

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – THIRD SESSION

Thursday 19th September, 2024

The House met at the Main Chamber, County Assembly Building, at 02.30 p.m.

[The Speaker (Hon Oraro) in the Chair]

PRAYER

The Speaker (Hon Oraro): Honourable Members, I am being informed that we are short of Members to enable us commence with today's business. I direct that the quorum bell be rung for the first five minutes.

(The Quorum Bell rung for the first five minutes)

The Speaker (Hon Oraro): Leader of Majority, can you assist me to check if we have quorum.

The Leader of Majority (Hon Ooko, MCA Ahero): Mr. Speaker, there is enough quorum.

The Speaker (Hon Oraro): Mr. Clerk, take us through the Order of the day.

The Speaker (Hon Oraro): Next order!!

COMMUNICATION FROM THE CHAIR

The Speaker (Hon Oraro): Honourable Members, I have got one communication to make. I have a request from the Chairperson of the Standing Committee on Sports regarding County Assemblies Sports Association (CASA). We already received a communication on the planned

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A Certified Version of this Report can be obtained from the Hansard Editor.*

date for CASA games being 18th to 27th October 2024. So, there is a request that, depending on the discipline that you chose to participate in, ensure that you train. Now, in order to ensure that we have the right people for the discipline, I have been informed to communicate that in the next two weeks, there is going to be a register for those who are doing the trainings, so that only the maximum number is taken.

Honourable Members, an example is given for football where there is need for 22 participants. However, over 30 have registered for the same discipline. Therefore, based on the trainings in the next two weeks, only 22 will be picked for football team. The same applies to other disciplines like tug-of-war, basketball, handball, among other disciplines. That is the communication that I had to put. Across

On the same note, there is a communication from the Governor that on 27th October, 2024, there shall be a meeting between the County Executive and the Assembly. The venue is yet to be communicated, but I am just communicating to you to mark your diary. Most of the Chief Officers, the County Executive Committee Members, the County Attorney, and the Governor will be present. This is a meeting that had been postponed earlier. Therefore, it has finally been rescheduled for 27th October, 2024. Otherwise, welcome for this Session.

The Speaker (Hon Oraro): Next order!!

MOTION

REPORT OF THE SELECT COMMITTEE OF APPOINTMENTS ON THE SUITABILITY OF DR. JOYCE OKAYO FOR APPOINTMENT TO THE POSITION OF COUNTY EXECUTIVE COMMITTEE MEMBER FOR WATER, ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE.

BY

HON KEN OOKO, MCA, AHERO

(LEADER OF MAJORITY)

The Speaker (Hon Oraro): Honourable Members, before the Leader of Majority moves the Motion, I want to bring to your attention the Notice on page 276 of the Order Paper. On that page, there is a Notice on Limitation of Debate, as per the Resolution of the House on the Wednesday, 21st February, 2024 as follows:

That pursuant to the provisions of Standing Orders No. 95 (1) of the Standing Orders, this Assembly orders that each speech in a debate report of a House Committee, a Sessional Paper, or any other report submitted to the Assembly be limited as follows;

A maximum of three hours with not more than 20 minutes for the Mover of the Motion and 10 minutes in replying. And a maximum of five minutes for any other Member speaking except the Leader of Majority party who shall be limited to a maximum of 15 minutes. And, the priority shall be accorded to the Leader of Majority party in that order.

Honourable Members, take note of that as we present the Motion. Otherwise, the Leader of Majority, the Floor is yours.

The Leader of Majority (Hon Ooko, MCA Ahero): Thank you very much Hon Speaker. I rise to move a Motion for approval of the Report on the suitability of Dr. Joyce Okayo for appointment to the position of County Executive Committee Member for Water, Environment, Natural Resources and Climate Change. Pursuant to the Provisions of Section 35 of the County Governments Act, 2012, read together with Section 6 of the Public Appointments (County Assemblies Approvals) Act, 2017; His Excellency the Governor submitted to the County Assembly the Nomination of Dr. Joyce Okayo; Nominee for appointment to the Position of the County Executive Committee Member for Water, Environment, Natural Resources and Climate Change for vetting and approval by the County Assembly.

The Nomination of Dr. Joyce Okayo was conveyed to the Speaker of the County Assembly vide letter Ref. CGK/CS/ADM/20/VOL.VI/216 dated 28th August, 2024 alongside the Nominee's curricula vitae and testimonials. (*See Annexure i*)

Consequently, on 4th September, 2024 pursuant to Section 6 of the Public Appointments (County Assemblies Approvals Act), the Leader of the Majority Party; Hon. Kennedy Ooko tabled the name of the Nominee on the Table of this Hon. House for approval; and was committed to the Committee on Appointments by the Hon. Speaker in accordance with Section 6 (7) of the Public Appointments (County Assemblies Approvals) Act, 2017 and Standing Order No. 187 for vetting and reporting to the House within twenty-one (21) days.

Mr. Speaker and Honourable Members, pursuant to Section 7 (4) of the Public Appointments (County Assemblies Approvals) Act, 2017, the Clerk of the County Assembly placed an advertisement in the print media on 5th September, 2024 notifying the Nominee of the time and place of the approval hearing and invited the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability or otherwise of the Nominee in accordance with the Public Appointments (County Assemblies Approvals) Act, 2017 (*Annexure ii*). The Advertisement indicated that the submissions were to be received on or before 14th September, 2024 at 4.00 p.m. By close of the submission deadline, the Committee had not received any memoranda in regards to the suitability of the Nominee for appointment.

Further in fulfillment of the provisions of Sections 87 of the County Governments Act, 2012 read together with section 7 (5) of the Public Appointments (County Assemblies Approvals) Act,

2017 and Standing Order No. 187, the Clerk of the County Assembly also notified the public through the print media that the Committee would conduct the approval hearing on Thursday 12th September, 2024 at 9.00am at the County Assembly Chambers. (*Annexure ii*)

Mr. Speaker and Honourable Members, the Nominee appeared before the Committee as scheduled on Thursday 12th September, 2024 at 9.00am for an approval hearing on her suitability or otherwise for appointment to the position of the County Executive Committee Member for Water, Environment, Natural Resources and Climate Change as per the requirements of the Constitution, the Public Appointments (County Assemblies Approvals) Act, 2017, the County Governments Act, 2012 and the Kisumu County Assembly Standing Orders.

May I take this opportunity therefore to thank all the Members of the Committee for their input and valuable contributions and time during the approval hearings and deliberations during the writing of the Report. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the technical support accorded to it during the exercise.

Establishment and Mandate of the Committee

Mr. Speaker and Hon. Members, the Committee on Appointments is established under Standing Order No. 187. Standing Order No. 187 (4) provides that the Committee on Appointments shall;

consider, for approval by the County Assembly, appointments under Articles 179(2) of the Constitution.

Committee Membership

The Committee on Appointments as currently constituted comprises of the following Members:

Hon. Elisha J. Oraro	Speaker of the County Assembly/ Chairperson
Hon. George Abaja	Vice Chairperson (MCA West Seme)
Hon. Ken Ooko	Leader of the Majority Party (MCA Ahero)
Hon. Lumumba Owade	Deputy Leader of the Majority Party (MCA S.E. Nyakach)
Hon. Seth Kanga	Majority Whip (MCA Market/Milimani)

Hon. Nereah Okombo	Deputy Speaker (MCA Manyatta B)
Hon. Zachary Okoyo	Member (MCA Central Kisumu)
Hon. Eunice Alando	Member (MCA Nominated)
Hon. Carren Odhiambo	Member (MCA Kaloleni/Shaurimoyo)

Vide the Committee Min. No 59 of 11th September, 2024, the Committee further resolved to Co-opt the following Honorable Members to take part in the vetting process:

	Hon. Ratib Boitone	Chairperson; Committee on Lands and Physical Planning
	Hon. Samuel Dede	Chairperson; Committee on Water, Environment, Natural Resources and Climate Change

Committee Secretariat

The Secretariat Comprises;

1. Mr. Owen Ojuok – Clerk of the County Assembly
2. Mr. Harman Moses – Clerk Assistant
3. Mr. Patrick Okoyo – Hansard Officer
4. Ms. Risper Wayuah – Serjeant-at-arms

BACKGROUND INFORMATION

Notification to the House and Referral to the Committee.

Mr. Speaker and Honourable Members, pursuant to the provisions of the Standing Orders, the Hon. Kennedy Ooko; Leader of Majority on 4th September, 2024 tabled a Notice of Nomination of the Nominee and informed the House of the Governor's Nomination in regards to the position of the County Executive Committee Member for Water, Environment, Natural Resources and Climate Change.

Section 9 of the Public Appointments (County Assemblies Approvals) Act, 2017 provides that unless otherwise provided in any law, a committee shall consider a nomination and table its report in the County Assembly for debate and decision within twenty-one sitting days from the date on which the committee first sits to consider the nomination.

Mr. Speaker and Honourable Members, pursuant to Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017 and Standing Order No. 187 the name and curriculum vitae of the Nominee were referred to the Committee on Appointments for approval hearings and reporting to the House within twenty-one (21) days.

Notification to the Public and the Nominee

Mr. Speaker and Honourable Members, Article 118 of the Constitution provides that the County Assembly shall facilitate public participation and involvement in the legislative business and other business of the County Assembly and its Committees.

Section 7(4) of the Public Appointments (County Assemblies Approvals) Act, 2017 provides that the Clerk shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearings.

Further, Section 7(10) of the Public Appointments (County Assemblies Approvals) Act, 2017 provides that;

“any person may, prior to the approval hearings and by written statement on oath provide the clerk with evidence contesting the suitability of a candidate to hold office to which the Candidate has been nominated”.

Mr. Speaker and Honourable Members, pursuant to Article 118 of the Constitution as read with Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Clerk of the Assembly placed an advertisement in the print media on 5th September, 2024 (*Annexure ii*) inviting the public to submit memoranda by way of written statement on oath (affidavit) on the suitability or otherwise of the Nominees in conformity with Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017. The Advertisement indicated that the submissions were to be received on or before 12th September, 2024 at 4.00pm.

Further pursuant to Article 118 of the Constitution, Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017 and Standing Order No. 187, the Clerk of the Assembly notified the general public that the approval hearing of the Nominee would be conducted on Thursday 12th September, 2024 at 9.00am.

Clearance and Compliance Requirements

Mr. Speaker and Honourable Members, on 2nd September, 2024 vide letter Ref. CAK/EACC/VOL.III/8/24 the Clerk of the Assembly wrote to the Ethics and Anti-Corruption

Commission (EACC) requesting for reports with respect to the ethics and integrity compliance and verification of the Nominee. (Annex iii)

Mr. Speaker and Honourable Members, ss at the date of the adoption of this Report, the Committee was yet to receive a response from the EACC on the ethics and integrity verification of the Nominee.

Issues for Consideration during the Approval Hearings

Section 35 of the County Governments Act, 2012 provides as follows:

The governor shall, when nominating members of the executive committee —

ensure that to the fullest extent possible, the composition of the executive committee reflects the community and cultural diversity of the county; and

(b) take into account the principles of affirmative action as provided for in the Constitution.

The county assembly shall not approve nominations for appointment to the executive committee that do not take into account—

(a) not more than two thirds of either gender;

representation of the minorities, marginalized groups and communities; and community and cultural diversity within the county.

(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 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.

(4) A member of the county executive committee shall not hold any other State or public office.

Consequently, Section 7 (8) and (9) of the Public Appointments (County Assembly Approvals) Act, 2017 provides that:

(7) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

The criteria specified in the schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate.

AND, Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017 provides that the issues for consideration by the relevant Committee in relation to any nomination shall be: -

Procedure used to arrive at the Nominee

Any Constitutional or statutory requirements relating to the Office in question, and

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.

Mr. Speaker and Honourable Members, while conducting the approval hearing, the Committee was therefore guided by the relevant provisions of the Constitution, Section 35 of the County Governments Act, 2012, Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017 and the provisions of the Standing Orders.

Leadership and Integrity

Mr. Speaker and Honourable Members, the Committee, in determining the suitability of the Nominee, was further guided by the provisions on Leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 72 (2) of the Constitution which provides that the guiding principles of leadership and integrity include:

Selection on the basis of personal integrity, competence and suitability,

Objectivity and impartiality in decision making and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;

Selfless service based solely on the public interest, demonstrated by –

Honesty in the execution of public duties; and

The declaration of any personal interest that may conflict with public duties;

Accountability to the public for decision and actions; and

Discipline and commitment in service to the people

Mr. Speaker and Honourable Members, Article 75 of the Constitution requires a state officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties. This Article further prohibits a state Officer who has been removed from office under it from holding any other state office.

Article 77(1) of the Constitution prohibits a full time State Officer from participating in any other gainful employment.

Mr. Speaker and Honourable Members, Article 77(2) of the Constitution prohibits an appointed State Officer from holding office in a political party. Article 78 of the Constitution disqualifies persons who are not Kenyan Citizens from appointment as State Officers. Further, a State Officer is barred from holding dual Citizenship.

In addition, the Committee considered section 10 of the Leadership and Integrity Act, 2012 in particular which provides that: -

A state Officer shall, to the best of their ability –

Carry out the duties of the Office efficiently and honestly;

Carry out the duties in a transparent and accountable manner;

Keep accurate records and documents relating to the functions of the office; and

Report truthfully on all matters of the organization which they represent.

Criteria used to arrive at the Nominee.

Mr. Speaker and Honourable Members, pursuant to Section 8 (a) of the Public Appointments (County Assemblies Approvals) Act, 2017, one of the subject areas that must be vetted by the County Assembly is the procedure that was used to arrive at the Nominee. The purpose of vetting the procedure used to arrive at the Nominee by the County Assembly is to ascertain whether the process used to arrive at the Nominee for the position granted equal opportunity to eligible candidates.

Mr. Speaker and Honourable Members, the procedure for appointment of the County Executive Committee Member for Water, Environment, Natural Resources and Climate Change is outlined under Section 35 of the County Governments Act, 2012 and the Public Appointments (County Assemblies Approvals) Act, 2017. Section 35 of the County Governments Act, 2012 provides that the nomination of the CEC Member is a constitutional prerogative of the Governor as there is no further prescribed procedure in the Constitution or statute law.

Suitability of the Nominee for the proposed appointment having regard to whether the Nominees' abilities, experience and qualities meet the needs of the body to which the nomination is being made.

Mr. Speaker and Honourable Members, the Suitability of the Nominee was assessed based on the functions of the County Executive Committee provided for in Section 34 and Section 36 of the County Governments Act, 2012 vis-à-vis her academic credentials, professional training and experience, personal integrity, background and qualities as well as her performance during the approval hearing conducted on Thursday 12th September, 2024.

Having considered the above requirements, and pursuant to section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Committee, through the Clerk of the County Assembly, invited submissions from the public on the suitability or otherwise of the nominee for appointment to the position of the County Executive Committee Member for Water, Environment, Natural Resources and Climate Change.

Memoranda from the Members of the Public in respect of the Nominee.

Mr. Speaker and Honourable Members, pursuant to section 7(10) of the Public Appointments (County Assemblies Approvals) Act, 2011 which provides that;

"any person may, prior to the approval hearing, and by written statement on oath, provide the clerk with evidence contesting the suitability of a candidate to hold office to which the candidate has been nominated",

Mr. Speaker and Honourable Members, the Clerk of the County Assembly placed an advertisement in the print media on 5th September, 2024 (Annexure 2) inviting the public to submit memoranda by way of written statements on oath (affidavit) on the suitability or otherwise of the nominee in conformity with section 7(10) of the Public Appointments (County Assemblies Approvals) Act, 2017.

By close of business on Thursday, 12th September, 2024 at 5.00 pm the Committee had not received any submissions against the nomination and approval for appointment of Dr. Joyce Okayo for the position of CEC Member for Water, Environment, Natural Resources and Climate Change.

Committee pass mark score for the Nominee

Mr. Speaker and Honourable Members, following the Committee meeting held vide Minute NO. 2/APPOINTMENTS/8/24 (17) the Committee resolved to set its score sheet pass-mark at 60% to assist the Committee accurately vet the competence of the Nominee.

APPROVAL HEARING OF THE NOMINEE.

Mr. Speaker and Honourable Members, the Committee on Appointments held a sitting on Thursday, 12th September, 2024 at 9.00am to deliberate on the approval hearing and the following were highlighted:

That, by the deadline date and time of Thursday, 12th September, 2024 at 5.00 pm, the Clerk of the County Assembly had not received any submissions against the nomination and approval for appointment of Dr. Joyce Okayo for the position of County Executive Committee Member for Water, Environment, Natural Resources and Climate Change.

That, the nominee had not notified the Clerk of the County Assembly of her withdrawal from the approval process as outlined under section 7 (12) of the Public Appointments (County Assemblies Approvals) Act, 2017.

Mr. Speaker and Honourable Members, the Committee therefore resolved to undertake the approval hearing as per the schedule that had been advertised by the Clerk of the County Assembly and which was communicated to the members of the public and the nominee. In

conducting the approval hearing, the Committee on Appointments examined the nominee against the following criteria, as set out in section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017 among others.

Gender - compliance with Article 27(8) of the Constitution that requires the State to take measures to ensure that not more than two thirds of members of elective or appointive bodies shall be of the same gender;

Nationality - to ascertain the nationality of the nominee to ensure compliance with Article 78 of the Constitution this provides that State Officers must be Kenyan citizens;

- a. Educational background;
- b. Employment record;
- c. Honours or awards given to the nominee;
- d. Membership to professional bodies;

Public office and political affiliations held - to ascertain whether the nominee does not hold office in a political party in compliance with Article 77(2) of the Constitution that prohibits an appointed State Officer from holding an office in a political party;

Information on whether the nominee has been removed from office under Article 75 of the Constitution which prohibits a State Officer who has been removed from office under this Article from holding any other State Office;

Nominee's finances;

Mr. Speaker and Honourable Members, external commitments that nominee intends to undertake while in office (if appointed). Article 77(1) of the Constitution prohibits a full time State Officer from participating in any other gainful employment;

Tax status and net worth;

Potential conflict of interest - Article 75(1) of the Constitution bars State Officers from engagements or association that may give rise to conflict between official duties and personal interest;

Whether the nominee has been charged in a court of law in the past three years; and

Whether the nominee has been adversely mentioned in a report of the County Assembly or a Commission of inquiry in the past three years.

QUALIFICATION OF DR. JOYCE OKAYO

Mr. Speaker and Honourable Members, Dr. Joyce Okayo, the Nominee to the Office of the County Executive Committee Member for Water, Environment, Natural Resources and Climate Change appeared before the Committee and was vetted under oath pursuant to the Oath and Statutory Declarations Act, (Cap. 15), the Public Appointments (County Assemblies Approvals) Act, 2017 and Standing Orders of the Kisumu County Assembly.

The Committee noted the following:

Date and place of Birth.

The Nominee is Female born in Homa Bay County on 8th July, 1965. The Nominee confirmed that she is a Kenyan citizen and does not hold any other citizenship.

Academic and Professional Qualifications

Ref. code	Level	Institution	Year/Period	Verification
	PhD in Disaster Management and Humanitarian Assistance	Masinde Muliro University of Science and Technology	2011 – 2015	Successful
	Master of Science in Disaster Management and Humanitarian Assistance	Masinde Muliro University of Science and Technology	2005 - 2010	Successful
	Bachelor of Education in English Language and Literature	Kenyatta University	1999 - 2003	Successful
	Diploma in Education. English Language, Geography and Physical	Siriba Teachers' Training College, Maseno Kenya	1987 – 1989	Successful

	Education			
	Kenya Advanced Certificate of Education	Ogande Girls School, Homa Bay Kenya	1978 – 1981	Successful
	Certificate of Primary Education	Homa Bay Primary School	1971 - 1977	Successful

Employment Record

Ref.	Position	Institution/Organisation	Year/Period
	Employee	Great Lakes University of Kisumu	Not provided in the questionnaire
	Consultant	International Peace Support Training Institute	Not provided
	Employee	Shambere Technical Training Institute	Not provided
	Employee	Kisumu Boys High School	Not provided
	Employee	Kisumu Day Secondary School	Not provided

Professional Association and Membership

Association of Conflict Resolution and Disaster Management in Kenya
 Kenya Red Cross Society
 Kenya Universities Quality Assurance Network
 East African Quality Assurance Network

Sources of Income received during the calendar year preceding the Nomination

Year	Source	Amount (Kshs)
2023	Pension	715,380.00

	Employment Income	1,459,600.00
2024	Pension	476,920.00
	Employment Income	966,400.00

Net Worth: Approximately;

Kshs. 7,000,000.00

Published writings

Culture, Women and HIV and AIDS; Socio-cultural Relations Predisposing Women to HIV and AIDS, 2015

Relationship between Technical Hazards and Fishermen Vulnerability in the Lake Victoria Kenya, Jan. 2017

Impact of Floods on attainment of Education for All (EFA) and Vision 2030 in Nyando Basin, Kisumu County, 2012.

Potential Conflict of Interest

None

Pro-bono/Charity Work

Donations to Rotary International Foundation Dinner.

Dorcas Women Ministry at Harmony SDA Church donations

Honors and Awards

None

Clearance Requirements

Mr. Speaker and Honourable Members, the Committee received the following up-to date clearance Certificates from relevant clearance bodies in accordance with the requirements of Chapter six of the Constitution:

- a. Tax Compliance Certificate (KRA)

- b. HELB Compliance Certificate (HELB)
- c. CRB Clearance Certificate (CRB)
- d. Police Clearance Certificate (DCI)
- e. Certified EACC Self-Declaration Form (EACC)-

COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE

Mr. Speaker and Honourable Members, the Committee having considered the nominees filled questionnaire pursuant to Section 7(9) of the Public Appointments (County Assemblies Approvals) Act, 2017, her curriculum vitae and having heard her oral submissions during the approval hearing, made the following observations on her suitability for appointment as the CEC Member for Water, Environment and Natural Resources and Climate Change.

THAT, in accordance with Article 78(1) and (2) of the Constitution the Nominee is a Kenyan citizen born in Homa Bay County and does not hold dual citizenship.

THAT, pursuant to Section 35 (3) (b) of the County Governments Act, 2012, the nominee is a holder of a first degree of Bachelors of Education from Kenyatta University; a recognized University in Kenya, a Master of Science in Disaster Management and Humanitarian Assistance from Masinde Muliro University of Science and Technology and a Doctor of Philosophy in Disaster Management and Humanitarian Assistance from Masinde Muliro University of Science and Technology. Her academic credentials, professional training and experience thus comply with Section 35 (3) (b) of the County Governments Act, 2012 and section 8 (c) of the Public Appointments (County Assemblies Approvals) Act, 2017.

1. THAT, she meets the requirements of Chapter 6 of the Constitution on leadership and integrity, having observed that the DCI, KRA, HELB and EACC had issued the Nominee with clearance certificates.
2. THAT the nominee has not been charged in a Court of Law in the last three years.
3. THAT, as stipulated in Article 75(1) of the Constitution, the nominee has no potential conflict of interest.

4. THAT, the Nominee satisfies the requirements of Article 77(1) of the Constitution in that she does not intend to participate in any other gainful employment.
5. THAT, the Nominee does not hold office in any political party and hence satisfies the provisions of Article 77(2) of the Constitution.
6. THAT, she has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77(restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution.
7. THAT, despite fulfilling the academic and professional qualifications required for appointment to the position pursuant to Section 35 (3) (b) of the County Governments Act, 2012, the Nominee DID NOT demonstrate knowledge of topical, administrative and technical issues touching on the portfolio to which she had been nominated, and DID NOT have the requisite abilities required for the position in accordance with the requirements of Section 35 (3) (d) of the County Governments Act, 2012 to be approved for appointment as a CEC Member for Water, Environment, Natural Resources and Climate Change. (*see attached hansard report for the recording of the response of the Nominee on various topical matters*).
8. THAT, the Nominee was awarded a score of 51.5% (*refer score sheet*) by the Committee Panelists being below the set pass-mark of 60% as indicated in the score sheet analysis below:

SCORESHEET FOR DR. JOYCE OKAYO; NOMINEE TO THE POSITION OF COUNTY EXECUTIVE COMMITTEE MEMBER FOR WATER, ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE.

No	Score Area	Max. Score	P1	P2	P3	P4	P5	P6	P7	P8	P9	TOTAL
	PART I – PERSONAL PROFILE											
1	1. Academic & Professional qualifications		15		15	15	15			15	15	

	<p>Candidate to describe:</p> <p>Years of Work experience (as it relates to the position)</p> <p>10 + (5mks) 5-10+ (5mks) 1-5+ (5mks)</p> <p>2. Demonstrable Achievements and Past pro bono voluntary engagements (5mks)</p>	20									
2	<p>1. Education/training (relevant to the position)</p> <p>Doctorate Degree (3mks) Masters Degree (2mks) Bachelor's Degree (5mks)</p>	10	10	10	10	10			10	10	
No	Score Area	Max. Score									

	PART II – TECHNICAL AND PROFESSIONAL QUALIFICATION											
	Question 2, Question 3 Question 4 Question 5	30	10		8	10	4			16	18 - 8	
	PART III – GENERAL KNOWLEDGE											
	Question 6 Question 7 Question 8 Question 9	30	10		10	10	2			14	16	
	PART IV – COMMUNICATION AND PERSONAL ATTRIBUTES											
	Capacity to express self											

Clarity of speech												
General attitude and personality	10	5		5	5	5				10	10	
Interpersonal skills												
Self confidence												
Total	100	50		42	34	26				63	61	248

Total score = 309

Av. Score =51.5%

COMMITTEE RECOMMENDATION

Mr. Speaker and Honourable Members, having conducted the approval hearing of Dr. Joyce Okayo pursuant to section 4 and Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017, Section 35 of the County Governments Act, 2012 and Standing Order No. 187 of the Kisumu County Assembly Standing Orders;

The Committee Recommends that this Honourable House: -

DOES NOT APPROVE the Nomination of Dr. Joyce Okayo; Nominee for the position of the CEC Member for Water, Environment, Natural Resources and Climate Change for appointment by His Excellency the Governor.

CONCLUSION

Mr. Speaker and Honourable Members, on behalf of the Committee on Appointments and pursuant to Sections 35 of the County Governments Act, 2012, Section 9 (2) of the Public Appointments (County Assemblies Approvals) Act, 2017 read together with Standing Order No. 187 of the Kisumu County Assembly Standing Orders, it is now my duty and privilege to present to this House, the Report of the Committee on the Suitability of Dr. Joyce Okayo; Nominee for appointment to the position of County Executive Committee Member for Water, Environment, Natural Resources and Climate Change for consideration. Mr. Speaker, I wish to call upon Hon Seth Ganga, the Majority Chief Whip to second.

(Hon. Kanga bows)

The Speaker (Hon Oraro): Honourable Members, now that the motion Adoption of the Report of the Select Committee on Appointments on the Suitability of Joyce Okayo for the Appointment to the position of County Executive Committee Member for Water, Environment, Natural Resources and Climate Change has been moved and seconded. As per our Standing Orders, I want to propose a question. I propose that the Motion adoption of the Report of the Select Committee on Appointment on the Suitability of Dr. Joyce Okayo for Appointment to the position of County Executive Committee Member Water, Environment, Natural Resources and Climate Change, is open for debate.

The Speaker (Hon Oraro): Honourable Ruben Rakwach the Member representing East Kolwa Ward.

Hon. Rakwach (MCA, Kolwa East): Thank you Honourable Speaker for according me this chance to comment on the report that has just been read by the Leader of Majority. Hon Speaker, I want to support this report and plead with the Members not to approve the nomination of one Dr. Joyce Okayo as the County Executive Committee Member for Water, Environment and Natural resources and Climate Change.

Honourable Speaker, this is a House of law and order and we swore by the Constitution of Kenya, to defend it. Mr. Speaker, if I refer the Members to section 35 of the County Government Act 2012, if you look at Part Two of the said Act, it states the County Assembly shall not approve nominations for appointment of the Executive Committee that do not take into account a

- a) Not more than two-thirds of gender. In this case, if nomination of one Dr. Joyce Okayo is approved, we are still going to be within the law.
- b) Representation of minorities, marginalized groups, and communities, we will still be within the law.
- c) Community and cultural diversity within the county of Kisumu. That one is also fulfilled.

Mr. Speaker, if I refer Members to same section 35, Part 3, it states that a person may be appointed as Member of the County Executive Committee Member if that person, one,

- i. is a Kenyan citizen, and one Dr. Joyce Okayo fulfills that requirement.
- ii. is a holder of at least first degree from a university recognized in Kenya, she fulfills that requirement.
- iii. satisfies the requirement of Chapter 6 of the Constitution of Kenya. She satisfies that;
- iv. has knowledge, experience, and distinguished career of not less than five years in the field relevant to the portfolio that she has been nominated to.

Mr. Speaker, I heard the Majority Leader well. He read that during the interview or the vetting, the proposed nominee did not demonstrate knowledge of topical, administrative, and technical issues touching on the portfolio to which she is being nominated to.

Mr. Speaker, for that reason, I would support that we do not, or the Members do not approve her nomination. Mr. Members, if I take you to the same section 36 of the County Government Act 2012; it states that, in addition to functions provided under Article 183 of the Constitution, a County Executive Committee shall,

- a) Supervise the administration and delivery of services in the County and all decentralized units and agencies in the County.

Therefore, if at all this proposed nominee did not demonstrate knowledge of topical, administrative, and technical issues touching on the portfolio to which she is being nominated, how will she be able to supervise the administration and delivery of services in the county and all decentralized units and agencies in the county as required by this section?

That is the reason I support this Motion and I urge all the Members to support it so that we do not approve the nomination of one Dr. Joyce Okayo to this position. Otherwise, thank you very much.

The Speaker (Hon Oraro): Yes, Honourable Nereah

Hon Okombo (MCA, Manyatta “B”): Thank you, Mr. Speaker. I also stand to support the report that proposes the objection of the nomination of Dr. Joyce Okayo to the position of County Executive Committee Member for Water, Environment, Natural Resources, and Climate Change.

Mr. Speaker, I just want to refer Members to the preamble of the report. Mr. Speaker, the proposed nominee’s appointment or nomination was communicated to the Assembly through the Office of the Speaker on the 28th of August. On the 4th, a Gazette Notice informing the proposed nominee to the intention to vet and the place for hearing was communicated, Mr. Speaker, in a Gazette Notice you realize that this House Committee has done a very extensive report. We have even shared the same on behalf of this House Committee; we have shared the Hansard Report of the vetting and the link to the live streaming of the vetting exercise. Mr. Speaker, we can see from the word go, that this proposed nominee seemed unprepared to undertake the vetting.

Mr. Speaker, the proposed nominee says, if Members go through the Hansard Report and the link we have shared on the vetting exercise, that she was not prepared for the vetting as she had received the notification less than 24 hours before the time of the vetting and that is why she could not even present a clearance from the EACC.

Mr. Speaker, it is interesting that the proposed nominee undertook a PhD and in her thesis she had a case of flooding in lower Nyando. So asked if she had any strategies of addressing the

challenges of Climate Change, especially affecting those living along the lake, like the residents of Kano, Mr. Speaker, the proposed nominee was blank. Any mitigation processes or initiative by the Government to mitigate the flooding in the same region where she did her thesis like the construction of Koru Soin dam, Mr. Speaker, she has never heard about Koru Soin dam.

Mr. Speaker, the proposed nominee was asked a number of questions and in all those questions, she either said pass or just chewed her tongue, got stuck and said pass. Mr. Speaker, I know the proposed nominee met the first bit of section 35 that she had the credentials that met the required standards. However, that very section is also read in tandem with section 8 that requires that technical know-how to the portfolio to which one is nominated is also very important.

Mr. Speaker, despite the fact that Dr. Joyce had some basic training on Disaster Management, the proposed nominee did not demonstrate that she is up to the task. She even said she was not prepared. Mr. Speaker, why I say that Dr. Joyce was not prepared and was not ready to take the position to which she was nominated to, is the fact that she had undue advantage over any other Nominee that this Assembly has ever vetted.

Mr. Speaker, looking at the at the live stream, the exact questions were the same that were asked the previous candidates who lost the nomination and having been notified if I were her, Mr. Speaker, then I would find out what is this position that I am being nominated to. Was there anyone before? Did she just go or she was fired? What were the issues, Mr. Speaker? But this one seemed to be so blank and uninterested. Mr. Speaker, I just want this House to give her the opportunity to go back to whatever she was doing because she did not seem interested to take the position to which she was nominated to. Otherwise, Mr. Speaker, I support the report.

The Speaker (Hon Oraro): Honourable Gard Olima.

Hon Olima (MCA, South West Nyakach): Thank you, Mr. Speaker for this opportunity. Mr. Speaker, I rise to oppose the report that has been tabled by the Leader of Majority.

Mr. Speaker, having gone through the report, the proposed nominee qualifies for almost all the cadres that we want in this county. I have heard the Deputy Speaker contribute that the proposed nominee did not submit EACC clearance. It is very clear in the report that the Certificate of EACC was part of the documentation that this proposed nominee wrote. The issue being raised like what the Deputy Speaker is saying that this proposed nominee was chewing her tongue, which is not in the report. So, I do not know what she is discussing. We need to discuss the report that has been brought. The chewing of the tongue or the pass is not part of this documentation we have.

Mr. Speaker, I want to inform you that the resume of this Dr. Joyce Okayo from what we have gone through. We have seen Members being vetted in this House for various departments. When they go to the other side of the County Executive, there are a lot of transfers and people have

moved. If somebody qualifies because the County Executive Committee Member is a policy maker, then he or she is not going to do everything by herself or himself. They are going to be supported by the technocrats in the department, and that is why we have and technocrats in all the departments so that they support the policies brought by the County Executive Committee Member.

Mr. Speaker, this House even vetted Chief Officers the other time. Today, all the Chief officers are in different departments from those we vetted them for. I have not seen anybody come here and say that so and so was in Trade, now taken to Education and now does not qualify to sit there.

So, Mr. Speaker, let us not do witch-hunting. From what is going on in this department of Water, I believe that there is some sectarian interest that we need not to do. Mr. Speaker, if you look at the report that we have been furnished, the reason as to why this proposed nominee does not qualify is because of the percentages that were awarded by the panellists and nothing else. All these other things they are saying are rumours because they are not in the report. Mr. Speaker, I believe that if you have to move this County forward, we need to show the Governor respect that he deserves. I do not believe that the Governor we have in Kisumu County, who is one of the best in this Country, can just walk on the street and pick somebody from nowhere and say, go and be my CECM if he doesn't go through all their qualifications.

(Hon. Okombo rises on a Point of Order)

Hon. Okombo (MCA, Manyatta “B”): Mr. Speaker, Point of order!!

The Speaker (Hon. Oraro): Honourable Nereah Okombo, what is your Point of Order?

Hon. Okombo (MCA, Manyatta “B”): *(On a Point of Order)* Thank you, Mr. Speaker. Mr. Speaker, Hon. Gard Olima, my good friend here, is saying that this House needs to respect the Governor. In other words, the Member is saying that this House disrespects the Governor for rejecting a proposed nominee by the Governor. Mr. Speaker, if all nominees were to be picked in the streets or wherever from by the Governor and given jobs, Mr. Speaker, then there was no need for them to be brought here for vetting. Mr. Speaker, the County Assembly's Approval Act provides for the vetting to get what we want or who fits whichever portfolio they are nominated to. We do not just pick people from the streets, Mr. Speaker, or whoever does not merit the qualification to come and sit in a specific portfolio.

The Speaker (Hon. Oraro): Honourable Gard Olima.

Hon. Olima (MCA, South West Nyakach): Thank you Mr. Speaker. I believe that the information provided was for this House are not mine. I want to contribute by stating that, Mr.

Speaker, what I was saying, that the Governor, as we know him and working with him, I know he must have done due diligence before nominating somebody to this docket. Mr. Speaker, we do not want to shy away from saying the truth. We are going to make the department lag behind because of some sectarian interests that we do not know. The Budget is being rolled out, the implementation of the projects should start, and the Department is leaderless. So, Mr. Speaker, if the person we are nominating today to take the position of County Executive Committee Member Water, Environment and Natural Resources is not capable, the Governor has the authority to fire him or her at any time he or she wants.

(Hon. Ochele interjects by rising on his feet)

The Speaker (Hon. Oraro): What is it Honourable Moses? I want Hon. Gard to conclude. What is it? Hon. Gard, I have a marked...

Hon. Ochele (MCA, East Kano Wawidhi): Mr. Speaker, thank you. I just want to inform Hon. Gard.

Hon. Olima (MCA, South West Nyakach): No.

Hon. Ochele (MCA, East Kano Wawidhi): Mr. Speaker, I want to Inform the House.

The Speaker (Hon. Oraro): What is it?

Hon. Ochele (MCA, East Kano Wawidhi): *(On a Point of Information)* Mr. Speaker, as we speak today, the office in reference as an occupant, who has an authority from the Governor, and she has run that docket for almost six months effectively. So, we cannot assume that that office is vacant. The office has a Chief Officer an Acting CECM and a Directors, it is intact. It is only that we want a substantive office holder. Thank you.

The Speaker (Hon. Oraro): Thank you so much. In other words, there is never a vacuum in a government office. Proceed, Hon. Gard.

Hon. Olima (MCA, South West Nyakach): Thank you. Thank you for that information. That is where I was coming to by informing this House that even the person who is there today was not vetted for the same position but he is holding that position and he has said he is working there effectively. So, it does not mean that we have to qualify that person specifically for that thing. If you do not know Soru Cohen, then you don't qualify to be a CECM in Kisumu. Mr. Speaker, we need to allow these people to go and work because this Acting officer who is holding the office of CECM today is also in another department and running both the departments effectively. Why

can't we allow Dr. Joyce Okayo to go and be partnered with other Executive Members so that they run this County for the benefit of members? I oppose.

The Speaker (Hon. Oraro): Honourable Boitone Ratib.

Hon. Boiton (MCA, Nyalenda "A"): Thank you Mr. Speaker. I want to support the motion on the Floor of the House. Mr. Speaker, it is very interesting to see how this process was done. Due diligence in following the Law and Statutory orders were followed. Education-wise, Dr. Joyce met the threshold. Chapter 6 of the Constitution, Dr. Joyce equally met the threshold.

However, again, Mr. Speaker, the pass mark for passing the interview was raised from 50 to 60. This is a point where we need to understand. This is because, Hon. Speaker... Hon. Speaker, protect me from Hon. Nereah and Hon. Nancy.

(Hon. Okombo and Hon. Matara consulting in high tones)

The Speaker (Hon. Oraro): Honourable Nereah, and Honourable Nancy, if you want to consult, please do so in low tones.

Hon. Boiton (MCA, Nyalenda "A"): Thank you Honourable Speaker. The pass mark for the interview was raised to 60%. Given that if the proposed nominee meet the threshold that I have just mentioned, including the academic criteria, attaining 50% is not a task. But now, what do we look into? Are you up to the task? Because quite a number of Kenyans have degrees, have Masters, and have PhDs. That alone does not qualify them to hold certain offices.

Mr. Speaker, in this respect, we are talking about a County Executive Committee Member who is supposed to hold an office which, at one given time, had a member who the Governor, in his own wisdom, realized that the County Executive Committee Member was not up to the task and fired her. After which, Mr. Speaker, another proposed nominee was brought to the Floor of the House. This House Select Committee on Appointment never saw it deem to nominate or to approve him. And the same House did not also approve the nominee. Now, a second proposed nominee has been brought and the same Select Committee on Appointment did not see it fit for this nominee to be approved. In addition, the Select Committee on Appointment has given us enough reasons as to why this House should not approve this proposed nominee who is a lady. Mr. Speaker, reasons have been provided in this House. I do not need to repeat them. Some of them are very critical in this Department. If the head of a department could not even understand the budget process of a department, how is she going to run that Department?

Mr. Speaker, we are all aware that there are technical staffs who are supposed to be helping these proposed nominees once appointed. But if the head is weak, there is going to be a possibility of being manipulated by the staff. So, we need a steadfast, an astute County Executive Committee

Member in this position. Mr. Speaker, I need this to go on record that is to the Honourable Members and our beloved Governor. We are not here to witch-hunt anybody. In fact, as an oversight authority, I may call ourselves the third eye of the Governor.

Mr. Speaker, because where the Governor sits, he may not know each and every individual who is being brought to the Assembly for approval. However, I know he has some little knowledge or information about this proposed nominee. So, it is upon this House to do the process that we call vetting. Actually, to inform the Governor that this proposed nominee does not meet the threshold, we are not doing anything wrong, but we are helping the Governor to appoint the suitable person to hold this position and it is my belief that the Governor is watching. We are here to help the Governor and that is why we are not supporting nomination of this Dr. Joyce. And the Governor, we are giving you another opportunity to please start conversing, sourcing, and scouting for a suitable person who will not be disapproved by this House. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Honourable Members let me consider gender and again give Honourable Mickey.

Hon. Mickey (Nominated Member): Thank you Mr. Speaker. I rise to support, to oppose this report. Mr. Speaker, it is almost laughable when as an Assembly we stand here and rubbish someone's achievements. Again, it is almost laughable when we want to argue semantics in this House. When a Member of this distinguished House rises up and say that someone's education is basic, I feel that is laughable. I also feel it is laughable when a Member of this distinguished House rises up and say that a proposed nominee that was brought to this House for approval is being mentioned or referred to as that one.

Mr. Speaker, the reason why I oppose this report is this. This lady, Dr. Joyce Okayo, has all the qualifications as was read by the Leader of Majority. And that is, I believe that as he read it, as he was reading it, it was almost up to 40%. It is sad when we want to disapprove this nomination based on some general knowledge or general or basic knowledge that anyone in this House would at any point find themselves in the same situation. Mr. Speaker, everyone can learn. Most of the questions that were asked, anyone can learn, especially on the job. Most of us came here when we did not know anything. We could not even stand in this House. And for someone to be judged based on that, I think for us we are not doing ourselves justice.

Mr. Speaker, I want to say that there are things sometimes in a space of tension, you can find yourself temporarily indisposed to be able to answer. So, I want us to look at this matter more than the interview that Dr. Joyce Okayo was given. Another reason why I would like to oppose this report, Mr. Speaker, is that some people examine well. Some people examine well. Mr. Speaker, kindly protect me. Honourable Nereah is doing that. Another thing, Mr. Speaker, this

County only has three County Executive Committee Members who are ladies, this County. They are two or three. However, I feel it would do this great County a great deal if we could have another lady as a County Executive Committee Member. I am not saying this because I am a lady. I am saying this because gender parity is a big issue. So, it is important for us to have also different genders representing. Mr. Speaker, as a woman and as someone I know for sure gets tension when I am in a position like that, I would like to support this, Mr. Speaker.

(Hon. Okombo rises on her feet)

Hon. Okombo (MCA, Manyatta “B”): Mr. Speaker, I want to inform the House.

The Speaker (Hon. Oraro): Honourable Okombo, please proceed.

Hon. Okombo (MCA, Manyatta “B”): Mr. Speaker, as a House, we cannot rubber stamp anybody who does not meet the threshold to a portfolio to which she is nominated because she is a woman. I am saying that this rejection does not bar the Governor from nominating another woman to fill in that position. So, two wrongs don't make a right, Mr. Speaker. We are not approving anybody just because they are women...

The Speaker (Hon. Oraro): Order!! Hon. Nereah Okombo.

Hon. Okombo (MCA, Manyatta B): Mr. Speaker, but is this nominations are gender-based, they are not going to perform.

The Speaker (Hon. Oraro): Honourable Okombo, you know, I wanted to rule you out of order, you are the Deputy Speaker, but I have not heard the information. It is like you are sneaking back to debate. I had given you time to debate. Switch off your microphone.

The Speaker (Hon. Oraro): Hon. Mickey, please conclude.

Hon. Mickey (Nominated Member): Mr. Speaker, I would not wish to continue this debate. I think my point has been presented, but just to add a little. For a House that most people think we do not qualify to be here, and it is sad. Thank you, Mr. Speaker. I oppose.

(Hon. Okumu rises on a Point of Order)

Hon. Okumu (MCA, East Seme): Point of Order Hon. Speaker. Is it right for Honorable Mickey to insinuate that they are not fit to be in this House?

The Speaker (Hon. Oraro): Switch off her microphone? What is the point of order?

The Speaker (Hon. Oraro): Yes Honourable Okumu.

Hon. Okumu (MCA, East Seme): Mr. Speaker, is it right for Honourable Mickey to accuse Members of this House that we think that it is not right for them to be here, while no one has ever mentioned the same in this House? And if it is not, Mr. Speaker, I think it is just Honourable for her to withdraw and apologize. This is because we really respect women. It is going in to the Hansard that in this House, we do not respect women and recognize their presence in this House. I do not believe that any of the Members in this House has that belief. Hon. Speaker, please allow her to withdraw. This is to say that we do respect the leadership of women in this House yet we have in this House a Deputy Speaker who is a woman, and several Chairpersons who are women.

The Speaker (Hon. Oraro): Honourable Mickey, I even stood down Honourable Samuel Onyango to give you a chance. I did say, because of gender, let me give Honourable Mickey first. So please, if you mention something like that, I believe that it is just better to withdraw.

Hon. Mickey (Nominated Member): Mr. Speaker, thank you. I do not believe that it is right for you to put words in my mouth. I did not say that we disrespect women. I said it would look wrong for us to be seen as representative. Another thing, Mr. Speaker, I do not think I mentioned that this House does not respect women. I did not. So, for you to say that, you probably heard your own things. I did not say that, Mr. Speaker. Thank you.

The Speaker (Hon. Oraro): What is it Hon. Sammy?

Hon. Onyango (MCA, Railways): Sir, I want to debate.

(Laughter)

The Speaker (Hon. Oraro): Proceed.

Hon. Onyango (MCA, Railways): Thank you Mr. Speaker. I rise to oppose this report, Mr. Speaker. One, I am surprised by my fellow Members saying that they are the third eye of the Governor. The same third eye of the Governor cannot tell the Governor that the roads in Kisumu County are impassible and they are going home.

(Laughter)

They are the third eye of the Governor, Mr. Speaker, because they have a sinister motive to reject this nominee. If we are honest, Mr. Speaker... Mr. Speaker protect me from Hon. Nereah.

(Hon. Okombo rises on a Point of Order)

The Speaker (Hon. Oraro): What is it, Honourable Nereah? Honourable Nereah, you were being mentioned. But I am seeing Honourable Nereah is here.

Hon. Onyango (MCA, Railways): Mr. Speaker, the Member seems to be so bitter. I do not know what is wrong with her.

The Speaker (Hon. Oraro): Order!! Honourable Nereah.

Hon. Okombo (MCA, Manyatta “B”): Mr. Speaker, I rise while citing the provisions of Orders No. 89 on Statement of fact, Mr. Speaker.

The Speaker (Hon. Oraro): What is the order?

Hon. Okombo (MCA, Manyatta B): *(On a point of Order)* I need Honorable Sammy to just clarify because the Member mentions that those supporting the rejection of Dr. Joyce have a known and sinister motive. So, can the Member just clarify the sinister motive that he knows that the Members rejecting Dr. Joyce nomination have, Mr. Speaker?

The Speaker (Hon. Oraro): Hon. Sammy.

Hon. Onyango (MCA, Railways): Thank you, Mr. Speaker. I do respect the Deputy Speaker and I do not want to expose her.

(Laughter)

Hon. Okombo (MCA, Manyatta “B”): Mr. Speaker, I am ready to be exposed. I am ready. If the Member has anything to expose, Mr. Speaker, I want to expose it right now. The county and the nation is watching. The world is watching. I want Honourable Sammy to do his worst and expose whatever he thinks he knows and I will tell what I know about them.

The Speaker (Hon. Oraro): Honourable Nereah, I had given Hon. Sammy the chance to clarify his allegations.

Hon. Onyango (MCA, Railways): Thank you, Mr. Speaker. Mr. Speaker, even from the way she is bitter, that tells it all. So, I do not want to go there.

(Laughter)

Hon. Okombo (MCA, Manyatta “B”): No, Mr. Speaker.

The Speaker (Hon. Oraro): Order!! Honourable Nereah Okombo.

Hon. Okombo (MCA, Manyatta “B”): No, Mr. Speaker.

The Speaker (Hon. Oraro): Order!! Honourable Okombo.

Hon. Okombo (MCA, Manyatta “B”): Mr. Speaker.

The Speaker (Hon. Oraro): Order!! Honourable Nereah. Please resume your seat, Hon. Sammy. Honourable Members, you know we have an agenda to proceed with. I want us to be on the report as we debate and I want us to give our colleagues time to debate. Every person has an opportunity. So, Honourable Nereah... Order!! Honourable Gard and Honourable Nereah. I am making some comments on what has transpired. It is right for any Member to stand on a point of Order.

If Honourable Nereah had asked Honourable Sammy to point out something, I had given her time. So, you allow the Honourable Member to complete. If you are not satisfied, you still have time, you can stand and we give an opportunity to the Honourable Member to make clarification. But I feel like we want to take much of our time on side shows. It is okay. There are Members who will agree with the report and again there are Members who will not agree with the report. That is the essence of debating. There is no way we expect everybody to agree with what comes to the House. There are those who must agree with it and there are those who will oppose, but it's the responsibilities of the owners of the motion to convince the other members to agree with it.

But if there is any interest, the Standing Order provides, I think it is Standing Order Number 88 on Declaration of Interest. I read,

“a member who wishes to speak on any matter in which the member has a personal interest shall first declare the interest. Personal interests include pecuniary interest, proprietary interest, personal relationships, and business relationships.”

When I say proprietary interest, you know what I mean. So it's just important that you declare your interest, that I have some interest, instead of sideshows. So, Honourable Sammy Onyango, you still have some two more minutes?

Hon. Onyango (MCA, Railways): Thank you Mr. Speaker for protecting me. I will say that I'm disturbed by other fellow Members, and as I said earlier, that if indeed we are the third eye of the Governor, then I think, let us get serious, Mr. Speaker, because we cannot be third eye of the Governor, one side and the other side we are fifth eye when it comes to other matters.

Mr. Speaker, I'm surprised that in the last proposed nominee who was vetted here we rejected, This House Committee had the same recommendation and the same marks. So it seems to me like they just sat somewhere, copy-pasted the same report that they did last time for the last nominee.

Mr. Speaker, as I conclude, we are all aware that the roles of MCAs are three. One is Legislation, Representation, and Oversight. Mr. Speaker, when I was vying, I did not attend any school where those things are being taught. We only learnt them here and now, someone who has tried her best or his best to get a PhD, we are dismissing as if she or he is a nobody. Mr. Speaker, it is good to respect someone's character, regardless whose interests you are serving.

Mr. Speaker, on the same note, I would want to urge our Members, if it's a matter of oversight, if we can oversight the way we are doing this for oversight on Appointment Committee, if you can move that way, then we can take Kisumu County to the right direction. But if we are here just because we have a motive, ill motive against someone, then we are doomed to fail. I oppose and I reject in totality.

The Speaker (Hon. Oraro): Honourable Benny Oiko Pete.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Mr. Speaker, I also want to contribute on this report, Mr. Speaker, by giving some references. I want to give the first reference, Mr. Speaker, when the Cabinet was being vetted at the National Assembly, a Minister for Tourism was rejected by a House Committee but the House found it fit to pass her. That was Peninah Malonzo. When she got to the office, her work was marvelous. Mr. Speaker. a House Committee can make its decision and when the matter comes to plenary, let us also play our role, considering the factors that matter, the parameters that we should look into, Mr. Speaker.

Mr. Speaker, in the case of Dr. Joyce Okayo, I will refer to that of Malonzo and plead with this House to consider her for approval so that she gets this job. There's the gender balance. That what has been explained? Mr. Speaker, when people go for interview, they may be nervous at times. The interview may give the impression that a well-rounded person like Dr. Joyce Okayo may not make it in office. But we have found, people who have gone to school, have good profession, when they get very little marks in the interview, when they get chance to go to the office, they perform. Those interview questions, which at times put the candidate offside. And you know also, at the interview panel, the facial expression, the other factors at the interview panel considers, may also knock one out, Mr. Speaker.

Mr. Speaker, like when a candidate fails because of floods in Kabonyo/Kanyagwal. Someone who has never gone to Kabonyo/Kanyagwal doesn't know where Kabonyo/Kanyagwal is, and then you fail him because he/she cannot answer the flood problem in Kabonyo/Kanyagwal adequately, is he/she a failure? Someone who has gone to school at that level and with that profession she has is not considered a failure. When she is in the office, she will call people to

guide her on the flood problems in Kabonyo/Kanyagwal and these are facts which we must accept.

Mr. Speaker, the matter of Koru - Soin, even among us here, who knows the proper history of Koru - Soin? When you want to fail one, in an interview because of Koru - Soin, a big matter for people of Kano, which they are crying, that there are the right people who should discuss it, then you pin down a teacher, a professional teacher, who has jumped to matters of Climate Mitigation, who when given a chance, in consultation with his technical staff, work will just be done Mr. Speaker.

Mr. Speaker, this House Committee raised the topical issues, the technical part of it, and the proposed nominee was not abreast with them. That may sound right, but the topical matters that are brought in interview, if they were to be the final yardstick, Mr. Speaker, then someone who has served in the Ministry of Water will not be moved to any other ministry, if you were to consider the topical issues and the technical one. This is because, at the level of Chief Officer or a Minister, these are people who are regarded of good education, good profession, when taken to the office, they will easily find how to work in these offices. And that is the importance of education background and professional background.

So, I plead with this House to pass one Dr. Joyce Okayo to serve this Government of Kisumu. Mr. Speaker, for this name to have reached the Kisumu County Assembly, there is some due diligence that had been done at a starting point, and that is the point of the Governor, for that name to have reached this Assembly. Some of us may not have been impressed, that is normal, but the general picture is that this proposed nominee has good education background, professional background, and she had impressed some personalities in this county. If that was not the case, she would not have reached here. Another issue is that when I was looking at her profile, Mr. Speaker, this is an officer who was a teacher at Kisumu Day, Kisumu Boys, and other places. And I will give the example of how efficient Mr. John Awiti was a teacher, is now at the Cabinet.

How efficient Mr. John Awiti is. These are the teachers, and one thing we should know, teachers are multi-purpose. They can be taken to any office for administration. That is also one thing we should not lose sight of. So, when Dr. Joyce Okayo is given a chance, she will prove her worth, and Kisumu County will be proud of her job. But, let me say this, I have no vested interest on this matter. I'm talking as Pete Oiko.

(Loud consultation)

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Mr. Speaker, I have no vested interest. I'm talking as Honourable Pete Oiko, and what I was taught, Mr. Speaker, which I also need to declare, you have heard me mentioning Kisumu Boys. That is what I share with her, but nothing more. She was my boss when she was there. So, I plead with the House to approve her. You know, teachers from Kisumu Boys are the ones who are promoted to become Deputy Principals and Principals,

and they'll prove their worth wherever they are posted to. Thank you, Mr. Speaker. And, I thank the House for the rejection of the report to get Dr. Joyce Okayo approved.

The Speaker (Hon. Oraro): Honourable Maurice Ngeta.

Hon. Ngeta (MCA, Awasi/Onjiko): Thank you Mr. Speaker. I rise to support the report. Mr. Speaker, I happened to have watched the live interview of Dr. Joyce Okayo. Mr. Speaker, a lot has been said, and you can have all the requirement, but you cannot be able to articulate and performance of the office you have being vetted for. Mr. Speaker, the lady testified that she was ambushed for the interview.

Mr. Speaker, it means the period which was given to Dr. Joyce Okayo, was not enough for her to prepare for the task ahead. She woke up very early in the morning to rush to the airport to come for the interview. If you see somebody is not ready to wake up at the right time to do his or her activity, that's not a serious human being, Mr. Speaker.

Mr. Speaker, however, there is no perfect human being and I am aware that we all have weaknesses, but you have to show some seriousness to what you want to do, what the duty you are going to carryout. Mr. Speaker, we cannot just have push and pull, side to side, Mr. Speaker, we need to be honest sometime. This lady is not fit for this office. So, I submit. Thank you.

The Speaker (Hon. Oraro): Honourable Millicent Omuya.

Hon. Omuya (MCA, North Seme): Thank you Mr. Speaker. I am equally standing to add my voice on the debate going on. I want to say this. I went through the report and it is evident that Dr. Joyce is qualified because she is a holder of a PhD and that one shows that she is qualified. The proposed nominee has a background of areas that she has been working. I am happy that Honourable Ngeta is confirming something. The proposed nominee is saying that when they met at the lounge, the lady complained, we know this world at times will have a very bad day. You are the same candidate who wants to rush for some grilling, maybe your mother is very sick, and you are in a position that you must go and defend yourself. For sure, if it were even you, definitely, it will disorganize your day.

Mr. Speaker, I want to appeal to my sisters who are Honorable Members. Please stand up and let us stop laughing when a woman like us is being crucified. Let us stand and support women when women are able to get positions. Mr. Speaker, to our male Honourable Members, apart from being Honourable Members, when we go out, you could be my son and you could also be our husbands.

Please, let us not kill the career of this lady or demean her. She's a mother, she's a wife, and most likely she could be a grandmother. This is because the world is watching. Suppose it will come out that she is incompetent, what next after that? We shall have killed her. I am strongly opposing the recommendations of this House Committee. Let us give this lady an opportunity to

serve. If she is not in a position to do what the Governor wants, the Governor can still dismiss her and appoint another person. Thank you.

The Speaker (Hon. Oraro): Honourable Deputy Leader of Majority.

The Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Mr. Speaker, sitting here and listening to the contribution of my fellow Honourable Members, I do agree that really we have a Honorable House. However, I've noticed that the Constitution of Kenya or the Standing Order that provides for voting is not being considered and ventilated upon, as should be the case. I've heard some of our Members, talking about education. Yes, education is there, but it is not the only determinant factor to determine whether one qualifies to be a County Executive Committee Member or not.

Mr. Speaker, for those who are Members of the Select Committee on Appointment, there are questionnaires and there are also marks attached to those questionnaires. Education is only 30%, and if the pass mark is 40 or 60% and one fails to reach the required marks, then it becomes very difficult to approve such a candidate.

Mr. Speaker, there are so many requirements for one to qualify or for one to be approved. One single item can make one be disapproved. For example, if one does not show a Certificate of Good Conduct to the interviewer, and you pass him, and the next day you hear that he has a criminal record, what do you think will be thought of this House? It will be a clear indication that this House was compromised. A simple requirement of Clearance from EACC can make one be disqualified or be disapproved in this House.

Fellow Members, let us be very, very liberal and honest to ourselves. Mr. Speaker, this House Committee that was charged with the vetting of this candidate has previously vetted quite a number of County Executive Committee Members who are currently holders' offices in this county. There are only two occasions, or three, that they have disapproved the appointment of members. When this was done, they were very, very good members of this House Committee. But for one or two that now is being disapproved, some see a sinister move, which is not the case. There is nothing sinister in this lady's disapproval. It simply states that this proposed nominee has not met the required standards.

Mr. Speaker, I heard a Member saying that the County Executive Committee Member can work in any department. It is true. But when one is brought to this House, he/she is brought to be vetted for a specific docket. And we are not sure, and we are not aware, and we do not know whether the Governor will do a reshuffle or not but then, we should also consider that if the nominee cannot serve in this particular department or this particular ministry, then that means, and we consider that he/she is incapable of serving in any other department. He/she is incapable of being a County Executive Committee Members, not only County Executive Committee Members for Water and Environment.

(Hon. Samuel Onyango rises on his feet)

The Speaker (Hon. Oraro): Honourable Sammy Onyango, whom do you want to inform?

Hon. Onyango (MCA, Railways): The house.

The Speaker (Hon. Oraro): What is the information?

Hon. Onyango (MCA, Railways): Mr. Speaker, I want to inform the House that there are some previous County Executive Committee Members that were approved without degrees, and they graduated later.

The Speaker (Hon. Oraro): Honourable Sammy Onyango, can you mention the County Executive Committee Members that were approved without a degree? I think this is that matter you raised some time back, and I let it go. So, please proceed? You are on Hansard. Can you mention the names of the County Executive Committee Members who were approved without a degree?

Hon. Onyango (MCA, Railways Ward): Mr. Speaker, it is also in the Hansard, so you can check.

The Speaker (Hon. Oraro): Honourable Sammy Onyango, for the last time, I am giving you an opportunity to mention the names of any County Executive Committee Members who have been passed in this House without a degree, or you withdraw and apologize.

Hon. Onyango (MCA, Railways Ward): Thank you, Mr. Speaker. I will withdraw once you furnish me with the Hansard report.

The Speaker (Hon. Oraro): Honourable Sammy Onyango, this is not a request. Kindly withdraw and apologize because you are giving this House a bad image. Or, mention the names of the County Executive Committee Members who have been passed in this House without meeting the requirements of Section 35(3) (b) of the Approvals Act.

Hon. Onyango (MCA, Railways): Mr. Speaker, you know we are a House of rubber stamping, so I withdraw.

(The Chief Whip rises on a Point of Order)

The Speaker (Hon. Oraro): What is it Honourable Seth Kanga?

The Speaker (Hon. Oraro): What is your Point of Order!! Hon. Seth?

The Chief Whip (Hon. Kanga, MCA Market/Milimani): Mr. Speaker, I concur with the Hon. Samuel Onyango and this is because, Mr. Speaker, if you look at Section 35(3), it is optional.

Because it says “may”. “May” means optional. We can decide to pass a member of the County Executive Committee, even without a degree. It is optional. This is because if you look at 35(1), it says “shall”, 35(2), states “shall”. Then 35(3), it says “may”. The House can decide, even appoint “Adui Nyang” today as a County Executive Committee Members without a formal degree.

(Laughter)

The Chief Whip (Hon. Kanga, MCA Market/Milimani): So it is the authority of the House to decide, because it states “may”. So I concur with the Honourable Samuel, because it says “may”. I do not know, but it says “may”. So, Honourable Samuel Onyango, you are just right, but it is the authority of the House to determine whether to pass a member of the County Executive Committee with a bachelor degree or not with a bachelor degree. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Honourable Members, I directed Hon. Samuel to withdraw. He had withdrawn. I now want to give Hon. Lumumba. But let us please take time to appraise ourselves with the County Assembly Approval Act, the County Government Act, and any other relevant statute.

The Speaker (Hon. Oraro): Honourable Lumumba, you still have two minutes.

The Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): Thank you Mr. Speaker. Much as my brother, Hon. Sammy Onyango, is bringing the issue of education, it is not a contentious issue in this case, because I have not heard where it is said that the proposed nominee is been disqualified because she has less education or she did not do this and that. I said here in the beginning that education is not the only determinant factor to approve a candidate. So I want to inform my brother that let that be put to rest. And my senior has also confirmed that degree or no degree is not a very important matter as far as the Constitution is concerned.

Finally, Mr. Speaker, I implore upon Members that whenever we come for vetting, have trust and faith in the Committee Members for example, our House Committee on Appointment. It is for this reason that we do not all belong to one House Committee, because of that trust. When a Member or when a House Committee brings up a report of this nature, let us poke holes, if necessary, with facts, but not with our stomach. Thank you, Mr. Speaker, I support. Thank you.

The Speaker (Hon. Oraro): The Honourable Deputy Leader of Majority.

The Speaker (Hon. Oraro): Honourable Warindu, I have seen you, but you know when the Honourable Whip has stood, there is no otherwise.

The Chief Whip (Hon. Kanga, MCA Market/Milimani): Thank you Mr. Speaker. I had reserved my right to debate over this matter, because I wanted to see the width and the breadth of the debate in this House on this matter. Mr. Speaker, I am a Member of the Select Committee on Appointments and I was there during the vetting exercise from the commencement of the interview to the end. Mr. Speaker, I want to declare that Dr. Joyce Okayo taught in my former school, that is Kisumu Day, but she never taught me. That is my interest.

Mr. Speaker, first, as the Whip of the Government, or the Whip of the Majority side of this Government, I am disappointed and this is because this is the second time we as an Assembly, or we as the House Committee on Appointments, we had interviewed some gentlemen of the position before, and ultimately he was rejected by this Honourable House, based on some technicalities, which were valid. Mr. Speaker, we interviewed the second person, that is Dr. Joyce Okayo, whose name was submitted by the Governor to this position and to my dismay, Mr. Speaker, we are not writing that report just because we are against her. That this proposed nominee is of the opposite gender, but based on public facts.

Mr. Speaker, the nominee was interviewed under the glare of the cameras. It was on Facebook and other social media platforms. Mr. Speaker, the Committee Clerk even posted the video clips of how the lady was vetted, and how she responded to various questions or remarks which were thrown at her. Mr. Speaker, I was very, very much disappointed. This is because, the Governor Prof. Peter Anyang Nyong'o, I know, cannot nominate two persons on the same position who are not up to the task. Somebody, somewhere, Mr. Speaker, must be misadvising the Governor. I plead with the County Government, through the Governor, Prof. Peter Anyang Nyong'o, even to go further and nominate one of these Honourable Members to this account, to the position of the County Executive Committee Member. We have Hon. Ann Ocholla, who has got enough experience to serve as a County Executive Committee Member. of Water, together with the Hon. Ladies in this House.

Mr. Speaker, because we can go further and interview Hon. Madam Ann Ocholla, and if she qualifies, it is when she resigns. If she does not qualify, she does not resign. This was replicated in the National Assembly, where Honourable Opiyo Wandayi and Honourable John Mbadi were appointed. After being appointed and approved, it is when you resign. Mr. Speaker, in fact, you proceed to the National Assembly to make your final remarks before you exit the House. I think this one should be replicated in this County. Even if you can appoint Hon. Madam Nereah as a County Executive Committee Member. There is no harm, because she understands these things, rather than bringing people who do not even understand these dockets of portfolios given to them.

Mr. Speaker, you as the Chairman of this House Committee, took us through some very elementary aspects of the interview proceedings, where you asked the lady if she has ever stayed

in the Kisumu for the last five years. And the lady did indicate that for the last twelve years, she has never been in Kisumu. Those clips are there in the video clips. When you took her to even mention Wards in Kisumu, the lady could not differentiate between a Ward and a Sub-County.

Mr. Speaker, even mentioning only three Wads in Kisumu was an uphill task for this proposed nominee. In fact, this proposed nominee responded by stating that that Obunga, Nyawita and even Katito are Wards. So, I was wondering, as the Whip of the County Assembly, is this the suitable person who was appointed by Governor Prof. Peter Anyang Nyong'o or we are interviewing a different person? I was very astonished. In fact, I pitied her, because this proposed nominee taught in my former school, which is Kisumu Day. And she taught in Hon. Oiko Pete's School, Kisumu Boys, where Honourable Oiko Pete was a bursar. I do not if the Member was an Accountant or a bursar. Where the embezzled a lot of funds and the Member later eventually became a Member of the County Assembly, Mr. Speaker.

(Entire House laughs)

(Hon. Oiko spoke off the record)

The Speaker (Hon. Oraro): Order!! Honourable Oiko Pete.

(Hon. Oiko spoke off the record)

The Speaker (Hon. Oraro): Order!! Honourable Oiko. Order!! you know how people debate. You cannot just stand up and start debating.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Yes, Mr. Speaker.

The Speaker (Hon. Oraro): Honourable Oiko, but you have to call upon the Speaker whether you are on a Point of Order.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Yes, Mr. Speaker. We have reached that level. Let 'Mr. Nyang' know I was a student of Kisumu Boys.

The Speaker (Hon. Oraro): Order!! Honourable Oiko Benny Pete. Are you on a Point of Order or debating?

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Mr. Speaker, I am on a point of Order.

The Speaker (Hon. Oraro): Then, what is the Point of Order?

Hon. Oiko (MCA, Kabonyo Kanyagwal): Mr. Speaker, I want to inform *Mr. Nyang*.

The Speaker (Hon. Oraro): Who is '*Mr. Nyang*', Hon. Benny Oiko Pete?

(Entire House laughs)

Hon. Oiko (MCA, Kabonyo/Kanyagwal): '*Adui Nyang*', he has declared that it is now his official name and at this level, he does not want the name Seth Ochieng. He wants '*Adui Nyang*'.

The Speaker (Hon. Oraro): Order!! We are in a House, Honourable Oiko Pete and you are on Hansard. I have given you a chance to say what your Point of Order is.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Thank you Mr. Speaker. To inform Honourable Seth Kanga, I was a student of Kisumu Boys and because of my good conduct, that is why I was allowed to handle finances. Otherwise, I could not have been allowed. You could imagine, from Kisumu Day, you become a transport manager.

(Entire House laughs)

The Speaker (Hon. Oraro): Honourable Oiko Pete, I have not heard Hon. Seth Kanga disputing you becoming a bursar.

The Speaker (Hon. Oraro): Hon. Seth Kanga.

The Chief Whip (Hon. Kanga, MCA Market/Milimani): Mr. Speaker you know, I and Honourable Oiko Pete, we are good friends and we like teasing each other. So that is our nature. Mr. Speaker, I would like to proceed this way. Mr. Speaker, this Assembly has done its work, especially the Select Committee on Appointments. Now, it is upon the House to decide. Mr. Speaker, I make reference and quote to you Section 35, which I believe, was raised by Honourable Rakwach, my brother. But if you look at 35(3), which talks about experience and knowledge, about holding a university degree, and all the rest, including Chapter 6. It is optional. It says "may". Because Chapter 6 is tied to the laws of this Country.

Unless you are tried, in court, and be convicted, that is where Chapter 6 vilifies you. But you cannot say that somebody has not qualified under Chapter 6, yet he has never been tried in court. So issues to do with Chapter 6 on Leadership and Integrity, those are things which are optional. And I believe that is why we are in this House. If they were to do with "shall", some of these Honourable Members who I am seeing in this House could not have received the Certificate of Good Conduct. Mr. Speaker that includes the likes of Honourable Gard Olima, who was a pharmacist and dispensed benylin on people who do not necessarily receive benylin. Mr.

Speaker, in fact, Honourable Gard Olima once confided to me that he used to sell benylin, because when you drink a lot of benylin, you get high. Rather than buying beer. Just a 500 milliliters of benylin, you are drunk already, so you go to sleep.

So if we are tied to issues to do with Chapter 6 on Leadership and Integrity, then I believe most of the leaders in Kenya, including the Head of State, who was tried in Hague, and today is the President. So when you talk about Chapter 6, you have to think wider. Am I so clean? That is why Section 35 of the County Government Act indicates “may”. It is optional. So, there is no law stopping us. If we find somebody who has got enough experience to work as a County Executive Committee Member, including Honourable Eng. Nyaoke, who understands a lot of things to do with roads. Why do we not appoint him as a County Executive Committee Member for Roads? Including my brother, Honourable Onditi, who understands issues to do with Southern Sudan? The Project Planning and Management. We can appoint him.

(Laughter)

The Chief Whip (Hon. Kanga, MCA Market/Milimani): Honourable Ngeta, who understands issues to do with Water. Has done a lot of issues with water. We can appoint him as a County Executive Committee Member. Even my friend, Honourable Gard Olima, who understands Pharmacy, we can appoint him as a County Executive Committee Member. So, when you leave this House and go there as a County Executive Committee Member, I think you understand it more than somebody who is new who comes from outside because you have done oversight, appropriation and budgeting, you know what a County Fiscal Strategy Paper (CFSP) is. You know what a Annual Development Plan (CADP) is, you know everything, including the County Integrated Development Plan (CIDP). So when you leave this House to become a County Executive Committee Member, it is my opinion that you will be more qualified than those nominees’ sources from outside.

Mr. Speaker, otherwise, something must be done and as Assembly, as Leadership of this House, together with the Leader of Majority and his Deputy, I as the Whip, including your office as the Honourable Speaker, as the custodians of oversight in this County, we need to talk to the Governor so that next time we do not find ourselves in such an embarrassing situation. This is because, rejecting two County Executive Committee Members for the same department in a row, in a time not exceeding six months, I believe that something is wrong somewhere.

So, as Leadership, as sober Members, as Members of the Orange Democratic Party, we believe in social democracy. We believe in gender equality, marginalized groups. And I believe the 2010 Constitution is a product of the Orange Democratic Party, under the stewardship of our party leader, none other than the Honourable Raila Amollo Odinga. So, when we go wrong as a County and architect of Devolution is none other than Prof. Peter Anyang Nyong’o. So we

cannot bury our heads in the sand and not say that something is not wrong somewhere. As an Assembly, as a County Government, we need to sit down and do a thorough introspection so that we help the Governor in these three remaining years. Otherwise, Mr. Speaker, those are my submissions. Thank you very much.

The Speaker (Hon. Oraro): Honourable Members, before I give another Member and before I forget. You know, there are developments in terms of Laws as things proceed. There is something that has been discussed here, “*may and shall*”. And I have just recalled that I need to bring to your attention. Initially when you talk of “shall”, it is a must, depending on which person you are talking about. First person, second person and third person. Looking at those who know English like Honourable Moses Ochele and teachers like Honourable Geoffrey Warindu. Currently, if there is a “shall” along any provision that is statutory, like in this case we are talking about the office of the County Executive Committee Member, which is a statutory office, if you see “*may*”, it is interpreted as “*shall*”.

That is the provision as of now. If you are referring to anything statutory, whether you see a “*may*” or a “*shall*”, all of them are interpreted as “*shall*”. I just felt that I give this House that information so that as we proceed, we are able to differentiate where the “*may*” or the “*shall*” is used. Like in this case, if you talk of 35(3) (b), which Members have referred to, the may come and is referring to a statutory office. So, it is interpreted as something that is a *must*, that is “*shall*”. Otherwise, I had noticed, Hon. Seth Okumu.

Hon. Okumu (MCA, East Seme): Thank you Mr. Speaker. Allow me to rise to support the Report by the Select Committee on Appointments. Mr. Speaker, my lecturer once taught me that a good student knows something about everything and everything about something. Mr. Speaker, the procedure in which the nominee reached the Assembly was good. But our role as an Assembly is to vet. I do not understand why the Majority Whip is regretting, because our work is to vet and make sure that this county gets the best. Even if it means turning down 20 proposed County Executive Committee Members in one department, but we want one that can provide the best services to the people of Kisumu County.

Mr. Speaker, in relation to what I said about a good student knowing something about everything, I have gone through the questions that were asked to this proposed nominee. One of the questions that were asked to this proposed nominee was, have you ever heard about FLLOCA (Finance Locally-Led Climate Action)? In which this proposed nominee responded in affirmative and said yes. And then she was asked, what is FLLOCA? And in her response, if these Members are really reading the reports without being influenced, they would know that this is not a good student.

Mr. Speaker, this proposed nominee has been mentioned to be a holder of a PhD. I am reading what she did in her thesis on. Mr. Speaker, in her thesis, she did something on Impact of Floods on Attainment on Education for all and Vision 2030 in Nyando Basin, Kisumu County. That was the thesis of this proposed nominee that we vetted as an Assembly. I do not know where the impacts of floods are in this Kisumu County, if you cannot know about Kabonyo-Kanyagwal Ward. The proposed nominee was asked about Kabonyo-Kanyagwal and how, what causes floods, the perennial floods in Kabonyo-Kanyagwal. And she responded by stating that the people living there are the cause of floods. She was asked to explain how. I do not know if our Honourable Members are really reading how this lady was responding to these questions.

Mr. Speaker, this is a question about something she needs to know everything about. Something that she got her PhD on. She could not answer. This proposed nominee does not even know the place. And the Honourable Member from Kabonyo-Kanyagwal is justifying that she did not need to know. But she did her PhD. She needs to know everything about floods, especially Kabonyo-Kanyagwal Ward. Honourable Members, mentioning that she is a woman. As a House we have vetted women here. We have approved women. They are working as County Executive Committee Members. But I do not think we need to pass mediocrity in the name of gender. We have very able women outside there. Some are in this Assembly. Very able women.

(Hon. Rakwach rises on a Point of Order)

The Speaker (Hon. Oraro): Honourable Rakwach, what is your Point of Order?

Hon. Rakwach (MCA, Kolwa East): Mr. Speaker, I want to inform my big brother Hon. Seth Okumu.

The Speaker (Hon. Oraro): Honourable Seth Okumu, do you want to be informed?

Hon. Okumu (MCA, East Seme): Yes Mr. Speaker.

Hon. Rakwach (MCA, Kolwa East): Mr. Speaker, I want to inform Honourable Seth, that when she was asked about cage farming in Lake Victoria, she said she will abolish cage farming. Thank you.

The Speaker (Hon. Oraro): Proceed Hon Okumu.

Hon. Okumu (MCA, East Seme): Honourable Members, is that kind of person that you want to provide services to the people of Kisumu County? I know you have your interests, but the interests of the people that brought us to this House should come first. This is somebody who

intends to abolish Cage Farming. Again, this is somebody who doesn't know that Kabonyo/Kanyagwal has floods, yet she is a PhD holder on floods. Somebody who is going to see FLLOCA, which is doing a project, but doesn't even know what FLLOCA stands for. How long will it take this person to start delivering? Honourable Members, let's be real. Let's see the problems that our people are facing. Let's find time and reflect on ourselves and give people, the person who can provide services to them the best.

Mr. Speaker, I don't want to give any more on that. I want to state that the Governor has all the rights to give us another person. Please, if the Governor gives us another bad person who cannot provide services to the people of Kisumu, we have all the rights as an Assembly to vet that person and reject the same person. So, let's not be swayed by emotions and gender inclinations. Let's not be swayed by bread in passing somebody who will not bring services to the people of Kisumu County. Thank you so much, Honourable Speaker.

(Hon. Oiko Pete rises on a Point of Order)

The Speaker (Hon. Oraro): Proceed Honourable Oiko Pete.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Mr. Speaker, Honourable Seth is referring that Members should not be influenced by bread. What does he mean by that?

The Speaker (Hon. Oraro): Honourable Oiko, I thought it wheat and, Hon Seth the Member is asking what bread is? Can you clarify?

Hon. Okumu (MCA, East Seme): Mr. Speaker, just for clarity, there are two types of bread. Unleavened bread and leavened bread. They are all wheat products. One, you have to use fungi then, you know the process. And the other one, you don't. So, you know what bread is, you're just giving me hard time to explain.

The Speaker (Hon. Oraro): Honourable Odari has stood for some time. Let me give you then Honourable Warindu, then Honourable Onditi.

Hon. Odari (MCA, Chemelil Tamu): Thank you very much Mr. Speaker, I've realized one thing since I came into this Assembly and it is for all of us to know it. School was brought because people had to learn. And it was brought for us to know one or two things. First, I would like to say this. Let us give this proposed nominee the opportunity to go and work. Those other things that she doesn't know, let her learn them from there.

Then, number two, I've gone through the questions. The questions that were asked for example, if you go to page 23 of the report, you will find that the proposed nominee was being asked who

was the Principal in Kisumu Day. So, my question is, how does that one relate with this Department of Environment? And another question goes, who took over from Mwenga, Motanya? And these are the very people who are telling us to reject.

(Hon. Okumu rises on a Point of Order)

The Speaker (Hon. Oraro): Honourable Seth Okumu, what is your Point of Order and whom do you want to inform?

Hon. Okumu Seth (MCA, East Seme): Mr. Speaker, I want to inform my Honourable Brother.

The Speaker (Hon. Oraro): Honourable Odari, do you want to be informed?

Hon. Odari (MCA, Chemelil Tamu): Mr. Speaker, because of time constraints, I am not interested.

The Speaker (Hon. Oraro): Proceed.

Hon. Odari (MCA, Chemelil Tamu): You see, there are some questions. Even us, when we leave this House, we are going to ask ourselves conundrum questions. Conundrum questions, those are questions which have no answer. By rejecting this lady, we are going to ask ourselves so many questions which we will not have an answer to it. Again, Mr. Speaker, a nominee came here of which I'm very sure that even, not Members, any other person outside even in the Department, doesn't know the meaning of FLLOCA Now, she's being disqualified because she was not able to give the full meaning of FLLOCA. Does it make sense, really?

Mr. Speaker, I believe that the Executive, they made a wise decision to bring, to nominate Dr. Joyce, the Governor. I think before she was brought here, the Executive or the panel within the Executive, sat down and agreed that this is the right person that we should take to the Assembly for vetting. But everything that has gone through here, this one does not warrant us to reject this lady. Let us give this proposed nominee time to go and work. I can remember even in the same Department, we had a very wise lady. When we visited her in her office, she will talk a lot of English. At the end of the day, she failed. So, this other one whom we are thinking that cannot make it, let us give her opportunity to go there and work she will perform.

Mr. Speaker, another issue that I want to add to that is, when we came here, by that time I was not able to come to the Assembly during the vetting. I can remember there was a nominee here who was not even able to inform this House Committee where she was coming, the name of her ward yet she was given an opportunity. And she is working, she is performing. What is the difference? As much as Dr. Joyce, was not able even to pronounce a single ward.

So, Mr. Speaker, let us give her opportunity. She will perform. Thank you very much, Mr. Speaker.

The Speaker (Hon. Oraro): Proceed Honourable Warindu.

Hon. Warindu (MCA, Miwani): Thank you so much Mr. Speaker. Having gone through the report, coupled with the Hansard report that has been sent in our wall, and the video recording, from the start, let me start by urging the Members of this House not to make their decisions and judgments selectively. If you go through all the reports that have been given, I am persuaded to support the report that has been given by the appointment committee.

Mr. Speaker, we are dwelling so much on the academic qualification, and I want to inform this House that having the requisite academic qualification, that is why the lady reached this House for vetting. Mr. Speaker, there were some other elements that were to be determined from the vetting exercise. Having all the academic requirements does not qualify somebody to be a performer. By then, Mr. Speaker, if you have all the academic requirements, you need to demonstrate and prove and show to the world that you earn and you merit the academic certificates that you are having. I've gone through the questions, and how I wish that one of the Committee Members would have asked the nominee what the roles and functions of the County Executive Committee Member is. And I want to be very sure the answers that could have been given would have been just the same as the answers that were given in the report.

Mr. Speaker, one of the main issues in the water department is FLLOCA. If you can be asked about the FLLOCA, and you give a reply that you know what FLLOCA is, then when you are told to give it fully, you say that FLLOCA is a Fully Funded Climate Change Initiative. And I want to believe that if you are really interested in the job, having been nominated by the Governor, Dr. Joyce would have taken her time to go all through the issues that are related to the water department.

Mr. Speaker, again, I want to believe that if this proposed nominee could have done that, she could have not missed on FLLOCA in full. And there are so many people with academic qualifications that you want to bring to us here to prove the lady. But if you cannot prove or demonstrate to the county and to the world that you are up to the task, then there is no need of giving this person this job.

Mr. Speaker, as a County we still have so many people who are still interested in this job, who can demonstrate and show to us and to the world that they are really interested in this job. Someone said that let us not kill the career of this lady. Mr. Speaker, I will agree with that. Let us not give her this job so that she doesn't leave the one that she's doing right now. Because if we give her this one, I am 100% sure that she might fail. And their career will be killed.

Again, somebody said that Malonza was also rejected by the House Committee and she was given the chance to perform. If indeed Malonza's work was marvelous, as being said, why didn't she get the second chance? We don't have time to prove. We don't have time to give people to learn in the department. We only have three years and we need our work to be done. Therefore, Mr. Speaker, with all my humble submission, I support the report and recommendations that was furnished this House by the Select Committee on Appointment. Thank you so much.

The Speaker (Hon. Oraro): Please proceed Honourable Onditi.

Hon. Onditi (MCA, Ombeyi): Thank you Mr. Speaker, today's debate is one of the most interesting debates in this House because the House is divided between embarrassing the Governor and discussing the content of the report. This is because the argument that I've been raised here against is that we are going to embarrass the Governor if we approve the report, Mr. Speaker.

Mr. Speaker, I want to start by saying that even in the worst-case scenario that this House adopts or approves this report that does not in any way bar the Governor from appointing or nominating another lady, starting from my friend, the beautiful lady, Honourable Mickey. She's qualified just like the youth leader is qualified, just like the other lady in this House are qualified. So, I don't think by approving this report, Mr. Speaker, we are going to gag the Governor or we are going to be against women in this county.

Secondly, Mr. Speaker, if you read the report and you look at the attached documents of one Dr. Joyce, you will quickly give this lady this job without ever mincing words. But if you go deep into reading the Hansard report, Mr. Speaker, you don't even know where to place this lady. In this country, as I've experienced, whereby one person holds three names depending on where they are suitable. So, maybe this is one of such cases, Mr. Speaker. This is because you can't understand when a Ph.D. holder cannot demonstrate knowledge of the difference between a Sub-county and a Ward. And this is where it's going. Even if it's a policy issue, Mr. Speaker, where are you going to formulate those policies if you don't know the boundaries of the areas that you are going to work on, Mr. Speaker?

Therefore, Mr. Speaker, this lady is bright according to the papers. This lady is qualified according to the papers. Mr. Speaker, I want to remind ourselves that the makers of the Constitution of 2010 knew very well or thought it wise that the opinion of one institution or one individual is not good enough to do the due diligence in terms of getting the right person to perform in a particular office. That is why there are many institutions to provide as checks and balances. Mr. Speaker that is why the Governor is required by the law to nominate a person and

subject it to this Assembly for further scrutiny and vetting so that that person gets an opportunity to come and match the papers presented with the ideas in somebody's head, Mr. Speaker.

Mr. Speaker, we have history where papers can be picked even in the streets of Nyamakima in Nairobi, Mr. Speaker. I'm not saying the proposed nominees' is one of the Nyamakima papers, but the reason why we are presenting somebody before this House is so that somebody can come here and demonstrate what is presented in the papers if it is equal to what somebody is presenting from the mind, Mr. Speaker. That is not presented in this report if you go by the answer of the committee, Mr. Speaker.

Mr. Speaker, I want to conclude by stating that I don't know how this House will be taken if this nominee is approved, Mr. Speaker, because the precedents have already been set in the vetting of one Mr. Frederick Mwaura. Is it? Let me get the name right. The previous guy who has just been was called Frederick Ochieng Mariwa. Mr. Frederick Ochieng Mariwa scored 58.8%. Today, if the House happens to approve one Dr. Joyce with 51.1%, where will be justice there? How will you convince the world that we approve somebody with 51.1% and we left out the person with 58.8%? So, Mr. Speaker, with all fairness and with all factors, Mr. Speaker, I don't think going by the report of this committee, the lady Dr. Joyce deserves to get this job. I therefore, I support this report, Mr. Speaker. Thank you.

The Speaker (Hon. Oraro): Honourable Ochola.

Hon. Ocholla (Nominated MCA): Thank you, Mr. Speaker. I stand to support the report and secondly, Mr. Speaker, I want to call the mover to reply.

The Speaker (Hon. Oraro): Honourable Ochola when you have contributed, you cannot call the mover to reply. So, when you want to call the mover, you only stand and call the mover to reply.

The Speaker (Hon. Oraro): What is it, Hon Emily? Oh, you went down. Hon Abeid.

Hon. Abeid (Nominated Member): Thank you, Mr. Speaker. I want to add my two cents. I believe that, first, I support the report. And I also want to speak about the issue of academic papers and the issue of gender. I believe that it would be unfair to the womenfolk to give a woman who is underserving a job simply because she is a woman. We are in the era of supporting women, but that does not take from the fact that we have numerous women who qualify for this kind of job.

Second, I want to say that you may have academic papers. Some of them come from River Road but the reason why we are told that when you say, I qualify because I have a Master's or a PhD, they still require you to come in person and do an interview and gauge you in person. This is

because they want to see if your intellect tallies with the papers that you carry. So somebody having academic papers that look good and does not tally with the interview, I think its conflict of interest, in my humble opinion. And I support the report.

The Speaker (Hon. Oraro): Honourable Emily Oginga.

Hon. Oginga (Nominated Member): Mr. Speaker, going by the mood of the House, may I please call the remover to apply?

The Speaker (Hon. Oraro): Hon. Oginga, can you say the right thing?

Hon. Emily (Nominated MCA): Mr. Speaker, I'd like to call the mover to reply.

The Speaker (Hon. Oraro): Honourable Leader of the Majority.

The Leader of Majority (Hon. Ooko, MCA, Ahero): Thank you very much, Honourable Speaker. Because of time, I will merge these issues. First, I want to thank the Members that have contributed. Let me start with Honourable Onditi, we are not divided in this House. Today's debate is between the General Oversight of and the Adhoc Committee led by Honourable Olima.

Honourable Speaker, I want to remind the Members that if someone had papers, then the Governor would have just appointed him or her direct to the job. There is a reason why we are in this House. First, as a House, what we have to look at is, did the Governor correctly nominate the member to this House. Yes, that was done properly. The nomination was done according to the law.

Mr. Speaker, Honourable Members, I want to say that having good papers, well-decorated papers, I think the papers should also reflect what you are presenting as a person before the House Committee. Mr. Speaker, for your information, this one did not happen. Again, I was wondering, my friend and neighbour, Hon Pete Oiko, rejecting this report. A proposed nominee confirming that it is Hon Pete, one of the people living in Kabonyo-Kanyagwal, is a course of floods in Kabonyo-Kanyagwal, it is very unfortunate.

Honourable Speaker, Honourable Okumu summed it all. I also watched it, and I got surprised when the nominee was asked a very simple question. This is someone who has done a Masters, has done a PhD in disaster management, and asked the causes of pollution in Lake Victoria. she said one of them is cages, that when she becomes a CEC she will destroy all the cages in Lake Victoria, surely. That is pure lack of knowledge in that department.

(Laughter)

Honourable Odari complained about the proposed nominee being asked questions of a fellow teacher, where she taught as a teacher in Kisumu Day. There is nothing wrong when one day you appear for an interview somewhere and you are asked, and then you mention that you are in the Third Assembly. It is not wrong to be asked, who was your Honourable Speaker during your tenure in the Assembly? It is just to confirm that, were you really there? So that was a general question to a fellow teacher where she taught as a teacher in Kisumu Day. There's nothing wrong with mentioning during an interview that you were part of the Third Assembly. It's also not unusual to be asked, "Who was your Speaker?" as a way of verifying your involvement. That was simply a general question posed to the nominee.

Honourable Speaker, Honourable Olima mentioned that the County Executive Committee Members are just a policy maker. However, how can someone be a policy maker at the head of a department without any administrative knowledge of that department? I want to agree with the Honourable Members who have supported this report. It was prepared fairly, and I appreciate Honourable Mickey for considering the qualifications. I also want to confirm that, as it stands, our cabinet is gender-balanced, as we are all aware.

Honourable Speaker, I will not dwell too much on these issues since we have another report to address. But I want to thank all the Members, and it's great to see nearly a full House today. Some Members who don't usually sit here for 10 minutes are now present, trying to justify their commitment. We did our best, but we couldn't reach the required numbers. Therefore, I urge Honourable Members to approve this report as it is. I won't take any more time, I do reply, thank you.

The Speaker (Hon. Oraro): Honourable Members, I think that was the best debate. The motion adoption of report of the Select Committee on Appointments on the suitability of Dr. Joyce Okayo for the Appointment to the Position of County Executive Committee Member, Water, Environment, Natural Resources and Climate Change has been moved, debated and seconded, as per our Standing Orders I want to put a question on the adoption of the same.

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Members, the motion adoption of report of the Select committee on Appointments on the suitability of Dr. Joyce Okayo for the Appointment to the Position of County Executive Committee Member, Water, Environment, Natural Resources and Climate Change has been adopted today Thursday the 19th of September, 2024 at 16:54 hours.

Honourable Members, by adoption of this report, it means that the nomination of Dr. Joyce Okayo for the Appointment to the Position of County Executive Committee Member, Water, Environment, Natural Resources and Climate Change has been rejected.

Consequently, I direct that the Hansard report be prepared for onwards submission to the Governor for him to prepare and nominate another candidate for the same position.

The Speaker (Hon. Oraro): Next order!!

MOTION

MOTION THAT THIS HOUSE ADOPTS THE REPORT OF THE SELECT COMMITTEE ON APPOINTMENTS ON THE SUITABILITY OF DR ROSE OLAYO NOMINEE FOR APPOINTMENT TO POSITION OF MEMBER, KISUMU CITY BOARD

BY

HON. KEN OOKO, MCA, AHERO

(LEADER OF MAJORITY).

The Speaker (Hon. Oraro): Honourable Leader of Majority.

The Leader of Majority (Hon. Ooko Kennedy, MCA, Ahero): Thank you Honourable Speaker. I rise to move a motion of the report of the suitability of Dr. Rose Olayo nominee for appointment to the City Board. Honourable Speaker and all the Members.

Pursuant to the Provisions of Article 184 of the Constitution of Kenya, 2010, Section 13 (4) of the Urban Areas and Cities Act, 2011, Section 11(1) of the Urban Areas and Cities (Amendment) Act, 2019 and Section 6 of the Public Appointments (County Assemblies Approvals) Act, 2017 read together with Standing Order No. 187 of the Kisumu County Assembly Standing Orders; His Excellency the Governor submitted to the County Assembly the Dr. Rose Olayo; for vetting and approval for appointment to the Kisumu City Board.

The Nomination was conveyed to the Speaker of the County Assembly through the letter Ref. CGK/ADM/20/VOL.II/182 dated 28TH August, 2024. The Nominee's curricula vitae and testimonials were enclosed in the letter and were forwarded to the Committee on Appointments pursuant to standing Orders No. 187.

Consequently, on the 4th September, 2024 pursuant to Section 13 (2) of the Urban Areas and Cities Act, 2011 read together with Section 6 and 7 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Leader of the Majority Party; Hon. Kennedy Ooko tabled the name of the Nominee on the Floor of the House for approval. The Nomination was procedurally committed to the Committee on Appointments for vetting and reporting to the

House within twenty-one (21) days in accordance with Section 6 (7) of the Public Appointments (County Assemblies Approvals) Act, 2017 and Standing Order No 187.

Pursuant to Section 7 (4) of the Public Appointments (County Assemblies Approvals) Act, 2017, the Clerk of the County Assembly placed an advertisement in the print media on 5th September, 2024 notifying the Nominee of the time and place of the approval hearing and invited the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability or otherwise of each of the Nominee in accordance with the Public Appointments (County Assemblies Approvals) Act, 2017 (*Annexure iv*). The Advertisement indicated that the submissions were to be received on or before 12th September, 2024 at 4.00 p.m. By close of the submission deadline, the Committee had not received any memoranda on the suitability of the Nominee for appointment.

Further in fulfilment of the provisions of Article 184 of the Constitution, 2010, Section 13(4) of the Urban Areas and Cities Act, 2011, Sections 11 (1) of the Urban Areas and Cities (Amendment) Act, 2019 and Section 87 of the County Governments Act, 2012 read together with section 7 (5) of the Public Appointments (County Assemblies Approvals) Act, 2012 and Standing Order No. 187, the Clerk of the County Assembly on 5th September, 2024 notified the public through the print media that the Committee on Appointments would conduct the approval hearing on 12th September, 2024 at the County Assembly Chambers.

The Nominee appeared before the Committee as scheduled for the approval hearing in accordance with the provisions of the Constitution, the Urban Areas and Cities Act, 2011 and its Amendment of 2019, the Public Appointments (County Assemblies Approvals) Act, 2017 and the County Assembly Standing Orders on her suitability or otherwise for appointment to the position of Members of the City Board.

COMMITTEE OBSERVATIONS ON THE SUITABILITY OF THE NOMINEE

The Committee having considered the Nominee's filled questionnaire pursuant to Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017, her curriculum vitae and having heard oral submissions during the approval hearing, made the following observations on the suitability for appointment as Member of the Board of Kisumu City.

THAT, in accordance with Article 78(1) and (2) of the Constitution the Nominee is a Kenyan citizen born in Siaya County and does not hold dual citizenship.

THAT, in accordance with the requirements set out in Section 9 (5) (a) of the Urban Areas and Cities (Amendment) Act, 2019, the nominee is a holder of a first degree of Bachelors of Science in Health Promotion from the Great Lakes University; a recognized University in Kenya. Her

academic credentials, professional training and experience thus comply with Section 9 (5) (a) of the Urban Areas and Cities (Amendment) Act, 2019 and section 8 (c) of the Public Appointments (County Assemblies Approvals) Act, 2017.

THAT, she meets the requirements of Chapter 6 of the Constitution on leadership and integrity, having observed that the DCI, KRA, HELB and EACC had issued the Nominee with clearance certificates.

THAT the nominee has not been charged in a Court of Law in the last three years.

THAT, as stipulated in Article 75(1) of the Constitution, the nominee has no potential conflict of interest.

THAT, the Nominee satisfies the requirements of Article 77(1) of the Constitution in that she does not intend to participate in any other gainful employment.

THAT, the Nominee does not hold office in any political party and hence satisfies the provisions of Article 77(2) of the Constitution.

THAT, she has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity), Article 77(restriction on activities of State Officers) and Article 78(2) (dual citizenship) of the Constitution and is therefore fit to hold office as Member of the City Board.

THAT the Nominee had the requisite abilities and professional experience to be approved for appointment as a Member of the City Board in accordance with Section 13(4) of the Urban Areas and Cities Act, 2011 and Section 11 (1) of the Urban Areas and Cities (Amendment) Act, 2019:

THAT, the Nominee was awarded a score of 72.33% (*refer scoresheet*) by the Committee Panelists being above the set pass-mark of 60% as indicated in the scoresheet analysis below

SCORESHEET SCORES FOR DR. ROSE OLAYO; NOMINEE TO THE POSITION OF MEMBER OF THE CITY BOARD

No	Score Area	Max. Score	P1	P2	P3	P4	P5	P6	P7	P8	P9	TOTAL
	PART I – PERSONAL PROFILE											
1	1. Academic & Professional qualifications Candidate to describe: Years of Work experience (as it relates to the position) i). 10 + (5mks) ii). 5-10+ (5mks)	20	15		15	15	15			15	18	

	iii). 1-5+ (5mks) 2. Demonstrable Achievements and Past pro bono voluntary engagements (5mks)											
2	1. Education/training (relevant to the position) i. Doctorate Degree (3mks) ii. Masters Degree (2mks) iii. Bachelor's Degree (5mks)	10	10	10	10				10	10		
No	Score Area	Max. Score										
	PART II – TECHNICAL AND PROFESSIONAL QUALIFICATION											
	Question 2, Question 3	30	20	20	10	22			17	20		
	PART III – GENERAL KNOWLEDGE											
	Question 4 Question 5 Question 6	30	20	15	10	22			25	23		

	PART IV – COMMUNICATION AND PERSONAL ATTRIBUTES										
	Capacity to express self Clarity of speech General attitude and personality Interpersonal skills Self confidence	10	10	10	8	9			10	10	
	Total	100	73	70	53	75			74	80	425

Total Score = 434

Av. Score = 72.33%

COMMITTEE RECOMMENDATIONS

Having conducted the approval hearing of the Nominee pursuant to Article 184 of the Constitution, Section 4 and Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017 and Standing Order No. 187 of the Kisumu County Assembly Standing Orders, the Committee Recommends:

THAT this Hon House Approves Dr. Rose Olayo for appointment as Member of the City Board.

Conclusion

Mr. Speaker and Hon. Members, On behalf of the Committee on Appointments and pursuant to Article 184 of the Constitution of Kenya, 2010, Sections 13 of the Urban Areas and Cities Act, 2011 and Section 9 (2) of the Public Appointments (County Assemblies Approvals) Act, 2017 read together with Standing Order No. 187 of the Kisumu County Assembly Standing Orders, it is now my duty and privilege to present to this House, the Report of the Committee on Appointments on the Approval Hearing of the Nominee for appointment as Member of the Kisumu City Board. I would like to ask Honourable Nereah Okombo to second. Thank you.

The Speaker (Hon. Oraro): Honourable Members, now that the report on the motion adoption of the report of the Select Committee on Appointments on the Suitability of Dr. Rose Olayo the proposed nominee for appointment to the Kisumu City Board has been moved seconded. I now take the privilege of proposing a question and I propose that the motion is open for debate. Honourable Sammy Onyango.

Hon. Onyango (MCA, Railways): Mr. Speaker, may I call the moment of reply? Yes Hon. Kanga.

The Speaker (Hon. Oraro): Honourable Members, I want to take that one as an abuse of an opportunity, so the motion remains open.

The Chief Whip (Hon. Kanga, MCA, Market/Milimani): Mr. Speaker, I rise to contribute to the debate on the suitability of Dr. Rose Olayo. Mr. Speaker, based on a few points, you may recall presiding over the session when we debated the proposed nominees for the position of Kisumu City Board. During that debate, a question was raised about whether the list of nominees met the two-thirds gender requirement.

Mr. Speaker, that concern is addressed with the nomination of Dr. Rose Olayo. Based on her qualifications and the testimonials provided during her interview, I believe she meets the necessary criteria, including addressing the gender balance issue that was raised.

As you are aware, the members of the Kisumu City Board whom we vetted and approved in this House have yet to take office or be sworn in. Therefore, when this House approves the nomination of Dr. Rose Olayo, I believe it will address the concern that was raised during our previous discussions. With those remarks, Mr. Speaker, I fully support the suitability of Dr. Rose Olayo. Thank you.

The Speaker (Hon. Oraro): Honourable Tom Onditi.

Hon. Onditi (MCA, Ombeyi): Thank you very much Mr. Speaker. Mr. Speaker, I rise to support the report on the approval of Dr. Rose Olayo. After reviewing the report, I had the opportunity to follow the proceedings and watch some of the videos, Mr. Speaker. The nominee displayed remarkable self-confidence and demonstrated a strong ability to articulate her thoughts, clearly showing her knowledge of the job and of herself Mr. Speaker, beyond her qualifications, as reflected in her CV and academic credentials, it is important to note that this House Committee awarded her an impressive score of 72%. This indicates that this House Committee, composed of individuals of sound judgment, was also satisfied with her responses, Mr. Speaker. With that in mind, I fully support the report. Thank you.

The Speaker (Hon. Oraro): Honourable Seth Okumu.

Hon. Okumu (MCA, East Seme): Thank you so much Honourable Speaker. Allow me to also rise in support of the report by the Select Committee on Appointments regarding the nomination of Dr. Rose Olayo to the City Board.

Honourable Speaker, this is an opportunity for Members who advocate for women's empowerment to be step up and advocated for. We have before us a highly qualified woman who has not only demonstrated her expertise but also aligned her purpose with what she expressed during her appearance before the House Committee. Yet, Honourable Speaker, it is disappointing

to note that many of those who claim to support women's causes are absent, indicating that their interests may lie elsewhere.

Mr. Speaker, this House Committee has now presented a qualified woman to serve on the Kisumu City Board. It's important to remember, Honourable Speaker, that there are very few cities in this country—Mombasa, Kisumu, and Nairobi—and we have the opportunity to appoint someone deserving of such a position. Dr. Rose Olayo, with her academic background and qualifications that meet the requirements outlined in our statutes, is a perfect fit. I was particularly impressed by how she handled the questions during her interview with the board.

Mr. Speaker, what stood out to me is her deep understanding of the needs of the people of Kisumu County, particularly regarding the city's development and what must be done to address those needs. Honourable Speaker, we are not merely appointing someone to fill a position on the Kisumu City Board; we are bringing in someone who will make a significant contribution to the people of Kisumu as a member of the City Board. Furthermore, to meet the two-thirds gender rule, I believe she is the ideal candidate for the Governor to nominate for this role. Thank you, Honourable Speaker. I fully support this report.

The Speaker (Hon. Oraro): Honourable James Omollo.

Hon. Omollo (MCA, West Nyakach): Mr. Speaker, I wish to call the mover to reply.

The Speaker (Hon. Oraro): Proceed, Honourable Leader of the Majority.

The Leader of Majority (Hon. Ooko Kennedy, MCA, Ahero): Thank you very much, Honourable Speaker. Honourable Speaker, it seems that there is broad agreement among the members on this determination. Mr. Speaker, I want to state here that Dr. Rose Olayo performed exceptionally well in her interview. I can also confirm that her nomination to this House was conducted properly. She demonstrated a strong understanding of the Urban Areas and Cities Act, as well as a deep knowledge of Kisumu City, including its challenges and potential solutions.

Honourable Speaker, I won't take much time, as Dr. Olayo clearly impressed the panelists. We simply need to give her the opportunity to serve on the Kisumu City Board. Thank you, Honourable Speaker. I reply.

The Speaker (Hon. Oraro): Honourable Members, now that the motion adoption of the report of the Select Committee on Appointments on the Suitability of Dr. Rose Olayo the proposed nominee for Appointment to the Kisumu City Board have been moved, seconded, and debated, as per our standing orders, I now want to put a question on the adoption of the same.

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Members, the motion adoption of the report of the Select committee on Appointments on the Suitability of Dr. Rose Olayo the proposed nominee for Appointment to the Kisumu City Board has been approved today, Thursday, the 19th of September, 2024, at 1712 hours.

Honourable Members, I direct that the report be prepared for onward submission to the Governor for purposes of now appointing Dr. Rose Olayo as a member of Kisumu County City Board. Thank you.

The Speaker (Hon. Oraro): Next order!!

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, there being no other business to transact, this House stands adjourned until Tuesday, the 24th of September, 2024, at 02.30 p.m.

(House rose at 05.13 p.m.)

Addendum

Hansard Team

<i>Zablon Otiende</i>	-	<i>Senior Hansard Reporter (Acting Editor)</i>
<i>Edward Odanga</i>	-	<i>Hansard Reporter</i>
<i>Fanuel Okode</i>	-	<i>Hansard Reporter</i>
<i>Patrick Okoyo</i>	-	<i>Hansard Reporter</i>
<i>Jesca Otieno</i>	-	<i>Hansard Reporter</i>
<i>Jacklyne Otieno</i>	-	<i>Hansard Reporter</i>
<i>Valery Achieng'</i>	-	<i>Hansard Reporter</i>
<i>Jactone Obonyo</i>	-	<i>Attache'</i>