

Laid on 21st Oct 2020
at 10:00am by
Hon Abraham Juma
Chairperson, Environment,
Natural Resources & Mining
Committee.

COUNTY GOVERNMENT OF TAITA TAVETA



COUNTY ASSEMBLY OF TAITA TAVETA

SECOND ASSEMBLY- FOURTH SESSION

**REPORT OF THE COMMITTEE ON ENVIRONMENT, NATURAL
RESOURCES, FORESTRY & MINING ON THE VETTING OF MR.
GODINO MWASARU MWAGHANIA FOR APPOINTMENT TO THE
POSITION OF COUNTY CHIEF OFFICER FOR MINING, ENERGY &
INDUSTRIALIZATION**

OCTOBER, 2020

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LIST OF ABBREVIATIONS/ACRONYMS

MCA	Member of County Assembly
CRB	Credit Reference Bureau
DCI	Director of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
HELB	Higher Education Loans Board
KRA	Kenya Revenue Authority
CCO	County Chief Officer
NEMA	National Environmental Management Authority
EIA	Environment Impact Assessment
IRCA	International Register of Certificated Auditors
LTD	Limited

1.0 PREFACE

1.1 Committee Mandate

Pursuant to the provisions of Standing Order No. 193 (5) The Committee on Environment, Natural Resources, Forestry and Mining is mandated to;

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all County legislation referred to it;
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (f) Vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (*Committee on Appointments*); and
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.2 Committee Membership

The Committee was constituted by the County Assembly of Taita Taveta on 11th December, 2018 comprising of the following Members: -

1. Hon. Abraham Juma, MCA, Chairperson
2. Hon. Maria Chao, MCA, Vice-Chairperson
3. Hon. Ronald Habel Sagurani, MCA, Member
4. Hon. Frank Kichoi Mwakanyanga, MCA, Member
5. Hon. Newton Kifuso, MCA, Member
6. Hon. Beatrice Manga, MCA, Member
7. Hon. Lilian Kidali, MCA, Member
8. Hon. Omar Ahmed, 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, 2010 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 the following person vide a letter dated 28th July, 2020 to the County Assembly for the position of County Chief Officer for vetting and approval in accordance with Section 4 of the Public Appointment (County Assemblies Approval) Act, 2017.

S/NO.	NAME OF NOMINEE	DEPARTMENT
1	GODINO MWASARU MWAGHANIA	MINING, INDUSTRIALIZATION AND ENERGY

1.4 Committal to Committee on Environment, Natural Resources, Forestry & Mining

Pursuant to Standing Order No.43(1), the Honorable Speaker informed the House on 17th September, 2020 that he had received the notification of nomination. The notification of nomination was therefore referred to the Committee on Environment, Natural Resources, Forestry and Mining on 17th September, 2020 for vetting and reporting to the County Assembly within 21 days in accordance with Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017.

1.5 Committee Meetings

The nominees appeared before the Committee on Thursday 6th October, 2020 and was vetted in accordance with the provisions of the Constitution of Kenya, 2010, the Public Appointments (County Assemblies Approval) Act, 201, the County Governments Act, 2012 and the County Assembly of Taita Taveta Standing Orders on their suitability for appointment to the position of County Executive Committee. In total, the Committee held 4 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

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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 Environment, Natural Resources, Forestry & Mining 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 the nominee for appointment to the position of County Chief Officer.

Thank you.

MEMBER OF COUNTY ASSEMBLY

SIGNATURE

1. Hon. Abraham Juma , MCA, Chairperson
2. Hon. Maria Chao, MCA, Vice-Chairperson
3. Hon. Ronald Sagurani, MCA, Member
4. Hon. Frank Kichoi, MCA, Member
5. Hon. Newton Kifuso, MCA, Member
6. Hon. Beatrice Manga, MCA, Member
7. Hon. Omar Ahmed, MCA, Member
8. Hon. Lilian Kidali, MCA, Member

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2.0 BACKGROUND

2.1 Establishment of the Committee

The Committee on Environment, Natural Resources, Forestry and Mining is one of the sectoral committees constituted on 11th December, 2018, pursuant to the provisions of the Taita Taveta County Assembly Standing Order No. 193. Pursuant to Standing Order No. 182 (6) The Taita Taveta County Assembly Committee on Environment, Natural Resources, Forestry and Mining comprises of 8 Members.

2.2 Appointment Process of County Chief Officer Nominee

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 vide a letter dated 28th July, 2020, for vetting by the Committee on Environment, Natural Resources, Forestry and Mining and consideration for approval by the County Assembly for appointment as County Chief Officer for Mining, Industrialization and Energy.

Pursuant to Standing Order No.43 (1), the Honorable Speaker informed the County Assembly on 17th September, 2020 that he had received the notification of the nomination and referred the same to the Committee on Environment, Natural Resources, Forestry and Mining 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 social media and the Taita Taveta County Assembly website on Friday 25th September, 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 Thursday, 1st October, 2020 at 5.00 p.m.

However, the Clerk did not receive any written memoranda from the public by the said date.

Pursuant to the 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 social media and in the County Assembly website by the Clerk of the County Assembly of the intention of the Committee on Environment, Natural Resources, Forestry & Mining to conduct the vetting and approval hearing of the nominee on Tuesday, 6th October, 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.

The Clerk to the County Assembly did not receive any notice of withdrawal from the approval process from any of the candidate.

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 social media and in the Taita Taveta County Assembly website on Friday 25th September, 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 her respective Department by close of business on Thursday 1st October, 2020.

The Committee on Environment, Natural Resources, Forestry and Mining did not receive any memorandum against the approval of any of the nominee.

3.0 VETTING OF THE NOMINEES

In conducting the vetting process, the Committee on Environment, Natural Resources, Forestry and Mining 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 GODINO MWASARU MWAGHANIA - COUNTY CHIEF OFFICER

Mr. Godino Mwasaru Mwaghania appeared before the Committee on Tuesday, 6th October, 2020 at 10.00 a.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

He was born on 5th January, 1972, at Mwanda/Mgange ward, Wundanyi Sub-County, Taita Taveta County.

3.1.2 Academic and Professional Qualifications

He is currently a master student pursuing Master of Management in Agribusiness at Strathmore University, he holds a Bachelor of Science degree in Natural Resources Management from Egerton University (1997), Kenyatta High School (1990), certificate of achievement- blue ocean strategy from business school America, trained on mitigation hierarchy to manage biodiversity (March, 2019), registered as lead environment impact assessment expert (EIA) by NEMA (National Environmental Management Authority) NEMA Certificate No: 1112, and also a member of Environment Institute of Kenya (July 2006), Clean Development Mechanism awareness training (July, 2006), Occupation Health and Safety Management System awareness course (2006), Social Accountability (SA: 8000) Awareness training (2006), Food Safety Management System awareness course (June, 2006), Quality Management System Lead Auditors course: International Register of Certificated Auditors (IRCA) IRC Certificate No. LA/06/KE/13379,

3.1.3 Employment Record

He is currently the Director/Chief Executive Officer at Waridi Creations LTD, from October, 2008 to 2010 he was the Director/Chief Executive Officer at Vermont Flowers, from 2007 to 2008 he was the Quality Manager at Vermont Flowers EPZ LTD, from 2006 to 2007 he was an Auditor and Trainer at Bureu VERITAS East Africa, from 2004 to 2006 he was the Chain Manager at Rose Bud Flowers LTD, Entebbe Uganda, from 1998 to 2004 he was a Manager at Longonot Horticulture Farm in Naivasha (VegPro), 1998 worked at Longonot Horticulture.

3.1.4 Achievements

- He was promoted to the position of manager at Longonot Horticulture LTD.
- He was the Chain manager at rose bud flowers ltd, Entebbe Uganda
- He was the quality manager at Vermont Flowers EPZ ltd and later promoted to the position of Director in the same company.
- He is currently the director and Chief Executive Officer of Waridi Creations ltd.

3.1.5 Integrity

1. He has fully complied with his tax obligations to the State as confirmed by the Kenya Revenue Authority Tax Compliance Certificate No. KRASON1158694720 dated 28th September, 2020.
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. He 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-PPT09ZK dated 8th September, 2020 showing the nominee had neither committed offences nor any trial in a court.
5. The nominee was cleared by the Higher Education Loans Board (HELB) and was issued with a Certificate of Serial No. 253628.
6. The nominee has also been cleared by Transunion via CRB Certificate No. 940051 dated 16/9/2020.

3.1.6 Committee Observations on Suitability of Godino Mwasaru Mwaghania for Appointment as County Chief Officer for Mining, Industrialization and Energy.

The Committee having considered the nominee's filled Questionnaire pursuant to First Schedule of Public Appointments (County Assemblies Approval) Act, 2017, his Curriculum Vitae and having

heard his oral submission during the vetting exercise/interview, made the following observations on his suitability for appointment as County Chief Officer:

- The nominee was presentable, and calm on his presentation before the vetting committee.
- He satisfies the requirements of Chapter 6 of the Constitution of Kenya 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.
- He 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 exhibited minimal knowledge on civil and current affairs
- The nominee exhibited minimal knowledge on the duties and responsibilities of a County Chief Officer.
- The nominee exhibited minimal knowledge on mining issues, energy and industrialization and neither has he worked in a sector related to the position he was being vetted for.
- The nominee has minimal knowledge on the different types of minerals found in Taita Taveta.
- He had difficulties in explaining ways in which industrialization can be harnessed in the County of Taita Taveta.
- He had moderate knowledge on National legislations related to devolution which if given the opportunity to serve will guide him in carrying out of his duties.
- The nominee exhibited insignificant knowledge on the values and principles of public service such as high standards of professional ethics, transparency, equity, and efficient and effective use of public resources.
- The nominee has vast experience in agribusiness and floriculture and not in mining, energy and industrialization while the law requires the nominee to have at least 10 years' experience in relevant field being vetted for.
- The nominee said that he will focus on doing resource mapping in a bid to explore the untapped natural resources in the County so that the department can establish how best to conserve and exploit these resources.

4.0 COMMITTEE'S RECOMMENDATIONS

Pursuant to Section 45 (1) (a & b) of the County Governments Act, 2012, Section 10 of the Public Appointments (County Assemblies Approval) Act, 2017 and Taita Taveta County Assembly Standing Order No. 193 (5) (1), the Committee having considered the findings listed above unanimously recommends that the Second County Assembly of Taita Taveta **disapproves** the nomination of *GODINO MWAGHANLI MWASARU* for appointment to the position of County Chief Officer for Mining, Industrialization and Energy.

SIGNED



DATE

21/10/2020

**HON. ABRAHAM JUMA, MCA, KASIGHAU WARD,
CHAIRPERSON OF THE COMMITTEE ON ENVIRONMENT, NATURAL RESOURCES,
FORESTRY & MINING.**

5.0 APPENDICES

5.1 Appendix I – Vetting Hansard reports of the nominee

6.0 REFERENCES

Constitution of Kenya, 2010,

County Governments Act, 2012

Public Appointments (County Assemblies Approvals) Act, 2017

Taita Taveta County Assembly Standing Order