for us to replace the nurses or health workers who have left the service for various reasons and also to recruit new nurses. Generally, the advice is that we will have to limit recruitment of new staff to the County Public Service because we already have a bloated budget on personnel monuments.

We have to make operational the facilities which are not functional because they are invested in. We have other models of engagement of professional staff and we learn from the National Government; we had the economic stimulus package. We can still engage health personnel on service contracts. As we talk now; we are doing minimal services at the referral hospitals on emergency cases.

It's not that the hospital is shut completely. The referral system is working but, we are over burdening Sagam. It is something that we are on and we hope that once the cabinet is constituted they will approve the recruitment of nurses especially this critical; cadre so that we can staff the new facilities.

Hon. Oor: Thank you. Bwana Chairman; I have one question. Madam Dorothy; can you elaborate for us why people are suffering and not getting medicine from the hospitals. There is outcry all over. If you tell somebody to go the public hospitals; they will tell you there is no medicine.

Can you just elaborate shortly so that we know where the problem is and what you plan to do about it because currently you are in charge.

Ms. Owino: Thank you so much. We have tried to deliver on commodities in the health facilities on a quarterly basis based on the budget that we have of less than Ksh200 Million. The budget that the County requires for medicine and non-pharmaceuticals is half a billion Shillings. We have Kshs. 200 million in the budget to provide for all this.

We do a quarterly focused budget in terms of the commodities and we deliver them, like we knew we were going into an election, a protracted one. So we have medicine in our facilities up to November which we delivered in July and I would want to find out which facility does not have medicine because that was our plan.

Hon. Oor: And two, do you monitor or do your people monitor what is going on or you are there just getting information.

Ms. Owino: The commodity management technical group is headed by a pharmacist and one of the issues that they have as critical is vigilance, pharmaco vigilance. They also have

commodity security as a key issue for them and they are able to know from their system that actually we are secure for the next two months, and they also go out to spot check on commodity management which is a daily concern for the pharmacists.

Hon. Oor: According to you, since you got into that office, how many hospitals or dispensaries have you visited and written reports on?

Ms. Owino: Personally?

Hon. Oor: Yes!

Ms. Owino: To give a specific number sir, I may not be able.

Hon. Oor: No! What I am saying is that you know all the hospitals you have and I am just asking you to clarify the ones you have visited for check up to confirm if whatever your officers are telling you is correct.

Ms. Owino: We have ten hospitals, thirty three health centers and ninety four dispensaries, so the hospitals I have physically visited are six; I have visited Ambira, Ukwala, the referral we are always there, the Bondo hospital, Got Agulu, Madiany and Ongielo, though not an hospital.

Hon. Oor: That is okay, but what I can advise as the key person in that docket, sometimes you need to go to the smaller hospitals like the dispensary to find out what is happening; for instance you can just have an impromptu appearance just as Matiangi used to do in the Education Ministry so that the workers can respect what they are doing.

Ms. Owino: Thank you, Hon. Member, what I want to add is that we have monthly supervision including to the dispensaries. There is a team which goes out every month for supervision. But I have noted your concern.

Hon. Andiego: You will excuse me again, I asked for your credentials and academic certificates but we didn't receive them. In your ID, your name appears as Akinyi Dorothy Owino and in HELB your name appears as Ojoo Dorothy Akinyi, can you explain that?

Ms. Owino: I am now a widow but I was married to the late George Owino so I adopted his name on marriage. But as a girl I was Dorothy Akinyi Ojoo.

The Chairperson (Hon. Okode) : In future you may need to sign an affidavit to certify that that is the same person so that you are not doubted to be two different people. Okay! So far so good Dorothy, perhaps you were asked things outside the three considerations. It was just to engage you further and to make you relax and feel at home, otherwise our concerns should be on those three parameters.

I know this may be a bit unfair to you but we must also listen to the views of the people. There is a petition from the members of the public which the Members of this Committee will treat as allegations; factual or not it will be based on our in depth analysis of it, but again they have a right to petition us on a matter they feel that is under our consideration which they have concerns about.

In your case there is a petition which came today in the morning, ideally we needed to have received them by Wednesday 10th but I don't want to use technicalities to pronounce it in

admissible because then I want to encourage our people to always be proactive and be part of us on this journey.

So just allow me to admit it and read it to you. You may choose to respond or not because our decision will be advised appropriately not be based on whether you have answered or not. There is a petition by; they call themselves Concerned Residence and Voters namely Marion Awino, Sesilia Otieno, Christopher Owiti, John Juma, Victor Opondo, Benta Okoth, Nicolas Odhiambo and William Odhiambo, and here it goes;

We as residence of Siaya Township Ward and voters in this County are alarmed by the nomination of Madam Dorothy Owino to the position of CECM health. We are also the uses of health facilities around. We have talking to health workers as we go to seek services in this facilities but none of them has a good opinion about Dorothy especially the Doctors and Nurses who are the core of the health sector.

We have the following concerns that we like her to answer to and the ones that we want the Committee to consider.

1. Misuse of power as shown by the following;
 - a. Appointment of Doctor John Hawala last year as the medical superintended of the Siaya County Referral Hospital despite being fully informed that the said doctor was not duly registered by the Medical practitioners and Dentist Board. She went further to advocate against his removal even after he was rejected by the staff based on his corrupt dealing and extortion of the poor patience, facts and evidence were given against the same which she deliberately choose to ignore.
2. Currently she is working with only those who are dancing to her tune, a case in point is that of Mrs. Ruth Elizabeth Oyoo Obinge aka Liz Ongonji whom she has entrusted with a position that is not befitting her because she is her crony in a sense her qualifications are not commensurate to the post she is holding.
3. She arbitrarily transfers or sacks people based on them dancing or not dancing to her tune. For example she transferred Dr. Ahomo simply because the Doctor disagreed with Doctor Hawala who is dancing to her tune.
4. She has shown open bias in most of her decisions and some of them are done without consultations given that she is not well conversant with health issues. She also has bias to a specific health sector cadre especially the nursing fraternity who perform the core duties of the hospital. She also has developed a huge appetite of disliking for the medical officers.

(Laughter)

May be I could lower that appetite. That is the public speaking not the Assembly, you understand.

5. There was loss of Kshs. 8 million in November, 2016 that was the year marked for use in the County referral hospital. The County referral hospital went ahead to appropriate these funds which usually disbursed quarterly as free maternity fund from the National Government. She promised to deal with this matter to the bottom, leaving no stone unturned. We are still waiting for this report to date. Can she kindly tell us how far she went with this investigation and what her findings are?
6. Given the intricacies of the health sector can she tell us her undertaking of the operations of this sector above or can she tell us her achievements as the CO of health. Let her also respond to the following challenges in health sector;
 - a. Let her give us her view on the current nurses strike as a CECM what active role would she play towards having a lasting solution to the strike and also to stem any subsequent strike in the health sector in this County.
 - b. What plans has she towards addressing shortage of staff in the health sector and above all what will she do to ensure that we have enough consultants at our County Referral Hospital.
 - c. How will she ensure that there is optimum utilization of County Referral Hospital to minimize referrals that are aimed at seeking expert opinion?

Finally, it is our submission that she is not qualified to hold this docket based on the four quarries we raised above. Above all, the docket of health is very sensitive to our people and needs to be held by a person who has relevant training in that field. We therefore petition the County Assembly in its wisdom to reject her nomination because in our view she is not going to add value to the docket. We are submitting our petition to the Assembly hoping it will reach the Vetting Committee at the County Assembly.’

What I can assure you is whether you will be found suitable or unsuitable will not only be based on the request by the petitioners. So stay calm; if you choose to respond, you can, but I want you to confine your response not really to what you will do but what you feel will affect your character that you feel maybe the public needs to know.

There is another petition by some group and I will read out:-

“Preamble

We, the listed leaders affiliated to Bunge la Wananchi, Community Based Organisations, Elders, Youths, Women, Disability Organisations, Community and key stakeholders within Siaya County; exercising our right under Article 37 of the Constitution which guarantees the right to among other things; present petitions to publish authorities cognizant of the fact that we present 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 Organised Crimes Act, Ethics and Anti-corruption Act, Leadership and Integrity Regulations and the Standing Orders of the County Assembly.”

And, they remark that:-

“According to the County Government Act Section 35, 3 (d), Dorothy is placed in the wrong department and that she has strong wave for public service and we therefore recommend that she be placed appropriately---“

I think that is positive. You should smile about it.

(Loud consultations)

Ms. Owino: Thank you very much. I think Hon. Chair; I have given my referees there. Some of the messages that I got from people who know me and that who have worked with me are messages of confidence with regard to Chapter Six of the Constitution.

I am zero corrupt. That I can say openly because I am God fearing. And, I think the people who can talk about my being corrupt or otherwise are especially the suppliers. If I have ever asked---

The Chairperson (Hon. Okode): Dorothy, nobody called you corrupt in the petition---

Ms. Owino: I am a very balanced Kenyan and very considerate when I come to decision making.

The Chairperson (Hon. Okode): Do you agree nobody called you corrupt from what I read? The money that was lost---

Ms. Owino: The money that was lost---

The Chairperson (Hon. Okode): No, they said, they are going to investigate. In your meeting with them; they never said that you squandered the money.

Ms. Owino: Okay

The Chairperson (Hon. Okode): Kenyans will say it straight to your face that you stole the money.

Hon. Madialo: Dorothy, you have been accused of favoritism. That is what we are asking.

Ms. Owino: Hon. Chair and Members, the health system works through committees. At the county Health Management Team, we have Deputy Director responsible for Curative and Rehabilitative Services. We have Deputy Director responsible for Preventive and Promotive Services; then we have the Unit Heads; the Nursing Officer in charge, the Clinical Officer, the laboratory Officer and all these cadres. We have them at the CHMT.

We have a committee which discusses staff matters; the departmental human resource advisory committee which sits with its membership to discuss any proposed transfers. And, the cadre head must give us adequate information to make a decision.

Most of the times we have even deferred transfers if the information is based on the fact that an officer probably is not coming to work; disciplinary in nature and if we think the officer needs to be given a chance to address their issues.

The sector also happens to have a lot of trainings which means that staff mobility is very high. If people are transferred, For example; if someone leaves a dispensary and has gone on

training; we need to find somebody else to manage that particular facility. There is fluidity in the sector and that requires us to address.

Let me talk with specific reference to Dr. John Awala. I don't know him as somebody that I knew before. But, I have met him in Siaya. I also know that Awala is one of the best surgeons that we have. From the public perception; he does his surgeries---

The staff did raise issues about his impropriety; and I think that was in the public domain. We immediately stopped Awala to understand the issues that had been raised in regard to him and removed him. Now he is serving in Yala, where his services are being appreciated.

The two consultant surgeons; Dr. Awala and Dr. Ahomo don't see face to face. Actually, they are an embarrassment if they are in the same setting. They are always struggling for space. So, one of them had to leave to another facility.

I want to imagine who is informing the petition. Let me respect their views; but I also think that the character of some of our Kenyans needs to be looked into for us to make objective decisions.

I want to say that in health; we have a committee that deals with any issue on staff. I cannot arbitrarily talk about them because I don't know them. I don't know them by their performance. We rely on the sector head and the institution health management team and the sub-county health management team for recommendation and consultations. I have no space to transfer a staff.

The second thing that the late Ann who passed on who passed on was in charge of Reproductive Health. When she passed on; there are officers within the County Health Management Team who have specialties.

Actually, I have no favorites in the office. I am a very objective Kenyan. But, I also acknowledge that she's been a nurse of the year, and also she is doing her PhD and also she has trained maternal persons. She is in the right job in my view. And these are done with consultations with the Minister and Director of Medical Services. I have no space to do this on my own.

Arbitrary transfers and sacking;

Some of these are based on corruption allegations which we have evidence on. We have really required our consultants to agree to manage our facilities they don't have the time. Now, the doctors are the ones managing the facilities—the MOs that I am supposed to be against.

I am not against the Medical Officers. The fact of the matter is that that industry is led by Medical Officers and they must just play their rightful role to contain that industry. When they are missing in action; there is anarchy in the sector.

I understand the intricacies in health. I have taken my time to understand it. In my view it requires availability, consultation, teamwork and this has been responsible for my survival in that sector for the past one and a half years.

The Chairperson (Hon. Okode): Thank you. So far so good

I just want to clarify to you. I am aware you had appeared before a Vetting Committee of the Assembly before.

Ms. Owino: Yes, Sir.

The Chairperson (Hon. Okode): How was the experience?

Ms. Owino: This is rigorous.

The Chairperson (Hon. Okode): How was the first one?

Ms. Owino: I think this one is probably more focused in terms the issues that are before you. In terms of the regulations governing it, I think so.

The Chairperson (Hon. Okode): There was objectivity in the other one also? The one you attended before you became a CEO?

Ms. Owino: There was objectivity.

The Chairperson (Hon. Okode): It was acting on behalf of the same Assembly that this one is also serving. So, you can be sure objectivity is our academia. When you see us apply the law, especially on suitability; in regard to experience, knowledge and distinguished career, allow me to clarify that it is not a County Assembly law it is a National Law.

Otherwise, we want to wish you the best. Do you have anything to tell us as a parting shot?

Ms. Owino: I think before you is a Kenyan whom you will be happy with her services. Thank you.

The Chairperson (Hon. Okode): Thank you. Have a good day. We wish you all the best.

(Ms. Owino was escorted out of the vetting room)

7. VETTING OF CECM NOMINEE; EDUCATION, GENDER, YOUTH AND SOCIAL SERVICES

MS. MARY APIYO OMONDI OLUTE

(The nominee was ushered into the room and took a seat)

PRAYER

The Chairperson (Hon. Okode): Yes, welcome. Are you Madam Mary Apiyo Olute...Om...for purposes of setting records straight---

Ms. Omondi: Yes

The Chairperson (Hon. Okode): May I know from you that you are Mary Apiyo Olute Omondi Telefina and Teckler

Ms. Omondi: Yes. Telefina is the same as Teckler

The Chairperson (Hon. Okode): You have an affidavit...

Ms. Omondi: Yes, maybe I need to explain.

The Chairperson (Hon. Okode): You know we have an experience where someone petitioned the Assembly that you are swearing in the wrong person. Because the name with which they knew him was different.

Maybe somebody would say that you used your sister's certificate to be here. So, maybe just for the members of the public to know that she has an affidavit and I'll read it out:

"I Mary Apiyo Olute Omondi; P.O BOX 48864- Nairobi within the Republic of Kenya hereby makes oath and state and declare as follows;

That I am an adult female Kenyan holder of Identity card holder No. 3802797 issued by the Government of the Republic of Kenya that my above Identity card bears the name Mary Apiyo Omondi Olute which are my names.

That the name Olute is derived from my husband's name Charles Olute Omondi herewith is a copy of the marriage certificate which you are privy to.

That I also use the names; Telefina which is the name which appears in my degree certificate although it is modified to read as 'Teckler'---

The Chairperson (Hon. Okode): That reminds me of my brother whose name is Milka Sadik and he calls himself "Milk".

"---That I hereby confirm that the several names appearing herein of Mary Apiyo Olute Omondi, Telefina and Teckler all belong to one and the same person. That person is me.

That I make this affidavit from facts within my own knowledge which facts are very rigid to be true."

The Chairperson (Hon. Okode): This was sworn by a name and before Commission of Oaths. So, Mary, I want you to know who is in the House. Behind you are members of the

public, some members of the media; we have some members of the civil society groups and members of the Assembly whom I will introduce to you very quickly.

See them by their faces. I have the pleasure to acknowledge the presence of Hon. Jared Abayo who was the MCA for West Gem until the 8th of August this year.

I will ask the members to introduce themselves to you.

(Members of Appointments committee introduced themselves, thus ;)

1. Hon. George Okode	-	Chairman
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
10. Felix Olwero	-	County Assembly Clerk

IN ATTENDANCE

THE APPOINTMENTS COMMITTEE SECRETARIAT

So, Mary we apologise for keeping you so long. We needed to have begun at 10.30 a.m. So, we want to be as fast as possible.

Ms. Omondi: Thank you

The Chairperson (Hon. Okode): This is the Committee on Appointments, Committee of the House of the County Assembly of Siaya. We are here to vet you on the accounts of the procedure used to arrive at your nomination. Verify any constitutional or statutory requirements relating to the office. And finally and importantly, your suitability for the appointment

Therefore, I want to ask my colleagues to start dealing with you. Yes, Hon. Andiego

Hon. Andiego: Thank you Chair. Madam Mary, I just want to know if you are a Kenyan

Ms. Omondi: Yes, I am a Kenyan.

Hon. Andiego: There are these documents that show that you are a Kenyan. You will start by giving us your ID or passport. Whichever you have

Ms. Omondi: Just before I came; I misplaced my ID but I have a copy and my passport.

Hon. Andiego: Just pass it over. You also give us CV, personal credentials and academic certificates.

You will give us clearance certificate of KRA compliance certificate, EACC clearance certificate, certificate of good conduct, clearance from respective professional body, CRB clearance.

(Ms. Omondi submitted the documents)

Hon. Madialo: I heard the Chair call you Msumba among other several names.

Ms. Omondi: Msumba is my father, so that is in my certificates before I got married. Ladies have that kind of problem with names.

Hon. Madialo: It is not a problem, it is confirmation. We do not intend to interview you for a job. We are going to vet you to establish your suitability. We are strictly guided by law. You have in front of you two pieces of legislation; one is the County Government Act, we will take you to the relevant provision that is 35(3) (d) and secondly is the Siaya County Appointments and Approval Act Section 7, which touches on issues to be considered during vetting.

For the sake and in the interest of the public, I invite you to read Section 7 aloud.

(Ms. Omondi read the section, thus ;)

Ms. Omondi: “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.
- 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: I also request that you read 35(3)

(Ms. Omondi read the section, thus ;)

Ms. Omondi: “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 6 of a Constitution.
- d.) Has knowledge, experience and a distinguished career of not less than 5 years relevant to the portfolio of the department to which the person is being appointed.

Hon. Madialo: Let me start with Section 7, enlighten us on how your name arrived here.

Ms. Omondi: I expressed interest to come and serve in Siaya County in the docket of Education, and then things went quiet for a long time. Then one time I got a phone call from the Office of the County, a lady called and asked me if I was the person she was talking to and I confirmed. She then said there is a possibility of you being interviewed for the position. It found

me close by I was in Nyadorera travelling. I asked her if I could come to the office because I was on my way passing through Siaya to Nairobi and she agreed.

I went and was introduced to the CS whom I met for the first time. He told me they were looking for people could interview for positions and because I had shown interest they decided to call me. I was distantly surprised but I said it was fine. He referred me to an organization in Nairobi for an interview which I was told to go the following day so I requested to be given just one day because I was travelling. So, the person called me, we agreed and I went for the interview.

Hon. Madialo: Who are the panelists that interviewed you?

Ms. Omondi: Pardon?

Hon. Madialo: You interacted with the interview panel?

Ms. Omondi: Yes.

Hon. Madialo: Was it a public agency?

Ms. Omondi: I am not too sure, but I think that maybe it was a consultant that was contracted to do the interviews.

Hon. Madialo: Did they introduce themselves?

Ms. Omondi: They introduced themselves but I have forgotten the name of the professor who was there. I don't know whether I can remember the person who was the secretary. I don't know whether he was Mr. Akenga or what. But I think it something like that.

Hon. Madialo: But you confirm it wasn't a public agency?

Ms. Omondi: I don't think so.

Hon. Madialo: Now, go to Section 35 (3) of the County Government Act. We have confirmed that you are a Kenyan citizen and that you are a holder of a first degree from a university recognised in Kenya. Your satisfaction of the requirements of Chapter Six will be dealt with by the Committee. Now, go to Section 35 (3) (d); can you demonstrate to this Committee that you have knowledge, experience and a distinguished career of not less than five years in this field.

Ms. Omondi: Yes, I can. I went through primary education as any other Kenyan then, went to secondary school. I was at Lwak Girls' from form four to form six. Then I proceeded to Nairobi University and I studied for a degree in education. After that, I went to teach. I taught for about five years in various secondary schools. After that, I went to the Teachers Service Commission through an interview and I became a staffing officer.

From there I was promoted and I became senior administrative officer in charge of discipline for teachers. So, in essence, at the TSC, I was carrying out the duties of teacher management and got promoted to various positions. By the time I was leaving, I was already a chief administration officer in charge of discipline but there were several other duties that we were carrying out in terms of management and policy issues.

While at the Teachers Service Commission, I went for training in educational administration and management at Leeds University. There I had a lot of experience on knowing

how schools are run, how teachers are managed and issues to do with general institutional management. From there I came back to the Teachers Service Commission.

The Ministry of Education announced posts to be filled and I went to the Public Service Commission then I was promoted to become an Assistant Director of Education. So, in 1996 I moved to the Ministry of Education after thirteen years at the Teachers Service Commission.

At the Ministry of Education, I held various portfolios. One of them was the management of Boards of Management, appointment of boards, management of school affairs. I also did admission of students to secondary schools. I also carried out a project in HIV/AIDS. Though not directly in charge, I was also in curriculum development. I was also a member of the ministerial training committee and other issues.

Then I was appointed to become the secretary of the Teachers Service Appeals Tribunal. This is the body that handles teachers that have appealed against their dismissal and removal from the register. If you can recall, Kivuitu was the chairman of that committee. So, I had to regulate that body for about four years.

Then I believe that because of my competency and efficiency in work, I was taken to the Kenya National Commission for UNESCO. I went there as a program officer and I handled human sciences. After a short while, I was promoted to become the deputy secretary general. This is a position I held for a while then when my boss retired, I was again elevated to the secretary general position and that gave me a lot of experience.

Now, UNESCO is a UN agency that handles five programs of education; sciences, human science, culture and communication. Education is the major program within that. So, this gave me a lot of experience in handling matters education. While at UNESCO, I am accredited to have done quite well because when we went to the UNESCO Conference which is a general conference for member states, Kenya did well and scooped six slots.

I played a very great part in this because we had to mobilize our people, look for other people to support us and vote for us. While at UNESCO, I had a lot of opportunity to travel to other countries to learn how other people handle their education issues and Kenya did very well. If you remember, there was that issue of education for all. That was a docket that I also played part and I believe we did well as a country. Of course I am not giving credit to myself because these things we do them as a team.

Hon. Madialo: Mary, from what you have presented, you look at yourself as a distinguished careerist in education?

Ms. Omondi: Yes, I do.

Hon. Madialo: And I don't want to ask you any other question.

Ms. Omondi: Thank you so much.

Hon. Oor: If you can allow me to ask!

The Chairperson (Hon. Okode): Yes!

Hon. Oor: Thank you, Mary, I have seen all your papers and Siaya used to be number 1 or 2 in the early seventies/eighties but of late Siaya has dropped down to a very bad position.

What is your plan to improve education system so as to ensure that Siaya gets back to the position it was

There is something affecting most of our schools because most schools are not taking the students to National schools while if you go to other Counties you find schools taking almost all the students to National schools, a key example; there is a school in Kisumu County called M.M. Shah which took over 50 pupils to National schools while in Siaya we have none.

Why are most of the students dropping out of school? Could it be that they are not having proper foundation and what can you do to address this? This leads to some of them to join the transport industry by being touts while others end up being sand harvesters. So if you get this job, what will you do to correct the situation?

Ms. Omondi: Thank you, so much. One of the reasons I thought that I should ask for this job is exactly that you have observed. You will have noted that I was the PD of Nairobi and was later translated to County Director just before I left. Why does Nairobi do so well while Siaya is lagging behind?

My take is that we have several challenges to tackle and need to fix, and if you are gracious enough to give me this position, I would want to tackle the following;

I see a lot of laxity on both the side of teachers and the parents because when you come home, look at just an example of a funeral situation. You meet small children dancing late into the night while the parents are also there. So that just shows you what is wrong. Now people start socializing and enjoying themselves too early amongst our people and you don't see many parents very serious on matters education.

What I did for my Master's was Leadership in school effectiveness. Now, when I went through and did my questionnaire, I wanted to find out how a leader in the school affects school effectiveness and you know that also had many other things in it in the sense that if you are a leader in a school, what do you look for? You don't only concentrate on academics, you should also look at what role the parents are playing and other stakeholders.

So that would make you an effective leader to run a school. But if you only concentrate on the school program and you leave out the stakeholders and particularly the serious ones like the parents then you may get it wrong which in turn means bad results.

So what I am saying is that I don't know whether here we already have a strategic plan and if it is not there, we start there and look around. We do the survey, we look at the challenges and we focus on what really we would want to do and start with as a team within that docket because I am a team player.

I do not expect that I know everything and I do not expect to say that this is how we are going to do it and stick with it without listening to others who we are working with. Having said that we need to look at the mentorship programs that we could also incorporate both for the students and parents as well so that we carry everyone along; I think that is very important.

Then we look on funding because some of these issues have a lot to do with lack of funding particularly on the part of parents. You have some pupils or students who half of the

time are not in school, and if that be the case then you see of course how the problem starts because they may not cover the syllabus the way it is supposed to be.

I also talked of teachers; if teachers waste quality time for curriculum implementation then of course the results cannot be good. So supervision is going to be very important. We must ensure that everybody does their bit the way they are supposed to because you will find that it is very common to find that the students are in the class but teachers are not there and even if they are there they teach half way in which you cannot cover the curriculum effectively. So these are some of the things that I think we are going to look at.

There is also the issue of shortage of teachers in Siaya and in other places; so we shall have to engage with the concerned authority so that we can have teachers in our schools. We may not get 100% but I think if you can get about 70% to 80% which would be much better than having 30% in our schools. Those are some of the things that I think I will tackle.

Hon. Oor: May be addition to that, I think also lack of bench marking to other Counties may also be an issue because we are dealing with an area which we are not well conversant with.

Ms. Omondi: That is true.

Hon. Oor: Dealing with one area which you don't know then you end up with nothing.

The Chairperson (Hon. Okode): Yes, Hon. Lorna!

Hon. Adida: Thank you, Mr. Chairman. Thank you, Madam Mary. First of all allow me to appreciate your level of experience in education docket. At the same time it is important to note that the County Government's mandate in education is only on ECDE and Vocational Training.

As the CECM in charge of education, assuming that you get this position it is very important for you maybe to tell this Committee how you will integrate the mandate for the County Government and at the same time the mandate of the National Government so as to spear head the development and programmes to enhance education in Siaya to move forward.

Ms. Omondi: It is in the legislation that actually the Counties can also implement the National Government policies in education, so that allows me for partnership. I know we have the County Director here, what I would do is to engage with them so that you can also give your ideas and then ask them to do certain things that maybe you cannot do directly because your portfolio does not reach maybe in secondary schools and things like that.

I don't believe in a laid-back situation where you see something is wrong and you don't say anything, of course it will depend on how you do it! So I am simply saying that we shall engage with the National Government, people in education so that we can make it through in our education systems and standards in the County.

The Chairperson (Hon. Okode): Thank you. Yes, Hon. Andiego!

Hon. Andiego: Thank you, Chair. Ms. Omondi, there are documents that I asked for when we were starting. I do not have the clearance certificate itself, what I have is the application, kindly explain.

Ms. Omondi: The clearance has not come out up to this minute. I applied for it a bit late, reason is that I had already gotten one earlier, I looked for it but I did not find it, then I

quickly went and applied. Up to this time, you know when you do it online, so it has not been able to come but I carried the previous one just in case maybe it can help to answer that I have no issues with KRA.

I have the one of 2014/2015; the one of 2016 that should be valid is what I couldn't get. I decided to bring the application, I know it is a serious document that is required, I am sorry about it.

Hon. Andiego: The Chair will decide on that. And also we have Higher Education Loans Board which I can is dated 14th November, 2012 and we are in 2017.

Ms. Omondi: That one you just take once.

Hon. Andiego: Perhaps you went to get a loan last year for your PHD.

Mr. Omondi: I went there and somebody told me that that is enough but if it is a requirement then I will go back.

Hon. Abigael: Actually, it is nowadays renewed yearly.

Hon. Oor: Through the Chair, what I can advise, we have Huduma Centre here, just go there then you can be assisted.

Ms. Omondi: I am sorry, Chair about it.

Hon. Andiego: About the Police' Good Conduct, the one I have here is also for November 2016. I think this is valid. The Chair will decide.

The Chairperson (Hon. Okode): Okay, on these documents, you will have to liaise with our secretariat. There is a number which contacted you?

Ms. Omondi: Yes, there is a number which contacted me.

The Chairperson (Hon. Okode): You will take it from the gentleman over there so that we engage on how we can get that document, it is important for us to get it. Do you appreciate the need to have renewed clearance from the Higher Educations Loans Board?

Ms. Omondi: Yes I appreciate now that you have told me.

The Chairperson (Hon. Okode): No, No, forget about us telling you. Does it make sense to you that annually you need to go get that clearance?

Ms. Omondi: Yeah, I think so.

The Chairperson (Hon. Okode): Why?

Ms. Omondi: Because you have just reminded me, maybe there is a possibility that I could have taken another loan!

The Chairperson (Hon. Okode): Very good. Otherwise, thank you, for the engagement. Anything you want to tell us?

Ms. Omondi: I want to thank you so much for giving me this opportunity to be vetted, I cannot take it for granted. In fact I left Nairobi and I slept in Siaya for this purpose because I didn't want to come late, Mr. Chairman, because I see the seriousness of this. I am a believer in things that are done properly and I should also present myself to you and if you find me fit and suitable you will be able to give me the docket and I believe it will be possible.

The Chairperson (Hon. Okode): Thank you so much. Finally as you go, at your free time you will address yourself to the fourth schedule of the Constitution on distribution of

functions between National Government and the County Government in relation to the devolved functions of education where they talk of pre-primary education, village polytechnics, home craft centres and child care facilities.

Ms. Omondi: Yeah.

The Chairperson (Hon. Okode): Thank you, have a good day.

(Ms. Omondi was escorted out of the vetting room)

8. VETTING OF CECM NOMINEE; PUBLIC SERVICE AND GOVERNANCE

DISMAS OMONDI ODHIAMBO WAKHLA

The Chairperson (Hon. Okode): Thank you everybody. We have 3 more nominees to vet and before we do that may I also communicate to you that there is a petition that came yesterday after we had vetted a candidate and in protecting his rights, I will not mention his name and also guaranteeing the petitioner a right to be heard at least air his views I will mention and I will cause this to reach the candidate because he will not have an opportunity to respond to it but if I go silent on it also, perhaps the petitioner is in the House.’

It is an allegation against one nominee whom I am not going to mention and it reads that, “Alego Constituency Cultural Association in 2015 paid Governor Rasanga a courtesy call with a memorandum asking the County Government for partnership to carry out Civic Education in the community which the Governor approved to a tune of Kshs. 290,000.

The Association continued to pursue the release of the money which took quite a while but eventually they called our Vice Secretary, Mr. Charles M. Otieno without our knowledge and gave him unspecified amount of money in cash without signing anywhere.

When the Vice Secretary reported to us, we came to the monthly meeting without the money or any proof of receiving it but only his word. As the Secretary I went to the Government offices to enquire as to where this mysterious money came from, how much it was and why was a Cheque not issued instead of cash but (the nominee) was not cooperative and denied any knowledge of ever giving any person any cash.

From the CS, Mr. Omondi, we were able to establish that the Association was allocated the money in that FY and our suspicion is that someone at the County Government withdrew our money somehow and gave only Kshs. 100,000 in cash to Mr. Charles M. Otieno”.

It looks like the nominee is being accused of financial impropriety and because he doesn’t have the chance to be heard for now I will just communicate this to him so that we also use that in our Report if need be but for the petitioner, I have communicated appropriately.

Kindly invite the next nominee so that we proceed.

(The next nominee was ushered into the room and took a seat)

Welcome, Mr. Dismas Omondi Odhiambo Wakla. I want you to feel comfortable. I know you are in familiar territory.

Mr. Wakla: Yes.

The Chairperson (Hon. Okode): Behind you we have members of the Fourth Estate, members of the public, current and former MCAs; (Hon. Leornard Oriaro, Hon. Jared Abayo, Hon. Willis Ochieng, Hon. James Otare), member of the CASB (Ms. Margaret Olale), Mr. Leonard Okanda, Mr. Chris Owala and a secretariat. I will ask the members to introduce themselves to you.

(Members of the Committee on Appointments introduced themselves)

IN ATTENDANCE

THE APPOINTMENTS COMMITTEE SECRETARIAT

I will introduce you, you are Mr. Dismas Omondi Odhiambo Wakla.

Mr. Wakla: Correct.

The Chairperson (Hon. Okode): Thank you. I want first want to establish if you have faith in the membership of this Committee or you suspect that any Member could jeopardize your chances.

Mr. Wakla: I have full faith in the Committee.

The Chairperson (Hon. Okode): Thank you. We also have to apologize to you, you were supposed to have appeared earlier but we delayed. We want to be as brief as possible but to the point, just looking at the material facts.

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 the ability, experience and qualities meet the needs or the qualities for the body which nomination is being made.

Yes, Hon. Andiego!

Hon. Andiego: Good afternoon, Mr. Wakla.

Mr. Wakla: Good afternoon.

Hon. Andiego : There are some documents that you were supposed to bring, kindly give the originals to us as I mention them: ID or passport, CV, academic certificates, HELB clearance certificate, KRA compliance certificate, EACC clearance certificate, certificate of good conduct, clearance from respective professional body, CRB clearance.

Mr. Wakla: Hon. Member, if you may allow me; accompanying that ID are other identification documents because somewhere along the line I may have changed my name or improved on it through a legal instrument called affidavit.

Hon. Andiego: Document no. 3- compliance certificate from Kenya Revenue Authority. Clearance certificate from the Higher Education Loans Board; clearance certificate from the Ethics and Anti-Corruption Commission; certificate of good conduct;

(Mr. Wakla submitted the documents)

Clearance certificate from respective professional body?

Mr. Wakla: I am sorry, Hon. Member, the only professional body I have is the Law Society of Kenya and I have with me my practising certificate for the current year.

The Chairperson (Hon. Okode): That will suffice.

(Mr. Wakla submitted the document)

Hon. Andiego: Ok. Clearance certificate from the Credit Reference Bureau.

(Mr. Wakla submitted the document)

And maybe in case you went to study abroad, we'll need accreditation from Commission of University Education for Foreign Degrees.

Mr. Wakla: Not at all. I have a lot of faith in our education system. I went to school in Kenya all through.

The Chairperson (Hon. Okode): Is it a matter of faith? You could get scholarship to go to Leeds. But it's ok.

Hon. Andiego: I am done, Mr. Chair.

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

Hon. Madialo: I'll be quite brief, Dismas. Fortunately, we are dealing with an advocate. In front of you is the County Government Act, 2012 and accompanying it is the Siaya County Public Appointments and Approval Act, 2014. For the sake of the public behind you, we would invite you to read the provisions of Section 7 of The Siaya County Public Appointments and Approval Act, 2014 and then Section 35 (3) the County Government Act, 2012.

(Mr. Wakla read the section, thus ;)

Mr. Wakla: Let me start with Section 35 (3) the County Government Act, 2012. It deals with the appointment of County Executive Members. I am sorry; I have a problem with my voice. It provides as follows;

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 recognised 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.

Section 7 of The Siaya County Public Appointments and Approval Act, 2014 provides as follows;

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 the nomination is being made.

Hon. Madialo: That buttresses Section 35 (3) of the County Government Act, 2012.

Mr. Wakla: Absolutely.

Hon. Madialo: Now, the Committee requires that you demonstrate your knowledge, experience and distinguished career of not less than five years in the department you have been nominated. The department is defined as Public Service and Governance. The Committee lays emphasis on public service.

Mr. Wakla: I believe that I have the requisite qualifications, skills, knowledge, experience and distinguished career. I am a lawyer by profession and I have practiced law for the last 22 years. Public service and governance is in my view all about law. Law is a major component to public service and governance. When you are discharging a mandate in public service and governance you will interact with law more than any other discipline that I can think of. By my training, level of experience and the years I have practised, I think I am well prepared.

But having said that, if you look at my CV which I have provided - by the way, Mr. Chair, if it may be necessary, I have all copies of my documents in a booklet like this which I can supply to all the Members either now or later. I have paginated them for ease of reference.

If you look at my CV which will appear at page three of my bundle, I have also demonstrated other things that I have done while practising law. I have stated that I have been actively involved in advocacy and promotion of democratic ideals and enhancement of good governance in public institutions. I have been a member of several boards of management in many schools, some of which I have been the chair. There are several other things which I believe have prepared me adequately.

I may not have been in a public office, but I think my relationship with the public prepares me well and I don't think that you have to be in a public office for you to be able to adequately discharge. After all I also believe that there must be a starting point and perhaps this is my starting point to move from the private sector to public service.

Hon. Madialo: With your background, we will appreciate that we have parameters defined by the law; National law not even our own laws. I don't want to repeat myself, there is emphasis on demonstrating public service experience. But Section 7! We have gone the path and now you are the 8th nominee we are vetting during this vetting session. We would wish that you take us through the process/path you followed to arrive before this vetting panel before this Committee.

Mr. Wakla: Thank you. I have had some relationship with the appointing authority. I belong to this County and some day when I went to engage him on something between us and because I was leaving for Nairobi, he asked me whether I would consider if he so requested temporarily leaving my practice and coming to serve in the County Government.

I remember telling him that if he so wished thinks I may have some value that I would add in his leadership then I was ready to serve. Then we developed the discussion and he

informed me that he would consider nominating me for a CECM position. He later contacted me and confirmed that he had forwarded my name as one of his nominees.

At a later stage, I was notified by the County Secretary that I had actually been nominated and there was a process that the appointing authority was taking all his nominees, I think preliminary to test their suitability which I think ended up with me being here. So it was an engagement with the appointing authority in this case His Excellency the Governor.

Hon. Madialo: You went through an interview?

Mr. Wakla: Yes, some interview.

Hon. Madialo: Some interview like the other persons said that they went through an interview.

Mr. Wakla: Yes.

Hon. Madialo: Now, the body that interviewed you, was it a public body?

Mr. Wakla: No, I wouldn't tell that because I was summoned to appear before a panel, I don't know who they are, but I was summoned to appear before a team on a particular day, that's all. My answer is, I was notified to appear before a panel and I honored the invitation. So I appeared before a panel in Kisumu, at an address in Kisumu, if you want the address I can give you. I went through the process and that was it, I don't know whether it was a private or public firm.

Hon. Madialo: One last question, is that to just suggest that the panel did not even bother to make an introduction as this sitting has done? Could you perhaps know the people who were interviewing you?

Mr. Wakla: There was an introduction, to the best my memory can serve, what I can remember is that, I remember them informing me that they had the mandate of the Governor to conduct the interview. Then members of that panel introduced themselves.

The Chairperson (Hon. Okode): Yes, Hon. Lorna!

Hon. Adida: Thank you, Chair. Yes, Mr. Wakla, how are you?

Mr. Wakla: I am fine, Hon. Member.

Hon. Adida: I think I might have been impressed by the manner in which you have said it openly that it is through the CEO of the County that may have impressed upon you to consider taking a position in the County.

Secondly, it is good that you have even mentioned to this Committee and the public at large that you may have participated in the just concluded campaigns and I believe that if that is the case, I think it may not be wrong for this Committee to maybe think that this is a reward! May be the CEO is trying to consider on your behalf, kindly explain to us that.

Mr. Wakla: I don't think that this is a reward and this is why I say so. The CEO requested me whether I would consider! If you want to reward somebody you just reward them, you don't consider. He asked me whether I would consider and my response as I said is that "if you think I will add value in your government then I will be prepared to leave my practice for five years because I am also a stake holder in Siaya, I am son of this soil, I belong here and I will

want the best for this County”. I want to be honest that I don’t think he was rewarding me. I don’t think you can adequately reward people for what they need.

Hon. Oor: In addition to that, you want to tell me that you did not have the interest in this position?

Mr. Wakla: I am not saying that, what I am saying is that I did not express interest, the interest came from the appointing authority. Truth is that I had not thought out, I had not thought about leaving my practice, we lawyers sometimes are more comfortable in practice.

Making decisions to take positions is normally a very big challenge, so it had not crossed my mind that I should look for a position in the County Government of Siaya. But of course when the appointing authority proposed to me I then gave it consideration and I told him that if he thought I would add value then I would consider it.

Hon. Oor: The time you went to Kisumu for the interview, were you the only one eying this portfolio of Public Service?

Mr. Wakla: Again I would not tell that because we received these invitations individually, we didn’t know who else had been invited, people who are invited are probably strangers to you and you have not shared anything, so I wouldn’t tell.

Hon. Oor: By the time of the interview you should know the people who are contesting in that position. Tell us the truth!

Mr. Wakla: I don’t know and I want to be honest, Mr. Chair. Number one, I don’t know if there was any one contesting this position because perhaps, let me clarify; even when I was going there, I was not going for any position, but when I got there, I was not interviewed for that position.

I remember the panel asking me,” if you were to choose where you think you have competence to serve better, which positions would you choose?” And I gave 3 answers, I gave 3 positions as much as I thought I could serve in almost all of them but I gave 3 that I preferred. I did not go with a fixed mind.

Hon. Oor: Before I finish, can you elaborate the advantages as well as the disadvantages of the public service, just one each.

Mr. Wakla: I don’t know whether that advantage or disadvantage is in relation to my taking of the job or the risks that are out there. How I wish you could elaborate so that I just don’t jump into answering because I don’t know if I got your question.

Hon. Oor: Even if you are a driver, the disadvantage may be to kill somebody while the advantage would be to reach your destination.

(Laughter)

Mr. Wakla: I get you. Taking it from the illustration given, the only advantage or something that will be satisfying me most is that I will be getting an opportunity to improve Public Service in Siaya County because Governments world over make it or fail to make it on service. So that is something that I am gearing towards given an opportunity to go and put my

input and improve, of course public service as it makes you deal with human beings and in the course of so doing you are bound to make decisions that might not be palatable with section of the people you deal with.

So Wakla here whom I think ordinarily walks around in this town, our good town a free man fearing nobody may soon have enemies; people who think I am stepping on their toes and should have. But again those are risks we must be prepared to take if you accept to serve the people.

Hon. Oor: So does that mean you don't fear anybody because of the Law or because of the job?

Mr. Wakla: Hon. Member, I will not because I believe that if this panel approves my appointment, I will take an oath of office implying that I serve without fear or favor, I think I will live to the oath.

The Chairperson (Hon. Okode): Hon. Olasi.

Hon. Olasi: Mr. Wakili, you have stated that you have never been to public service and that you have been practising privately. Are you prepared for the challenges because this is a new undertaking? Again you have talked of improving public service and you don't have the background in dealing with the public. What is your take on that?

Mr. Wakla: To question no. 1, I am prepared to deal with the public, for your information, Hon. Chair, I always deal with the public every day because we are in court and we represent them, we mingle with them therefore literally I deal with the public.

Again, being in private practice does not mean that you don't relate with the public. If you look at my CV, I have talked about advocacy, engaging with the public and I have even participated in political activities for my party. I have a party, so I have been mingling with the public hence I am not that introvert that encloses himself in a private law firm and when you are done with your clients you walk home and shut the gates.

The Chairperson (Hon. Okode): Yes Abigael!

Hon. Abigael: Do you think in your own capacity other than that of the CEO of the County you will add value in this County?

Mr. Wakla: Given a chance I will add a lot of value, as I said I belong to this County and I have one of my branch offices just across, it means I mingle with people, there are certain things that I see done which in my view I think and believe could be done differently to improve a lot on how we govern, administer and deliver service. I am not going there that I know everything, I will be working with a team and creating team work. I think with others whom we will have an opportunity to serve, we will add value.

The Chairperson (Hon. Okode): Thank you, so much, so far so good. I just want to clarify; when the Hon. Member asked you about the identity of the interviewing panel; he did not intend to crucify you because you did not invite yourself. The interest of this Committee, some of us have interacted with you at a personal level and we know your capacities and some of us are interacting with you on paper.

In the event and I say in the event you are unsuitable for a certain position not by mistakes of your making but by the panel that perhaps disregarded the law, then that's where we want to put the blame. And that is why when we want to know who interviewed you just be frank and tell us. I know you cannot fail to know whether the interviewing panel is a public institution or private.

In a Country where we hear that our sisters and daughters are being invited for interviews to go and work in the Middle East and we pay money then when they reach at the airport they discover that these people have disappeared and you realize that you really need to know the person interviewing you. I am sure you had to get the interest to know the interviewing panel and that again the law tells us to know how you were processed.

So some of the time these were things we were asking. You can imagine if for example the law requires that we have expertise in say fisheries, and you brought here a name submitted and you have expertise in music, for us you are so good because you know music so much and therefore you would add value if the panel puts you in music docket.

That you cannot blame the nominee! We blame the interviewer! And that is why we have interest in the interviewer. Otherwise I want to thank you and just to ask if you have any parting shot for us!

Mr. Wakla: Thank you, Hon. Members of the panel. First, I want to thank you for taking your time, I know it is not easy to be in a panel of this Committee and sit for two days. It is daunting task and I am happy that you are doing it for our great County.

Secondly, I want to ask this Committee that if you find me suitable then consider me for the job because then and only then shall I add value. If for whatever reasons you find me unsuitable, I ask you not to consider me for the job because I will bring down the County and I don't want to do that because I came here and persuaded the Committee to give me a job that I was not qualified for and not deserving. That is all I want to say and God bless you.

The Chairperson (Hon. Okode): And finally as you go, when this Committee pronounces you unsuitable, it is not Wakla unsuitable it is your satisfying the tenancy in the Law in satisfying or fulfilling that position.

Mr. Wakla: Absolutely! That is how I will take it, thank you.

The Chairperson (Hon. Okode): Thank you, have a good afternoon.

Mr. Wakla: Thank you, I mentioned about my bundles, would mind them or....

The Chairperson (Hon. Okode): Give us; we might even use them to give you jobs privately.

(Mr. Wakla was escorted out of the vetting room)

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

MR. GEORGE AMENYA OYEHO

(The nominee was ushered in and took a seat)

The Chairperson (Hon. Okode): Yes! Are you Mr. George Amenia Oyeho?

Mr. Amenia: Yes!

The Chairperson (Hon. Okode): Having said that, may I introduce this Committee as the Committee on Appointment which vets nominees from the executive, especially the CECM (County Executive Committee Members), and I want to ask you if you are comfortable with the composition of this team.

(Members of the Appointments Committee introduced themselves)

IN ATTENDANCE

THE APPOINTMENTS COMMITTEE SECRETARIAT

Mr. Amenia: I am comfortable, chair!

The Chairperson (Hon. Okode): So ours will just be vetting you on account of;

- 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 if they meet the needs or the qualities for the body 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 Section 7. It's merely a copy paste and it was customized in that manner.

So my colleagues will start engaging you.

Hon. Andiego: Thank you, Hon. Chairman. Mr. Amenia, 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 from commission of University Education for foreign degree.

(Mr. Amenia submitted the documents)

Mr. Amenia: Yes! My compliance certificate came to me last night via email and I was unable to download at the café in Siaya, but I have it in soft copy that is if it is still in my email. And again I did not attain my certificates in Kenya so the HELB does not have my records.

Hon. Andiego: Mr. Amenia, it is a requirement, whether you went to Kenyan University or not and they will be able to tell us if you really did or otherwise.

The Chairperson (Hon. Okode): You will take his contacts.

Mr. Amenia: Apologies, I will try and get that if it must be there.

Hon. Oor: will you submit them today because we have Huduma center here in Siaya?

Mr. Amenia: Today! Yes I will go to Huduma immediately after this then I get it.

Hon. Andiego: Subject to the decision from the chair.

Mr. Amenia: And I have not been an active member of any professional bodies, I was a member of Kenya Institute of Management and still a member though not active. Sorry the accreditation from commission of University Education for foreign degree skipped me and I did not take but I am a student as at now at Tangaza University, Institute of Catholic University of Nairobi where I am doing my PHD and they have accepted my certificates from Metropolitan state University in America. But I will be able to get that.

Hon. Andiego: You went through this notice?

Mr. Amenia: I went through the notice

Hon. Andiego: And you learnt of these documents as a requirement?

Mr. Amenia: Apology

Hon. Andiego: Thank you, Chair.

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

Hon. Madialo: Do I call you carnal?

Mr. Amenia: Cannon retired

Hon. Madialo: Cannon retired?

Mr. Amenia: Yes.

Hon. Madialo: Very disciplined. You have before you the County Government Act?

Mr. Amenia: Yes

Hon. Madialo: Section 35 (3). Our clerk will assist you. Can you read it aloud?

(Mr. Amenia read the section, thus ;)

Mr. Amenia: 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 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: I am only concerned with 3(d). Knowledge, experience, distinguished career. Now, you have been nominated to the department of Public Works, Roads, Transport and Energy and Energy there might be a misnomer because we have already vetted somebody. Do you look at yourself as a person who has knowledge in roads, public works and transport?

Mr. Amenia: Absolutely. I consider those as logistics.

Hon. Madialo: These are logistics?

Mr. Amenia: Yes.

Hon. Madialo: Good. Do you look at yourself as a person who has experience in the portfolio of Public Works, Roads and Transport?

Mr. Amenia: I think part of the logistics is coordination of human material resources in terms of movement and housing. So movement talks about the road network and means being used on the roads.

Hon. Madialo: And the last one and most important, do you look at yourself as having had a distinguished career in transport, public works and roads?

Mr. Amenia: It was a logistics department in the military but not per say dealing with specific transport but I have been training in the transport management and I worked with the core engineers in the military during design and construction of roads.

Hon. Madialo: Have you had a career?

Mr. Amenia: I get what you are saying. No

Hon. Madialo: No.

Mr. Amenia: I am not saying that it was a career but it was part of the---

Hon. Madialo: Thank you. Now, go to your certificates, certificates would then take us to degree which is okay, there is a degree but they are all foreign? Do you have originals?

Mr. Amenia: Do you want originals?

(Mr. Amenia produced the original certificates)

Hon. Madialo: You have a degree in Bachelor of Science, Metropolitan State University?

Mr. Amenia: Correct

Hon. Madialo: Bachelor of Science, general degree?

Mr. Amenia: It was general, strategic management and also focused on management information system.

Hon. Madialo: Good, then you have Masters of Public and Non Profit Administration?

Mr. Amenia: Yes

Hon. Madialo: In the Metropolitan University you have two degrees?

Mr. Amenia: No, I think there was a repetition; one of them is a photocopy

Hon. Madialo: That's okay. Do you agree with me that none of this relates to Public Works, Roads or Transport? Do you have any certification, acknowledgment or any other paper

that would confirm or a reconfirmation that you were involved in this while you were within your career because you were a career soldier?

Mr. Amenia: I handed my resume. As I joined military, I went to the supplies and chain management and later I went into logistics which combined the transportation facilities management.

Hon. Madialo: Canon, when we say that you have been nominated to Public Works, Roads and Transport, it is called portfolio. Okay? You are not being nominated to go and be in charge of logistics there, you are going there to run a ministry. I may ask again, do you look at yourself as having had a career?

Mr. Amenia: It is not a career but experience.

Hon. Madialo: Have you read the law? It does not divorce experience from knowledge; and it does not divorce knowledge from career. The three walk together. Do you agree with me that as a person you have not had career in transport, public works and roads?

You know, when we talk about roads, let us not complicate things because we all know what a road is. If you are telling us that I built the road from Kisumu to Siaya then we know, but we better not talk about roads where vehicles leave Kahawa barracks to Lang'ata.

Mr. Amenia: I was responsible for creating roads between Wajir and Moyale. So, we were able to see the roads being physically constructed.

Hon. Madialo: Under the military?

Mr. Amenia: Yes! I have dealt with public works too.

Hon. Madialo: Any documentation?

Mr. Amenia: I may not have that because that was part of the job.

Hon. Madialo: Now, I want you to confirm that in your formal education, before and after you joined the military and after you retired from the military, you have not been trained specifically in a discipline that deals with public works, roads or transport.

Mr. Amenia: That is true.

Hon. Madialo: That is true?

Mr. Amenia: But it does not mean as policy, decision making and direction—

Hon. Madialo: We have already gotten that. Now, go to Section 7 of The Siaya County Public Appointments and Approval Act, 2014.

Mr. Amenia: The issues for consideration by the County Assembly in relation to any nomination shall be—

- (g) The procedure used to arrive at the nominee
- (h) Any constitutional or statutory requirements relating to the office in question; and
- (i) 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 the nomination is being made.

Hon. Madialo: The most important one to us is the procedure. Can you enlighten us on how you walked in here?

Mr. Amenia: I had interest in the County Executives and I followed up after the elections and I sought to apply. I was later on invited for the screening in Kisumu and I was told that after that, everything else was to go back to the County Secretary. Last week I was called by the County Secretary that they needed me to submit my vetting papers. So, I came down, filled the forms and gave out all the information that was needed and I ----

Hon. Madialo: Just hold it there! They called you to bring in your vetting papers?

Mr. Amenia: Correct!

Hon. Madialo: They didn't have them?

Mr. Amenia: No. they didn't have them. So----

Hon. Madialo: Hold on! What were the vetting papers you brought?

Mr. Amenia: Actually, the certificates are what they were asking for and then they asked me to get clearance from the police, KRA, Credit Reference Bureau, HELB which escaped my mind but I am going to get that done today. I handed over all those documents they needed to the County Secretary's Office.

Hon. Madialo: That's the point. You brought the certificates after you were screened in Kisumu?

Mr. Amenia: Correct!

Hon. Madialo: Alright!

Mr. Amenia: But before that, they had asked us for CVs.

Hon. Madialo: Very well. You brought the certificates after you had been screened. At the point of screening---

Mr. Amenia: We had sent digital copies of that, but here they wanted hard copies.

Hon. Madialo: Alright! Now, this Committee would like to know who screened you.

Mr. Amenia: The team that screened us told me they were from the private sector and hired by the County to be able to screen those who were there.

Hon. Madialo: Now, how did you know that you were supposed to go for screening?

Mr. Amenia: I was called from the County Secretary's Office.

Hon. Madialo: And asked to go for screening?

Mr. Amenia: In Kisumu.

Hon. Madialo: But you confirm it was not a public body that screened you?

Mr. Amenia: They told me they were not a public body, it was a private sector.

Hon. Madialo: Alright! Lastly, read the last bit of Section 7 of The Siaya County Public Appointments and Approval Act, 2014. Suitability—

(Mr Amenia read the required part, thus ;)

Mr. Amenia: 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 the nomination is being made.

Hon. Madialo: That is ordinary language I don't have to go the meaning. I want to rest this by asking the roads that you said you constructed or helped to construct have you captured them in your CV?

Mr. Amenia: Unfortunately, I did not specifically highlight them.

Hon. Oor: According to your research in Siaya County how many roads do we have under the County?

Mr. Amenia: I don't know the number of roads we have but all I know is that in the last 5 years the County Government has been very active opening up roads in different parts of the County. I am ready to know how much work has already been done before I can be able to do anything.

Hon. Oor: According to the way you have seen our roads what is your plan to improve them to be better than they are. In Western Kenya roads are so good, how can you explain that? Where is the problem or the disadvantage that we have?

Mr. Amenia: There is a difference in the visual of the roads in Kakamega and Siaya and I would not be able to tell you off the cuff what I would want to do because I have to know what has to be done. I have to appreciate the challenges that whoever was doing the planning of these roads faced.

It looks like the quality of murram we are using in some of our roads is very poor. Therefore it means we have to these roads every 3 months because every time it rains it washes away and that makes a distinction between us and what we have on the other side where the quality of murram they are using as very good. They make roads that they don't have to redo in the next 3-5 years.

Hon. Oor: By the time you were applying did you have interest on your own or somebody convinced you.

Mr. Amenia: As I said earlier I had the interest.

Hon. Oor: Did you ever chip in the Executive office to advise them on the type of murram that can be used?

Mr. Amenia: No. Dealing with the roads at the level I had been operating was through the MCA at the Ward levels then once that is done, how the execution is being done the citizens have no impact.

Hon. Oor: If you know something and you want to help, did you talk to your MCA about the murram they are using?

Mr. Amenia: That has been an issue even for the MP when CDF was doing the roads.

Hon. Oor: What was the response?

Mr. Amenia: The response was that they would look into it.

Hon. Audi: Kindly demonstrate the unit used in measuring gravel.

Mr. Amenia: The unit is measured in cubic centimeters. One of the other things you have to look at is the density as in how thick and compact it is going to be on the road when it is laid.

Hon. Audi: Can you tell us the meaning of the words ... and check down in road construction?

Mr. Amenia: I may not be very categorical because I am not technical.

Hon. Andiego: As we were going through your papers on CRB it is not clear, can we get a clear one.

Mr. Amenia: That is how I downloaded it. I have don't have credit so they don't have any information about me.

Hon. Andiego: That is what we want to know because you have never had an interest of being a CECM.

Mr. Amenia: Yes Sir!

Hon. Andiego: Which position were you so much interested in?

Mr. Amenia: My current specialization which is in the governance. But, because we may be assigned not necessarily to what we think we may qualify for. So, I am assigned to the Roads, Public Works and Transport. I believe it is contributing to part of that collective responsibility of providing the stewardship.

Hon. Andiego: So, if you were to make personal choice, as George you would have gone for governance?

Mr. Amenia: That area of administration is my specialization.

The Chairperson (Hon. Okode): Thank you; you have any question for him? Yes!

Hon. Adida: This is a simple one George. Assume you were given this position of Roads and Transport, what would be your ideal vision for the County in terms of roads and infrastructure?

Mr. Amenia: Personally, my first vision is getting direct access from one corner of the County to another rather than having these small roads. We need to have a road from one end to the other which is straight and connecting people.

We should connect all Sub-counties, not necessarily with the existing road networks; we need to create our own network so that people don't have to take long going through these existing road networks.

The Chairperson (Hon. Okode): Thank you!

Finally, we want to get your parting shot. But, before we get there, may I share with you this unfortunate situation with papers or accreditation. You know, in the Kenyan system even if you went up to form four third term, and during the exam time you did not sit for the exams; you are as good as a class eight drop out.

Mr. Amenia: That's true.

The Chairperson (Hon. Okode): Education has to be certified. Have you been a Speaker? Yes! How do we know? Maybe where you signed as you were taking oath as being the Speaker. Have you been involved in perhaps a certain discipline? There has to be paper work documenting it.

You may have had that vast information and experience as you called it but as long as we cannot demonstrate it in paper; then the Committee is a bit restrained because anybody else can come and give the same story.

We are not dismissing your submission only that we are sharing with you some time the difficulty we have because it has to be certified—that knowledge. Otherwise, thank you so much. May you have a good day unless you have something to share with us?

Mr. Amenia: It is my appreciation for giving me the opportunity to appear before you. I look forward that with due diligence; to be successful and to be a new team member to play the role of steering the County---

The Chairperson (Hon. Okode): Thank you very much. Have a good day!

(Mr. Amenia was escorted out of the vetting room)

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

MR. JAOKO OBURU ODINGA

(The nominee was ushered into the vetting room and took a seat)

The Chairperson (Hon. Okode): You are Mr. Jaoko Oburu Odinga?

Mr. Jaoko: That is correct.

The Chairperson: Thank you. I think for purposes of disclosure, may I share with you that I have very close personal relationship with his family and you all remember his father endorsed me publicly.

(Laughter)

Unfortunately I am now here discharging functions of the Chair of this particular Committee, I will not favor him. Thank you.

Mr. Jaoko, will you kindly look behind you. I introduce members of the public who are there! Those are members of the public, we have the media, Mr. Leonard Okanda is familiar to you, I know you know Chris Owala, members of Bunge la Mwananchi are there.

We also have Members of the Assembly, there is Hon. Willis Ochieng, West Yimbo, Hon. Margaret Olale, Member of the Board, We have Hon. Benard Adala then we have our secretariat. The rest are Members who will introduce themselves.

(Hon. Members of the Committee on Appointments introduced themselves)

IN ATTENDANCE

APPOINTMENTS COMMITTEE SECRETARIAT

The Chairperson (Hon. Okode): May I just put it to you that this is the Committee on Appointments, a creation of our Standing Orders and we are here to vet your nomination in regard to your nomination. The way of looking at the procedure used to arrive at your nomination, any constitutional or statutory requirements in that office and also knowledge experience driving your suitability for that position. We will start engaging you by having hon. Andiego ask you questions.

Hon. Andiego: Thank you, Chair. Mr. Jaoko Odinga, there was a notice that made you come for this interview. In that notice, there were some documents that you were informed to have when returning the vetting forms. I will take you through the required documents and I will

request that as I read, you pass them one by one to the Committee Members. I want to see your ID/passport, CV/personal credentials/academic certificates, compliance certificate from KRA,

Mr. Jaoko: That one is not ready yet so I don't have it with me.

Hon. Andiego: You don't have it?

Mr. Jaoko: No.

Hon. Andiego: You went through the advertisement and you learnt that it is a requirement?

Mr. Jaoko: Yes, and they were to send me through an email and there has been a problem in receiving that document so I don't have it.

Hon. Andiego: I think the Chair will take care of that!

Clearance certificate from Higher Education Loans Board, clearance certificate from Ethics and Anticorruption Commission, certificate of Good Conduct, clearance from respective professional bodies

Mr. Jaoko: I don't have it.

Hon. Andiego: Clearance certificate from Credit Reference Bureau, Accreditation from Commission of University Education for foreign degree if any.

Hon. Madialo: We know each other closely so let me confess that. Jaoko, you have disclosed that you went through school from primary to high school in Harare but the certificates are not there, explanation!

Mr. Jaoko: Yes! I actually did up to standard 7 but finished it in Harare, and we are the first batch who was to sit for 8-4-4 in 1985. So I did my standard 7 certificate there as well as my form four and six then went to Canada, and while in Canada our residence got burnt down and I lost my certificates, so what I have is my University degree.

Hon. Madialo: In Canada there do they have police abstract?

Mr. Jaoko: Ooh! Police abstract, I have never applied for any.

Hon. Madialo: The Committee will be satisfied or not but that is not for discussion for now. There are two pieces of legislations there; 35 (3) which we have made nominees read time and again for the sake of the public but if we could assist each other it says: 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.

And in which the communication to us you have been nominated for the position of Tourism, Culture, Art and Sports. Briefly in three sentences could remit your qualifications as indicated in the certificates and the department.

Mr. Jaoko: If you look at my CV, I was a CEO of a company called Africa Batik Imports which was in Canada where I lived. I started the company when I finished school and what we did was import arts crafts curios from Zimbabwe, Kenya, Tanzania and Indonesia.

The name Batik came from the fact that Batik was our main product, and when starting the business I got a big order from a customer who wanted me to do this in a big way.

Mostly what I was doing was to promote African culture; my Kenyan experience to institutions hence it became a marketing tool for my product. Sometimes customers could come to my shop and wow so much but in the end not buy and I wonder why? But it is because they could not relate. A muzungu could buy and think that it is a juju, but once I started teaching about the product then it became something that is irreversible.

When I came back to Kenya in 2005 I was a director of a Hotel in Kisumu which still I am called Packview Safari Hotel.

Hon. Madialo: So if I am getting you, you are saying that you have interacted with the Arts limbo of the department, is that so?

Mr. Jaoko: As you know as Africa Batik Import, I had to talk about Kenya to my customers in order to sell.

Hon. Madialo: We shall look at your resume and there is a requirement under Section 7 of the other legislation; the issues you must consider in vetting, leave the other because number 1 is very important to us.

How did your name get processed to this level, how were you identified, what procedure did you follow and what process was followed?

Mr. Jaoko: Okay, sometime back this year I had requested the Governor that I wanted to help him run Siaya County in a different level because you know I have been working as an investment adviser and some of my young friends put pressure on me to go see the Governor and see if I could be his running mate. We got into a discussion which went well but I think politics overtook the issue and I didn't get the position.

The Governor knows I am a hard working fellow and I wanted to serve in a bigger capacity, so I requested him to consider me for his Cabinet when he when he would be finally forming it and at that time we were going for general election, so the rest just unfolded.

Hon. Madialo: Did you appear before any panel?

Mr. Jaoko: I was actually called for an interview. From that interview I left with my fingers crossed.

Hon. Madialo: The persons who interviewed you, were they seconded by a public institution or a private agency?

Mr. Jaoko: They are not people I work with but when I was called for the interview and confirmed through the CS then I assumed the County Government had handled it.

Hon. Madialo: Who are they because I said we know each other closely, today your family friend had to reintroduce himself as Hon. George Okode. On that day did those people introduce themselves?

Mr. Jaoko: They said they were a panel that had been contracted by the County Government to vet us as CECMs.

Hon. Madialo: In the form of consultancy?

Mr. Jaoko: I don't remember. They did introduce themselves but like even here after introductions you started asking questions.

The Chairperson (Hon. Okode): Can you remember 2 or 3 names?

Mr. Jaoko: I can't because they are not people I interact with.

Hon. Olasi: I have no doubt that you have convinced me to some degree that you have experience given where you lived and gone to school that you have the exposure on tourism and culture.

I happen to be a member of this particular Committee by and large as the Chair and you have not talked about sports. Briefly what is your take about sports in Siaya County? In case your nomination as CECM is approved.

Mr. Jaoko: I like the prayer you just gave, I actually looked for a certain document and unfortunately I could not trace it. What I have been doing as an Investment Advisor while my job description was not Director but I did a lot my whole job was like a Director. I identified projects and tried to implement as much as I could.

We did proposal for sports and we submitted it to the Education Department and we were looking at empowering youth through sports. We looked at doing tournaments for different sports like football and basketball. We were even working with JOOUST University because we wanted to introduce talent scouting in the County.

My interest came up when a particular school, I don't remember the specific one that had a young man who ran 100 meters at an unbelievable speed. As far as sports goes, I personally believe that it is a way we can empower young people. We have a lot of talent for sports, music and arts. We were to register an association called Siaya County Artists Association which was bringing a lot of the young people from different Sub Counties.

When some people saw my name on the paper, I have been approached by friends who are interested in contributing in a big way in bringing sports back. For the different things under my portfolio, I want to put together some committees that can actually help me identify and plan for different projects because when I was an Investment Advisor, I remember the Budget committee asking me if I brought them something or a project which could be included in the Budget then we would include it.

This all inclusive approach is the kind I want to take, one that takes stakeholders from here because as a CECM, I have to manage stakeholders and bring them together so that ideas work together. God has gifted me a little bit on that and I try to get along with as many as I can so that we always come together.

Hon. Oduor: From the way you are talking I can see that you can take Siaya to a higher level if you are given the job. If you are given the job, can you tell us the measures that you will take to transform Siaya so that it becomes a tourist destination.

Mr. Jaoko: As an Investment Advisor, we identified a lot of different areas that could actually bring visitors to this County. And, even if you look at whatever exists before I start talking about what we wanted to be built; we thought of exposure. Marketing this County, the way to do it is to involve everybody else.

If you look at Lake....and you want to connect it to Bondo; or Gem, you need to bring everybody involved on board. At the end of the day; in order to bring the visitors so that they get the full experience; we have to take the whole Western circuit. So that, somebody comes to Siaya as the main base but then they can get the rest of the western experience here.

In this western region, I have not toured enough to confirm it. But, we have as much wild life here apparently as you can find in the Mara. This is what Director for Wildlife in Kisumu told me. So, bring again different stakeholders together and of course one thing that I keep forgetting is that in all these things; we have to work with the County Assembly.

The County Assembly has all these committees that cover all these areas. It makes work much easier and actually makes the County better if my department and that relevant committee work together. I remember last time; there is a Committee on Tourism that actually did a lot and went around the whole County and collected a lot of data and made a lot of recommendations which could work very well with our Department of Tourism.

The Chairperson (Hon. Okode): .Okay, Thank you.

Very good! Finally, you aware that in the notice that invited you to appear before us; there was a communication to members of the public that they would send to us any petitions and I read:-

“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 on using the address that is below.”

So, there is some information that was sent about you. And as I have stressed to every nominee that have come here is that these are the views of the public and not Committee and we will treat them as so whether they are factual or mere allegations; the Committee has the capacity to separate.

However, because the petitioners could be here, we are under obligation to read out to you what the petitioners said and you can respond or not. I read:-

“We the listed leaders affiliated to Bunge la Mwananchi; Community Based Organizations; Elders; Youth; Women; Disability Organizations; Community and key stakeholders within Siaya County; exercising our rights under Article 37 of the Constitution of Kenya which guarantees the right to among other things; to present petition to public authorities cognizant of the fact that we represent the views, concerns and aspirations of residents and parents of Siaya County and beyond.

We have relied on the Constitution of Kenya 2010; Leadership and Integrity Act; Prevention and organized Crime Act; Ethics and Anti-corruption Commission Act; Leadership and Integrity Regulations and Standing Orders of the County Assembly.

And, on your candidature; we meant as follows:-

That, Mr. Jaoko Oburu tried to irregularly acquire Got Winyo Forest; the only gazette forest in Siaya County. The land was further used to secure bank loan. Secondly, that Mr. Jaoko Oburu does not meet the requirements of County Government Act Section 35, 3(b) which talks about knowledge, experience and distinguished career in that portfolio in which you have been nominated.”

Would you want to comment? Okay

Mr. Jaoko: Chair, I am shocked by that. I always thought that I abide by Chapter Six. I am integral. I am a Director called Lake and Sea. It is in my CV. Lake and Sea is actually leased a plot from the Bondo Town Council from the year 2008 or 2009 and it was something that was done through the council then.

We applied and they approved. It is something that is for Lake and Sea for fish farming. There is no bank loan that has ever been acquired because, that was done on our own private financing. That land has no bank loan. I can assure you with that.

The Chairperson (Hon. Okode): Thank you so much. Do you have anything to share with us as your parting shot?

Mr. Jaoko: Yes! I want to first congratulate everyone who was elected and re-elected. As a CECM to the County; I have a lot of energy and my vision spurs wide. In my other job I did not have an advisor. Advisor did not have staff. I was on my own but if you can see my CV, I think I sent you it.

I got some solar project that I was able to bring on board despite challenges that we had and I believe that with the team; we will be able to definitely deliver very well for the people of Siaya. I thank you the panel for your time and the members of the public and the secretariat for giving me the opportunity to be here today. Thank you, very much. God bless you!

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

(Mr. Jaoko was escorted out of the vetting room)

COMMUNICATION FROM THE CHAIR

The Chairperson (Hon. Okode): Order! Order! As we wind up this session I have the following communication to make:-

Firstly, I want to thank all the participants who have been here because you made us meet the very Constitutional requirement in so far public involvement is concerned. You have therefore made us proud and we thank you for your presence.

I equally want to thank the Petitioners. Whether on technicality grounds your Petition as admissible or inadmissible, it showed a conscience that is in our people that they now want to be part and parcel of a vetting process. Thank and I want to encourage you to continue doing it every other day when need arises.

I also thank the nominees, much as they are not here, because they availed themselves for this exercise.

I want to thank the Member of the Board who was representing the public and both current and former MCAs.

I also want to thank our secretariat. The Clerk- thank you for the preparations and the logistics you put in place which made this a success. To the Committee, I am indebted to you. You have done your best.

I want to thank the media for their presence. I have seen them for the first time seated from beginning to the end without really asking for too much. I also want to advise the media that as we do the reporting, let's try to be as responsible as possible. Much as I know that we have editors in Nairobi who perhaps distort or cut our stories, I know it is wrong, for example in today's *The Standard Newspaper*, there was a report citing that Dr. Kut had preferred the Finance docket. The truth, and the HANSARD will bear me witness, is that he said he will prefer any other except Finance.

The other one is in *The Star* where my good friend Erick Oloo indicated- which was factual, how a nominee commented when asked about the preferred docket. Only that he went ahead and said that the Speaker said there was no advertisement as required by law. The truth of the matter is that in the appointment for CECMs there is no such legal requirement. Advertisements come in when positions have to be competitively sourced.

If it is Chief Officers, then there will be need for advertisements. For this particular one, the Governor can just wake up, meet people under a tree, look at the requirements of the law and appoint them.

Key is to look at the requirements; the provisions under the law. When the Committee is keen on finding who could have done this, then we are keen in finding out the institution or the person to whom the Governor perhaps delegated the authority that did not perhaps look at the law if that was required.

We are not digging into it to say that it was unconstitutional or illegal to arrive at people without having to advertise positions. This is mere appointment. Just as he can tomorrow decide to have Chris Owalla to be his advisor. It doesn't have to be through advertisement. So, that has to be set clear. Otherwise, I hope future reporting will be really objective and factual.

May I also say that we had expected the County Secretary to appear here today to answer to the question regarding the procurement of this consultancy firm. As a Committee we are concerned; people are asking about who bungled our elections. As a Committee we want to know who nominated the people; whether it was done in a proper and improper, that is not really our concern, but who was responsible for this that perhaps respected or deviated from the provisions of the law. That is what we want to establish.

Now, somebody has written a letter on behalf of the CS indicating that he is currently indisposed and therefore he could not appear before us. We have written back to them asking them to provide us with that information by Monday noon because this Report will be debated in the Assembly on Tuesday, 3rd October, 2017 at 2.30 p.m.

I also want to thank Leonard Okanda who is the legal advisor to the Governor because he has also been with us here since yesterday from morning to evening. That to me is important because he is a witness to our implementation of the provisions of the law. He can attest of our fidelity to the law. We do not want a situation where somebody will say that the Assembly Committee was biased or was applying the law wrongly.

Finally, we remain committed to exercising our mandate without fear or favour and we will apply nothing but the law and at the end of the day we want Siaya to move on.

So, with those few remarks, I want to thank you and may I declare this Committee adjourned for now until such a time that we will communicate. Thank you.

The Committee rose at 2.30 p.m.