

held by Hon. Hamik Keke,  
the Vice Chairperson, Committee  
on Appointments on Thursday  
23<sup>rd</sup> July 2020 at 3:56p.m.  
*(Signature)*

**REPUBLIC OF KENYA**



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**COUNTY ASSEMBLY OF TAITA TAVETA  
SECOND ASSEMBLY FOURTH SESSION**

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**REPORT OF THE COMMITTEE ON PUBLIC APPOINTMENTS**

**REPORT ON THE VETTING OF ESTHER MKAIWAWI MWANYUMBA  
FOR APPOINTMENT TO THE POSITION OF COUNTY EXECUTIVE  
COMMITTEE MEMBER FOR WATER, SANITATION, ENVIRONMENT,  
CLIMATE CHANGE & NATURAL RESOURCES**

JULY 2020

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#### **LIST OF ABBREVIATIONS/ACRONYMS**

MCA	Member of County Assembly
CECM	County Executive Committee Member
MCRB	Metropoli Credit Reference Bureau
DCI	Director of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
HELB	Higher Education Loans Board
KRA	Kenya Revenue Authority
KNEC	Kenya National Examination council
KEFRI	Kenya Forestry Research Institute
KFS	Kenya Forest Service
NEMA	National Environment Management Authority
K.C.P.E	Kenya Certificate of Primary Education
K.C.S.E	Kenya Certificate of Secondary Education
UON	University of Nairobi
AFEW	African Fund for Endangered Wildlife

## **1.0 PREFACE**

### **1.1 Committee Mandate**

The Committee on Appointments is established pursuant to Taita Taveta County Assembly Standing Order No.187 (4) which provides that, *the Committee on Appointments shall consider, for approval by the County Assembly, appointments under Article 179(2) (b) of the Constitution of Kenya 2010, (County Executive Committee).*

### **1.2 Committee Membership**

The Committee was constituted by the County Assembly of Taita Taveta on Tuesday, 11<sup>th</sup> October, 2018 Sitting No. 081 comprising of the following Members: -

1. Hon. Maganga Meshack Maghanga *EX-OFFICIO*, MCA, Chairperson
2. Hon. Harris Keke **MCA**, Vice-Chairperson
3. Hon. Ronald Habel Sagurani **MCA**, Member
4. Hon. Crispus M. Masaga Tondoo **MCA**, Member
5. Hon. Godwin Mwamodo Kilele **MCA**, Member
6. Hon. Rose Zighe Shingira **MCA**, Member
7. Hon. Constance Mwandawiro **MCA**, Member
8. Hon. Omar Ahmed **MCA**, Member
9. Hon. Abraham Juma **MCA**, Member
10. Hon. Lilian Machocho **MCA**, Member
11. Hon Godfrey Mwambi **MCA**, Member

### **1.3 Message from His Excellency the Governor**

Pursuant to the fulfillment of the powers conferred to the Governor by the Constitution of Kenya Article 179(2)(b) and as read together with Sections 30 (2)(d) and 35(1) of the County Governments Act, 2012 , the Governor submitted the name of **ESTHER MKAIWAWI MWANYUMBA** vide a letter dated 29<sup>th</sup> June, 2020 and received on 1<sup>st</sup> July, 2020 to the County Assembly for the position of County Executive Committee Member, Water, Sanitation, Environment, Climate Change and Natural

Resources for vetting and approval in accordance with Section 4 of the Public Appointment (County Assemblies Approval) Act, 2017.

#### **1.4 Committal to Committee on Appointments**

Pursuant to Standing Order No.43 (1), the Honorable Speaker informed the House on 19<sup>th</sup> January, 2020 that he had received the notification of nomination. It was then referred to the Committee on Appointments on 2<sup>nd</sup> July, 2020 for vetting and reporting to the County Assembly within 21 days in accordance with Section 9(1) of Public Appointments (County Assemblies Approval) Act, 2017.

#### **1.5 Committee Meetings**

The nominee appeared before the Committee on Monday, 13<sup>th</sup> July, 2020 and was vetted in accordance with the provision of the Constitution of Kenya, 2010, the Public Appointments (County Assemblies Approval) Act, 2017, the County Governments Act, 2012 and the County Assembly of Taita Taveta Standing Orders on her suitability for appointment to the position of County Executive Committee. In total, the Committee held 3 sittings in consideration of this matter.

#### **1.6 Acknowledgement**

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting exercise. The Committee also takes this opportunity to thank the Offices of the Speaker and the Clerk to the County Assembly of Taita Taveta for the logistical support accorded to it during the vetting exercise. The Committee is also grateful to the media for their coverage of the proceedings of the Committee, thus enhancing accountability and transparency of the vetting exercise.

On behalf of the Committee on Appointments and pursuant to Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017, and the provisions of Standing Order No. 182 (6), it is my pleasure and duty to present to the County Assembly, the Committee's report on the vetting of Esther Mkaiwawi Mwanyumba for appointment to the position of County Executive Committee Member, Water, Sanitation, Environment, Climate Change and Natural Resources  
Thank you.

*Report of the Committee on Appointments, of the Second County Assembly of Taita Taveta on the Vetting of County Executive Committee Member, Water, Sanitation, Environment, Climate Change & Natural Resources, July, 2020*



Signed .....

**Hon. Meshack M. Maghanga**  
**Speaker of the County Assembly of Taita Taveta County**  
**Chairperson of the Committee on Appointments**

Date .....

Hon. Harris Keke, **MCA Vice Chair** .....

Hon. Ronald Habel Sagurani, **MCA, Member** .....

Hon. Chrispus M. MasagaTondoo, **MCA, Member** .....

Hon. Godwin Mwamodo Kilele, **MCA, Member** .....

Hon. Rose Zighe Shingira, **MCA, Member** .....

Hon. Constance Mwandawiro, **MCA, Member** .....

Hon. Omar Ahmed, **MCA, Member** .....

Hon. Abraham Juma, **MCA, Member** .....

Hon. Lilian Machocho, **MCA, Member** .....

Hon. Gofrey Mwambi, **MCA, Member** .....

## **2.0 BACKGROUND**

### **2.1 Establishment of the Committee**

The Committee on Appointments is established pursuant to Taita Taveta County Assembly Standing Order No.187 (4) which provides that, *the Committee on Appointments shall consider, for approval by the County Assembly, appointments under Article 179(2) (b) of the Constitution of Kenya 2010 (County Executive Committee)*. The Taita Taveta County Assembly Committee on Appointment was approved on Tuesday, 11<sup>th</sup> December 2018, afternoon Sitting (081), comprising of 11 Members.

### **2.2 Appointment Process of County Executive Committee Nominees**

In accordance with the provisions of Article 179(2) (b) of the Constitution, H.E. the Governor forwarded to the Speaker of the County Assembly, the nomination of ESTHER MKAIWAWI MWANYUMBA vide a letter dated 29<sup>th</sup> June, 2020, for vetting by the Committee on Appointments and consideration for approval by the County Assembly for appointment as County Executive Committee Member for Water, Sanitation, Environment, Climate Change and Natural Resources.

Pursuant to Standing Order No.43 (1), the Honorable Speaker informed the County Assembly on 2<sup>nd</sup> July, 2020 that he had received the notification of the nomination and referred the same to the Committee on Appointments for vetting and reporting to the County Assembly within 21 days in accordance with Section 9(1) of Public Appointments (County Assemblies Approval) Act, 2017.

### **2.3 Notification to the Public**

Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017, provides that *“any person may, prior to the approval hearing and by a written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated”*. The Clerk of the County Assembly placed an advertisement in the Taita Taveta County Assembly website, face book page and on whatsApp group on Friday, 3<sup>rd</sup> July 2020 inviting the public to submit memoranda by way of written statements on oath (sworn affidavits) on the suitability or otherwise of the nominee in conformity with Section 7(10) of the Public Appointments

(County Assemblies Approval) Act, 2017. The submissions were to be received latest by Friday, 10<sup>th</sup> July 2020, latest by 5.00 p.m.

Pursuant to provisions of Article 196 (1) and (2) of the Constitution of Kenya, 2010, Section 7(5) of the Public Appointments (County Assemblies Approval) Act, 2017, and Taita Taveta County Assembly Standing Order No.43(3), the general public was also notified in the Taita Taveta County Assembly website, face book page and on whatsapp group on Friday, 3<sup>rd</sup> July 2020 by the Clerk of the County Assembly of the intention of the Committee on Appointments to conduct the vetting and approval hearing of the nominee on Monday, 13<sup>th</sup> July, 2020.

#### **2.4 Criteria for Vetting**

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

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

Further, Section 7(12) of the Public Appointments (County Assemblies Approval) Act, 2017, provides that a candidate may at any time, by notice in writing addressed to the Clerk withdraw from the approval process and the candidate's nomination shall thereupon lapse.

#### **2.5 Submission of Memoranda**

Pursuant to Section 7(10) of the Public Appointments (County Assemblies Approval) Act, 2017, (hereinafter referred to as "the Act", 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 the candidate to hold the office to which the candidate has been nominated*", the Clerk of the County Assembly placed an advert in the Taita Taveta County Assembly website, face book page and on whatsapp group on Friday, 3<sup>rd</sup> July, 2020, inviting interested members of the public to submit any representations by written statement on oath (sworn affidavit) , that they may have on the suitability



of the said nominee for appointment as County Executive Committee member for Water, Sanitation, Environment, Climate Change and Natural Resources by close of business on 10<sup>th</sup> July, 2020, the Committee did not receive any memorandum against the approval of the nominee.

### **3.0 VETTING OF THE NOMINEE**

In conducting the vetting process, the Committee on Appointments examined the nominee against the following criteria, amongst others, as set out in the First Schedule of the Public Appointments

(County Assemblies Approval) Act, 2017: -

- (i) Academic qualifications
- (ii) Employment record
- (iii) Professional affiliations
- (iv) Potential conflict of interest
- (v) Knowledge of the relevant subject
- (vi) Overall suitability for the position
- (vii) Integrity
- (viii) Vision and leadership
- (ix) Expectations and key priorities

### **3.1 ESTHER MKAIWAWI MWANYUMBA - COUNTY EXECUTIVE COMMITTEE NOMINEE FOR WATER, SANITATION, ENVIRONMENT, CLIMATE CHANGE AND NATURAL RESOURCES**

Esther Mkaiwawi Mwanyumba appeared before the Committee on 13<sup>th</sup> July, 2020 at 12.20 p.m. and was orally vetted pursuant to the provisions of the Constitution of Kenya, 2010, the Public Appointments (County Assemblies Approvals) Act, 2017, and the Standing Orders of the County Assembly. The nominee presented as follows, both orally and in writing: -

#### **3.1.1 Date and Place of Birth**

She was born on 16<sup>th</sup> April, 1976 in Taita Taveta County.

### **3.1.2 Academic and Professional Qualifications**

She holds a Bachelor's degree (Arts) from the University of Nairobi (2014), a P1 certificate from Mosoriot Teachers College (1999), a certificate of Secondary Education (K.C.S.E) from Bura Girls High School and a certificate of Primary Education (K.C.P.E) from Josa Primary School.

### **3.1.3 Employment Record**

She is currently the Ward Administrator of Wusi/Kishamba Ward. From the year 2003 to 2008, she was a teacher at Josa Primary School, from 2001 to 2002; she was a teacher at Mwakinyungu Primary School.

### **3.1.4 Achievement**

- She is the Director at KASMWAK Enterprises (General Suppliers)
- She is the Chairperson, Wildlife Clubs of Kenya – Taita Taveta Action Group
- She is the Church Parish Treasurer , St. Mary's ACK Church
- She has been the Senior Teacher and Academic Mistress, Dembwa Primary School
- She is the Director, Taita Taveta Child Support Community Based Organization
- She is an NGC member of the Wildlife Clubs in Kenya.
- She is the Director in the Chambers of Commerce.
- She is a partner to Kenya Forestry Research Institute (KEFRI).
- She is a partner to Wildlife Works, Maungu
- She is a partner to National Environment Management Authority (NEMA).
- She is a partner to African Fund for Endangered Wildlife.

### **3.1.5 Integrity**

1. She has fully complied with her tax obligations to the State as confirmed by the Kenya Revenue Authority Tax Compliance Certificate No. KRAVOI1153118019 dated 16<sup>th</sup> December 2019.

2. The nominee provided a filled self-declaration form of leadership and integrity confirming that there are no outstanding issues or ongoing investigations against her.
3. The nominee has also neither been charged in a court of law nor mentioned in any investigatory report of Parliament or any Commission of Inquiry. She has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution.
4. The Director of Criminal Investigations issued the nominee with a Police Clearance Certificate Ref No. PCC-AAAIKNK3, showing the nominee had neither committed offences nor any trial in a court.
5. The nominee has also been cleared by the Metropol Credit Reference Bureau Ltd via CRB Certificate No. MCRB/C349957 dated 7<sup>th</sup> July, 2020.
6. The nominee was cleared by the Higher Education Loans Board (HELB) and was issued with a Certificate of Clearance No. HLB-9AFRDL dated 29<sup>th</sup> November, 2019 and valid until, 28<sup>th</sup> November, 2020.

### **3.1.6 Committee Observations on Suitability of Esther Mkaiwawi Mwanyumba for Appointment as County Executive Committee for Water, Sanitation, Environment, Climate Change and Natural Resources**

The Committee having considered the nominee's filled Questionnaire pursuant to First Schedule of Public Appointments (County Assemblies Approval) Act, 2017, her Curriculum Vitae and having heard her oral submission during the vetting exercise/interview, made the following observations on her suitability for appointment as County Executive Member, Water, Sanitation, Environment, Climate Change and Natural Resources:

- The nominee was presentable, eloquent and calm in her expression before the vetting Committee
- She satisfies the requirements of Chapter Six of the Constitution of Kenya 2010, on leadership and integrity having been cleared by the Kenya Revenue Authority, Higher Education Loans Board (HELB), Ethics and Anti-Corruption Commission and the Credit Reference Bureau as shown above.

- She has never been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of County Assembly or any Commission of Inquiry.
- The nominee has worked as a primary school teacher for sixteen years and is a Director at Chamber of Commerce. The nominee is also a partner at Kenya Forest Service (KFS), Kenya Forestry Research Institute (KEFRI) and National Environment Management Authority therefore she has been sufficiently exposed to working in the public sector.
- The nominee is conversant with the values and principles of public service which she promised to uphold as stipulated in the Constitution of Kenya, 2010 Article 232(1) including high standards of professional ethics; efficient, Accountability to administrative Acts, involvement of people in policy making processes and representation of Kenya's diverse communities.
- She agreed with the committee and pointed out that there are challenges in TAVEVO especially in the management and promised to address them accordingly. Some of the challenges and complaints she is familiar with include overbilling, bills without water being supplied, and constant lack of water supply to the locals as well as continuous breakdown of water infrastructure. She said that with appropriate stakeholders being brought on board and constant consultation some of these challenges can be alleviated.
- She was very appreciative of the role of the County Assembly and assured the committee that if given the opportunity to serve as CECM, she will be very supportive of the oversight role of the legislature and will adhere to submitting quarterly reports to the County Assembly.
- On implementation of projects, she pointed out that there was need for proper coordination of projects proposals and implementation. On a number of occasions while working as the Ward administrator there were conflicts on who is to implement a given project. For instance Red Cross would have a project in an area while the County Government is also funding a similar project in the same area hence delays of implementation.
- On the issue of increasing the connective of locals to supply of water, she promised to start a program of mapping up all the water resources in the County and come up with a strategic plan of ensuring that they are protected and well managed to maintain the availability of water. She will also focus on suitable designs of the water projects and proper execution of the same to have meaningful developments in the sector.

- The nominee exhibited knowledge on national legislations related to devolution including the County Assembly Services Act, 2017, the County Government Act, 2012 and the Urban Areas and Cities Act, 2011.
- The nominee displayed knowledge on the provisions and the applicable Articles in the Constitution of Kenya 2010, relating to her roles in the sense that she is required to play the admirative role in the department which she will actively carry out as well as ensuring that she is on the forefront and ensure that she coordinates and meet all the water agencies taking part in our County to champion for meaningful cooperation and collaboration.
- The nominee displayed exemplary knowledge on matters water sector. She was able to explain the roles and objectives of water bodies like WARMA and Coast Water Service Board .She also displayed average knowledge on the respective sources of water supply to our County mentioning, Mzima spring, Lake Challa, River Lumi and a number of springs located on the hill side of our County.
- She identified some of the potential opportunities and strategies of curing the problem of scarcity of water in our villages as sensitization and offering support to household to put up rain water harvesting facilities, advocate for educational institution to put adequate water storage facilities which can be water points for our community and lastly invest heavily on developing modern water pans which can be useful for both mankind and animal consumption.

#### **4.0 COMMITTEE'S RECOMMENDATIONS**

Pursuant to Article 179(2) (b) of the Constitution of Kenya, 2010, Section 30(2) (d) of the County Governments Act, 2012 and Taita Taveta County Assembly Standing Order 192(4), the Committee on Public Appointments unanimously recommends that this second assembly approves the nomination of **ESTHER MKAIWAWI MWANYUMBA** as the County Executive Committee Member for Water, Sanitation, Environment, Climate Change and Natural Resources.

#### **5.0 APPENDICES**

##### **5.1 Appendix I – Curriculum Vitae**

